



**Office of the Inspector General**  
**Metropolitan Transportation Authority**  
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**Carolyn Pokorny**  
**MTA Inspector General**

July 30, 2021

Phillip Eng  
President  
MTA Long Island Rail Road  
93-02 Sutphin Blvd., 3<sup>rd</sup> Floor  
Jamaica, NY 11435

**Re: LIRR Surfacing Foreman's Time  
Abuse and False Filings  
MTA/OIG #2021-17**

Dear Mr. Eng:

The Office of the MTA Inspector General (OIG)'s ongoing investigations into high overtime earners uncovered that a Long Island Rail Road (LIRR) Track Surfacing Foreman (Foreman) committed time abuse and filed false time records.<sup>1</sup> From January 10, 2019 through July 26, 2019, OIG surveillances showed that on 10 dates, the Foreman often arrived late to work and was observed at his residence or other non-work locations when he was supposed to be working. On 9 of the 10 dates, the Foreman signed and submitted his own time records falsely indicating that he was at work. Additionally, in December 2019, the Foreman took 2 paid sick days when casino records showed he was gambling in Atlantic City. Lastly, the Foreman's Macy's credit card records showed 9 dates where the Foreman was likely shopping during work hours and 2 dates where he was likely not at work when he was supposed to be.

We recommend that the Foreman be disciplined as LIRR deems appropriate, up to and including termination, and recoup any payments made for hours he did not work. The Foreman's conduct also appears to violate the New York State Public Officers Law. Therefore, we are also forwarding this matter to JCOPE for action as it may deem appropriate.

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<sup>1</sup> In December 2020, and February 2021, the United States Attorney's Office for the Southern District of New York charged 5 current and former LIRR employees on [allegations of overtime fraud](#) as a result of OIG's ongoing investigations into high overtime earners. The criminal matters remain pending. The OIG is continuing in its proactive efforts to detect overtime fraud and abuse.

## I. BACKGROUND

The Foreman began employment at LIRR in March 1996 as a Track Worker. He was promoted to Track Surfacing Foreman in February 2014. His current assigned headquarter location is the Queens Freight Yard located at 218<sup>th</sup> Street and 98<sup>th</sup> Avenue, Queens Village, New York. In 2019, his assigned headquarter location was also the Queens Freight Yard. However, prior to the implementation of the Kronos timekeeping clocks in early 2020, he was permitted to report directly to various other locations including the Holban Yard and Valley Stream Yard in Queens and Long Island, New York. He also worked overtime shifts in Manhattan, New York. His regular tour is from 8:00 a.m. to 4:00 p.m. Monday through Friday. The Foreman completed the MTA's All Agency Code of Ethics policy certification in 2015, 2016, and 2017.

## II. INVESTIGATION

### A. LIRR Records

The LIRR Engineering–Planning and Operational Support unit is responsible for entering daily labor data into the LIRR time management system known as the Corporate Time and Attendance Management System (CTAMS). LIRR employees' payroll earnings are based on the entries in CTAMS. The unit makes the entries based on the Daily Gang Labor Sheets (Labor Sheets) that are submitted by each department's field supervision. The Labor Sheets are filled out and signed by the foremen and then signed by the next level supervisors. The Labor Sheets include the start and end times of each shift worked by the employees. OIG's review of the Foreman's Labor Sheets from January 1, 2019, through September 24, 2019, showed that the Foreman signed the majority of his own Labor Sheets.

From 2018 through 2020, the Foreman earned more than double his regular pay<sup>2</sup> in overtime pay. His earnings for the last 3 years are as follows:

Description	2018	2019	2020
Regular Pay	\$88,508	\$82,974	\$73,743
Overtime Pay	\$169,132	\$121,256	\$102,451
Double Overtime Pay	\$105,159	\$74,505	\$80,201
<b>Total Pay (Regular and Overtime combined)</b>	<b>\$362,799</b>	<b>\$278,735</b>	<b>\$256,395</b>

<sup>2</sup> The amounts for regular pay reflect the Foreman's pay for regular shift hours worked. They do not include sick leaves, vacation days, or other paid leaves.

## B. Surveillances

From January 10, 2019, through July 26, 2019, the OIG conducted 13 surveillances. On 10 of the dates, the OIG observed the Foreman at his residence in Laurelton, New York, or other locations unrelated to work during hours he claimed to be working.

The 10 instances where OIG investigators observed the Foreman not at work during parts of his shifts are laid out in the chart below. For most instances, unless indicated otherwise, the Foreman's work location was presumed to be at a yard near his home, specifically, the Queens Freight Yard, Holban Yard, or Valley Stream Yard, which are all 15 to 20 minutes' drive from his home.

