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Inspector General

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January 26, 2016

Mr. James Ferrara
President
MTA Bridges and Tunnels
2 Broadway
New York, NY 10004

**Re: B&T Reporting of Employee
Accidents to the MTA Board
MTA/OIG #2015-24**

Dear Mr. Ferrara:

The Safety and Health Department (Safety) of MTA Bridges and Tunnels (B&T) reports safety statistics to two oversight bodies: the Public Employee Safety and Health Bureau (PESH) of the New York State Department of Labor, and the MTA Board (the Board). These statistics include job-related injuries and job-related illnesses (commonly referred to collectively as “Injuries”¹), some of which result in lost work time. According to the data reported to the Board by B&T in February 2015, the number of accident reports filed by B&T employees had increased 26 percent from 270 in calendar year 2013 to 341 in 2014. In contrast, data reported to PESH on employee accidents showed more modest change from 90 in 2013 to 99 in 2014, a 10 percent increase.

Given the large increase in injuries reported to the Board, we followed up with agency officials to understand the cause(s) of this upward trend in Safety’s numbers as well as the difference between data reported by Safety to PESH and the Board.

We learned that although both sets of data are extracted from the same source, there is an understandable difference. For PESH, Safety is only required to report new Injuries that result in lost work time, restricted duty assignments, or job transfers to positions that are not as physically demanding. For the Board, however, Safety tallies all of the Injuries reported to PESH but adds Injuries that do not result in any lost time.

More significantly, though, Safety also adds a category that it characterizes as “recurrences.”

In terms of safe practices, we were pleased to learn that the Safety Department has recently implemented additional training and awareness programs concentrated on worker safety, and as of September 2015, reports of work-related injuries had declined approximately 16 percent from

¹ There have been no reports of any job-related illnesses in at least two years.

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2014 levels. However, in terms of the department's reporting methodologies, we are recommending some adjustments. Specifically, in our discussions with management regarding the meaning and usage of the characterization "recurrences," we found that Safety counts notifications and other interactions with employees as "recurrences," a term normally used in the industry to describe an actual subsequent Injury to the same body part affected in a previous incident and since healed. Safety's categorization of a notification as a "recurrence" has the effect of unintentionally inflating the number of reported accidents in Board reports.

NOTIFICATIONS REGARDING EXISTING INJURIES ARE LABELED AS INJURIES THEMSELVES

When a work-related injury occurs, the affected employee and his or her supervisor complete an Injury-on-Duty form and fax it to Safety. A Safety administrator enters information from the form into a database, which Safety officials use in reporting agency statistics to PESH and the Board. The database captures both (1) the initial reports of work-related Injuries and (2) later notifications pertaining to these same Injuries (e.g. treatment or absence stemming from the reported illness or injury). For reasons not entirely clear, about five years ago, Safety officials began listing notifications in the database field "Recurrence." As a result, notifications were effectively counted as additional illnesses or injuries when Safety calculated its official tally of Employee Accident Reports for its report to the Board.

Of the 341 reports filed in 2014 regarding work-related injuries, 48 were listed as "Recurrences." To determine which of these might be new injuries as opposed to notifications concerning existing ones, we selected eight of the so-called Recurrences recorded in November 2014 and asked B&T's Workers' Compensation Unit (WCU), a part of the agency Law Department that tracks injuries, lost time, and treatment, to review available documentation. WCU then analyzed the original injury report forms and other information (e.g. medical reports from the contracted agency physician). Upon reviewing that unit's analysis, we determined that at best only one of the eight cases was a true recurrence, i.e. a subsequent injury to the same body part; the seven remaining cases (88 percent) were simply notifications about surgeries or other absences related to the originating injury.

In our analysis of the Safety database, we found the descriptions of many "recurrences" to be the same as the descriptions of the original injury. For example, in September 2014, a B&T employee reported pain in her lower back as a result of reaching for a seat belt. From November 2014 to March 2015, that same employee was listed in the database as having four recurring injuries. Each of these so-called recurrences noted the same work location and used descriptive language identical to that of the original injury, i.e. "while reaching for seat belt, employee felt pain in lower back." Upon further review, we determined that all four "recurrences" were phone calls related to the originating injury alerting the agency that the employee would need additional time before returning to work. However, all four were counted as new injuries in agency reports to the MTA Board.

Of the 48 injuries listed as Recurrences in 2014, we found that 20 had descriptions similar or identical to the descriptions of the originating illness or injury, making it likely that the entries actually document follow-up notifications as opposed to subsequent injuries. Nevertheless, Safety followed its standard practice and included all of these “recurrences” in the official tally of Employee Accident Reports.

B&T WORKERS’ COMPENSATION UNIT AND THE B&T SAFETY DEPARTMENT USE DIFFERING DEFINITIONS OF RECURRING INJURY

The WCU also has responsibility for tracking and reporting employee Injuries. Upon receipt of an Injury-on-Duty form, WCU enters the information into a database separate from the one used by Safety. While Safety uses the data it compiles to identify patterns and create performance statistics, the WCU uses its own data to track the status of each injured employee from the date of injury until the employee returns to work.

We found that although Safety and the WCU communicate regularly about specific employees, they do not have a common definition of a “recurrence.” As noted above, Safety labeled notifications as Recurrences in its database and included them in its reports to the MTA Board. To the contrary, though, the WCU treats notifications as supplementary material in its original Injury records. When we informed Safety officials of these differing approaches, they assured us that they would consult with the WCU to develop more consistent practices.

To improve the accuracy of B&T’s reporting and the thoroughness of its monitoring efforts, we make the Recommendations below.

RECOMMENDATIONS

At the core of the reporting issues identified by our Findings is Safety’s overly broad definition of, and method of describing, recurring injuries. Accordingly, we recommend that the B&T Safety and Health Department:

1. Coordinate with the B&T Workers’ Compensation Unit to develop a consistent definition of a “Recurrence” that more closely aligns with the industry standard.
2. Clearly report to the Board new injuries and illnesses, highlighting any that are recurrent to ensure appropriate attention to ongoing hazards, while taking care to keep separate any reported notifications and other associated actions.
3. Provide a unique description for each event entered into the Safety database, to better inform users and avoid confusion.

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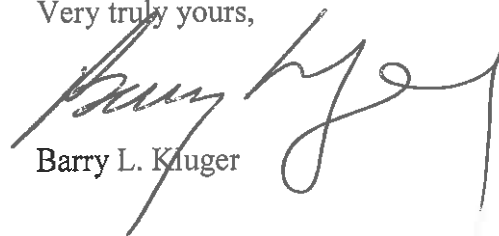
Agency Response

Following our submission to you of our preliminary report containing the above Findings and Recommendations, you provided the agency response in a letter dated January 8, 2016, which noted that Bridges and Tunnels “will use the findings and recommendations made by the OIG to strengthen our [B&T] internal reporting processes.” Additionally, you detailed the following actions that you explained have been taken or will be taken soon:

- Developed a consistent definition of “Recurrence”;
- Begun revising the Safety database to include separate indicators for “Recurrences” and notifications, allowing for improvements in the reports to the Board; and
- Determined that in the future the documentation of each “Recurrence” will include a description of the event’s specific circumstances.

We appreciate your attention to the issues we raised, as well as the courtesy and cooperation afforded to us at all times by your staff. Should you have any questions regarding this final report, please contact me or Executive Deputy Inspector General Elizabeth Keating at (212) 878-0022.

Very truly yours,



Barry L. Kluger