No.	Date	Observation	Recorded Work Hours (Labor Sheets)
1.	1/15/2019	Foreman was observed leaving his residence with his son at 8:13 a.m.	8:00 a.m. to 4:00 p.m.
2.	1/17 - 1/18/2019	Foreman was observed arriving home at 1:00 a.m. on 1/18/19.	4:00 p.m. (1/17/19) to 1:30 a.m. (1/18/19) (Overtime shift in Manhattan)
3.	1/30/2019	Foreman's vehicle was observed at home at 5:00 a.m., and he was observed leaving home with his son at 8:10 a.m. His vehicle was observed back at home at 8:25 a.m., and Foreman was observed again leaving his home at 11:25 a.m.	8:00 p.m. (1/29/19) to 6:00 a.m. (1/30/19); and then 8:00 a.m. to 4:00 p.m. (1/30/19)
4.	2/4 - 2/5/2019	Foreman's vehicle was observed at home at 5:50 a.m., and he was observed leaving his residence at 10:03 a.m. on 2/5/19	8:00 p.m. (2/4/19) to 6:00 a.m. (2/5/19); and then 8:00 a.m. to 6:00 p.m. (2/5/19)
5.	2/5- 2/6/2019	Foreman's vehicle was observed at home at 3:00 a.m., and he was observed leaving home with his son at 8:09 a.m., dropping his son off at his school, and driving off at 8:25 a.m. on 2/6/19	9:00 p.m. (2/5/19) to 5:00 a.m. (2/6/19); and then 8:00 a.m. to 6:00 p.m. (2/6/19)
6.	2/7/2019	Foreman was observed leaving home with his son at 8:18 a.m., dropping his son off at his school at 8:31 a.m. He was then observed entering a mini-mart and a 7-11 before arriving at Holban Yard at 9:04 a.m.	8:00 a.m. to 6:00 p.m.
7.	2/14/2019	Foreman was observed leaving home at 9:05 a.m. and arriving at Holban Yard at 9:40 a.m.	8:00 a.m. to 6:00 p.m.

8.	2/15/2019	Foreman was observed leaving home at 8:05 a.m. and arriving at Holban Yard at 8:23 a.m.	8:00 a.m. to 4:00 p.m.
9.	4/3/2019	Foreman was observed leaving home with his son at 8:00 a.m. He was then observed arriving at Valley Stream Yard at 8:58 a.m.	8:00 a.m. to 6:00 p.m. (Did not sign Labor Sheet)
10.	7/26/2019	Foreman was observed leaving his home at 8:05 a.m. and arriving at Valley Stream Yard at 8:25 a.m.	8:00 a.m. to 4:00 p.m.

Except for April 3, 2019, the Foreman signed his own Labor Sheets for the above-referenced dates. Based on the Foreman's regular hourly pay rate of approximately \$59, the Foreman received approximately \$1,131 in unauthorized pay for the hours he did not work during the 10 surveillance dates.

### C. Bank Records

The Foreman's financial records showed he abused sick leave by falsely reporting he was sick when in fact he was gambling in Atlantic City. Additionally, his credit card records indicated he: (1) likely went shopping during work hours; and (2) likely left work early on at least 2 dates.

#### 1. Chase Account and Tropicana Casino Records

A comparison of the Foreman's Tropicana Resort and Casino records in Atlantic City, New Jersey (Tropicana records) and his CTAMS records from January 1, 2017, through January 31, 2020, showed the following:

- According to CTAMS, the Foreman was on Paid Sick leave on December 9 and 10, 2019. However, Tropicana records showed he had a reserved room and gambled at the casino on December 9 and 10, 2019. The records show he played the roulette and craps table on both dates and also played the slot machine on December 9<sup>th</sup>. The room was reserved for the 2 nights in November 2019.<sup>3</sup>

#### 2. Macy's Credit Card

Review of the Foreman's Macy's credit card records with his CTAMS records from January 1, 2017, through May 26, 2020, showed that the Foreman's credit card was used at a Macy's store on approximately 9 dates during his work hours. In his OIG interview, the Foreman admitted to shopping at Macy's but claimed he went to stores near his work locations, so he likely made the trips during his half-hour lunch breaks. Even if this were true, on 6 of the dates, the Foreman's work locations were approximately between 10 minutes and 40 minutes' drive from the Macy's

<sup>3</sup> Based on the Tropicana records, the Foreman arrived at the resort on December 8, 2019, and left on December 10, 2019.

locations; it is not likely that the shopping, along with the travel times to and from Macy's, were done within the half-hour period.<sup>4</sup> Additionally, on 2 dates, specifically, June 8, 2018, and July 8, 2019, the shopping took place at a mall close to his residence shortly before the end of his shifts, which indicate the Foreman likely left work early on both dates. As detailed below, Foreman's supervisor stated that the Foreman is not allowed to take his lunch break during the last hour of his shift.

Below is the list of 9 dates the Foreman went to Macy's to shop and purchased items such as fleece tops and bottoms, men's belts, swimwear, and other items<sup>5</sup> during work hours. For 6 dates, the shopping could not have been done during the half-hour lunch break.

No.	Date	Work Hours and Locations	Macy's Credit Card Transaction Time	Macy's Credit Card Use Location
1.	1/29/2017	8:00 a.m. to 6:00 p.m. (Herald/Penn)	3:09 pm	151 West 34 <sup>th</sup> St. in Manhattan (Herald Square)
2.	4/1/2017	8:00 a.m. to 2:30 p.m. (Valley Stream)	12:29 p.m.	1000 Green Acres Mall in Valley Stream (Green Acres)
3.	5/18/2017	8:00 a.m. to 4:00 p.m. (Holban Yard)	2:40 p.m.	630 Old Country Road in Garden City (Roosevelt Field)
4.	10/24/2017	8:00 a.m. to 7:00 p.m. (Westbury)	2:06 p.m.	100 Broadway Mall in Hicksville (Broadway)
5.	6/8/2018	8:00 a.m. to 4:00 p.m. (Richmond Hill)	3:08 p.m.	Green Acres
6.	7/9/2018	8:00 a.m. to 6:00 p.m.	4:53 p.m.	Green Acres

<sup>4</sup> OIG investigators test drove from the Foreman's work locations to the Macy's locations to determine the approximate travel times. Other than the travel times from Valley Stream to Green Acres and from Herald/Penn to Herald Square, it took investigators from 10 to 40 minutes to drive from the Foreman's work locations to the corresponding Macy's locations.

<sup>5</sup> The items purchased are as follows: 1/29/17 (Mens Polo - s/s Knits); 4/1/17 (Mens Belts - Reaction); 5/18/17 (Missy Fashion Swimwear-Bra Tops and Basic Bottoms); 10/24/17 (Nike-Tech Fleece Tops and Bottoms); 6/8/18 (Mens Polo-S/S Knits and Pants); 7/9/18 (Mens Swimwear-Volley; Mens Calvin Klein Jeans-Fleece; Men's Inc-L/S Wovens; Mens Calvin Klein Jean-S/S Wovens); 7/14/18 (PB Mens Hosiery-Alfani; Mens Neckwear-Ryan Seacrest; PB Mens's Neckwear-Pocket Squares; Mens Underwear-Th Bottoms HG); 4/17/19 (Boys 2-20 Active-Cotton Tees, Performance Tees, Active Shorts, and Hoodies); 7/8/19 (Intimate/Hosiery-Slippers; PB Towels-CC Elite Solid Towels; Charity).

		(Queens Village)		
7.	7/14/2018	11:00 a.m. to 7:00 p.m. (Central Islip)	5:10 p.m.	Green Acres
8.	4/17/2019	8:00 a.m. to 6:30 p.m. (Queens Freight)	3:54 p.m.	Green Acres
9.	7/8/2019	8:00 a.m. to 4:00 p.m. (Valley Stream)	3:34 p.m.	Green Acres

## D. Interviews

### 1. *The Foreman*

In his OIG interview, the Foreman acknowledged that as a Foreman, he is responsible for completing and signing his own Labor Sheets along with the ones for the employees he supervises. After signing, he submits them to his supervisor. The Foreman acknowledged his signatures on the following Labor Sheets:

- January 17, 2019 (regular and overtime); January 29, 2019 (regular and overtime); January 30, 2019; February 4, 2019; February 5, 2019; February 6, 2019; February 7, 2019; and February 14, 2019.

The Foreman further acknowledged he is required to be at LIRR work locations during his entire shift hours, except during his half-hour lunch breaks. This applies to both regular and overtime shifts. Regarding when lunch breaks are taken, he stated it varied depending on the job because they could not leave in the middle of work.

With respect to January 17, 2019, the Foreman claimed on his Labor Sheet to have worked an overtime shift at the Eastside Access Project in Manhattan from 4:00 p.m. to 1:30 a.m., but he was observed arriving home at 1:00 a.m. The Foreman stated he did not recall the date but acknowledged he may have left work early. He stated some jobs ended early, and he sometimes left early on those dates because there would be nothing for him to do.

When asked about his January 29 and 30, 2019 Labor Sheets, where he claimed he worked an overtime shift from 8:00 p.m. on January 29, 2019, to 6:00 a.m. on January 30, 2019, and a regular shift from 8:00 a.m. to 4:00 p.m. on January 30, 2019, but on January 30, 2019, his vehicle was observed already at home at 5:00 a.m. (1 hour earlier than his shift was supposed to end) and he was observed leaving his home at 11:25 a.m. (over 2 hours after when his next shift was supposed to start), the Foreman again stated the overtime job must have ended early but acknowledged he should have been at work by 8:00 a.m. for his regular shift.

The Foreman was asked about discrepancies between his LIRR time records and financial records. When told he took paid sick leave on December 9 and 10, 2019, when Tropicana records showed he was in Atlantic City, he stated he did not recall the dates, but it was possible he ate something while he was in Atlantic City and got sick enough not to be able to work.<sup>6</sup> This claim is not credible based on the Tropicana records, which showed he gambled on those dates.

When asked about his Macy's credit card records that showed he made multiple trips to Macy's during his work hours, the Foreman stated he likely made the trips during his lunch breaks and stated the Macy's locations were all near his work. He stated that the Macy's in Green Acres was a couple of traffic lights from the Valley Stream Yard, Herald Square was near the East Side Access project in Manhattan, the Roosevelt Field was near the Garden City Yard and Broadway was near the Hicksville Yard.

## 2. *Supervisors*

In their OIG interviews, Track Construction Engineer and Supervisor of Track Surfacing, the Foreman's former and current supervisors, stated LIRR employees are required to be at LIRR sites during their shifts, except during their half-hour lunch breaks. The Supervisor of Track Surfacing also stated that lunch breaks could not be taken during the last hour of the work tours and employees are not allowed to leave early by skipping their lunch breaks.

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In summary, the OIG found that the Foreman committed time abuse by claiming he was at work when he was at his residence or other non-work locations. Also, he filed false time records and received pay for hours he did not work. Lastly, he abused sick leave by claiming paid sick leaves on dates his financial records indicate he was gambling in Atlantic City.

## III. POLICIES AND ANALYSIS

### A. The MTA All-Agency Code of Ethics

#### 1. § 4.02 Public Trust

The MTA All-Agency Code of Ethics Section 4.02 states, in pertinent part, that employees shall not engage in a course of conduct that will raise suspicion among the public that they are likely to be engaged in acts that are in violation of the public trust. Further, employees shall avoid even the appearance that they can be improperly influenced in the performance of their official duties or induced to violate the public trust or impair their independence of judgment in the exercise of their official duties.

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<sup>6</sup> The Foreman called off sick on December 9, 2019, at 6:47 a.m. and on December 10, 2019, at 12:18 a.m.

## 2. § 9.01 General

The MTA All-Agency Code of Ethics, Section 9.01, states, in pertinent part, that employees who violate any provision of the State Ethics Laws or of this Code may be subject to disciplinary action consistent with that administered for violations of the rules and regulations of the applicable MTA Agency, up to and including termination.

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Here, the Foreman engaged in a course of conduct that raised suspicion among the public that he is likely to be engaged in acts that are in violation of the public trust when he falsely reported he was at work when he was not. He signed his own Labor Sheets containing the false information and based on this false information, the Foreman received pay for hours he did not work. Based on his financial records, the Foreman also took paid sick leaves on days he was in Atlantic City and gambling. Finally, he admitted to shopping at Macy's, his credit card records reflect purchases during work hours on 9 dates and on at least 2 dates his credit card was used close in time to the end of his shift; it is reasonable to conclude that he must have left work early to go shopping on at least those 2 dates.

### **B. LIRR Policies**

#### 1. *LEAVE-001 Attendance Policy*

LIRR Policy # LEAVE-001, III Essential Functions, Subsection A LIRR Employees, states, in pertinent part, that LIRR employees must: (1) report to work at the proper location, on time and in condition to perform his/her duties; and (2) remain on duty for their full tour unless otherwise excused by proper authority.

#### 2. *Issue No. 2407 R2 Absence Control Policy*

The LIRR Corporate Policy & Procedure Issue No. 2407 R2, Absence Control Policy, Sections II and III provides, in pertinent part, that it is the responsibility of each LIRR employee to report at the times, on the days and at the designated locations for which he/she is scheduled, and to remain on duty for the full workday. This is the most important basic obligation an individual assumes as a condition of employment with the LIRR. Also, employees are permitted to use sick leave for personal illness or injury, and employees who attempt to use sick leave for any other reason or who use sick leave in violation of this procedure will be subject to disciplinary actions up to and including dismissal. All employees are provided with adequate amounts of leave.

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Here, the Foreman falsely reported he was at work when he was not. He signed his own Labor Sheets containing the false information and based on this false information, the Foreman received pay for hours he did not work. Based on his financial records, the Foreman also took paid sick leaves on days he was in Atlantic City and gambling. Finally, he admitted to shopping at

Macy's, his credit card records reflect purchases during work hours on 9 dates and likely left work early on at least 2 dates his credit card was used close in time to the end of his shift.

### **C. New York State Public Officers Law**

#### *1. Section 74(3)(d)*

The New York State Public Officers Law § 74(3)(d) states, in pertinent part, that no officer or employee of a state agency should use or attempt to use his or her official position to secure unwarranted privileges or exemptions for himself or others, including but not limited to, the misappropriation to himself or to others of the property, services or other resources of the state for private business or other compensated non-governmental purposes.

Here, by signing his Labor Sheets with false information, the Foreman used his official position to secure pay for hours he did not work.

#### *2. Section 74(3)(h)*

The New York State Public Officers Law § 74(3)(h) states, in pertinent part, that an officer or employee of a state agency should endeavor to pursue a course of conduct which will not raise suspicion among the public that he or she is likely to be engaged in acts that are in violation of his or her trust.

Here, for the same reasons as stated above in MTA All-Agency Code of Ethics §§ 4.02 and 9.01, and LIRR Policies LEAVE-001 and Issue No. 2407 R2, the Foreman engaged in acts that violated his trust.

## **IV. FINDINGS**

1. The Foreman failed to show up on time or remain on duty during his shifts in violation of LIRR LEAVE-001 Attendance Policy and LIRR Issue No. 2407 R2 Absence Control Policy.
2. The Foreman abused sick leave when he took paid sick days on dates he was actually gambling in Atlantic City in violation of LIRR Issue No. 2407 R2 Absence Control Policy.
3. The Foreman engaged in a course of conduct that raised suspicion among the public that he is likely to be engaged in acts that are in violation of the public trust when he falsely reported he was at work when he was not. He signed his own Labor Sheets containing the false information and based on this false information, the Foreman received pay for hours he did not work. By signing his Labor Sheets with false information, the Foreman also used his official position to secure pay for hours he did not work. Based on his financial records, the Foreman also took paid sick leaves on days he was in Atlantic city and gambling. Finally, he admitted to shopping at Macy's, his credit card records reflect purchases during work hours on 9 dates, and in

all likelihood left work early on at least 2 dates his credit card was used close in time to the end of his shifts in violation of MTA All-Agency Code of Ethics, §§ 4.02 and 9.01, and the New York State Public Officers Law § 74(3)(d) and (h).

## **V. RECOMMENDATIONS**

We recommend that the Foreman be disciplined as LIRR deems appropriate, up to and including termination, and recoup any payments made for hours he did not work. A copy of this report will be provided to JCOPE for its review and any action it deems appropriate.

As always, we appreciate your continued courtesy and cooperation. Please advise our office within thirty (30) days of any actions you intend to take, and the result of any action taken pursuant to this letter. In addition, please indicate your acceptance or rejection of each recommendation and the proposed quarter in the calendar year that the recommendation will be implemented. Please be further advised that the Office of the MTA Inspector may publicly disclose this report consistent with its statute and other state law, which may include name(s) of individuals and entities. Should you have any questions, or need additional information, please contact Executive Deputy Inspector General for Legal Pei Pei Cheng-de Castro at (212) 878-0072.

Very truly yours,

/S/

Carolyn Pokorny

cc: Paige Graves, General Counsel, LIRR  
Stephen Papandon, Senior Deputy General Counsel - General Law and Ethics Officer, LIRR  
Rose Koven, Acting Director of Labor Relations Administration, LIRR  
Monica Stamm, General Counsel, JCOPE



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**Agency Response**  
**to**  
**MTA/OIG #2021-17**

**LIRR Surfacing Foreman's Time Abuse and False Filings**

In August 2021, in response to OIG's investigation and report, LIRR brought disciplinary charges against Dallas Bazemore, the Surfacing Foreman, including charges for Theft of Time, Using Sick Leave as a Subterfuge to Avoid Work, and Absent Without Leave. In October 2021, Bazemore waived his right to trial and admitted to the charges.

Bazemore received a 30 calendar days suspension without pay to be served starting in December 2021. He also signed a last chance agreement noting that future violations of theft, theft of wages, or attempted theft of wages will subject him to dismissal and agreed to make restitution in the amount of \$1,131. The 30-day suspension is worth approximately \$8,100.