

Fraud, Waste, & Abuse Investigation Results

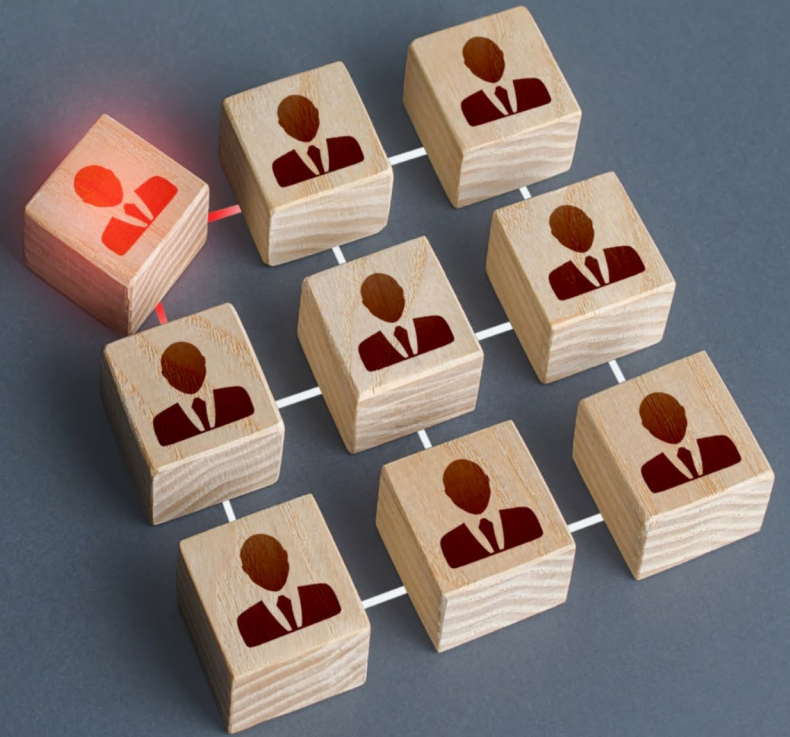
Office of the Inspector General

November 4, 2022



Allegation: District inconsistent in administering employee discipline

- OIG has no authority over disciplinary actions
- Investigation focused on procedures for determining discipline
- No conclusions regarding District's consistency



District Followed Procedure & Law in Imposing Discipline

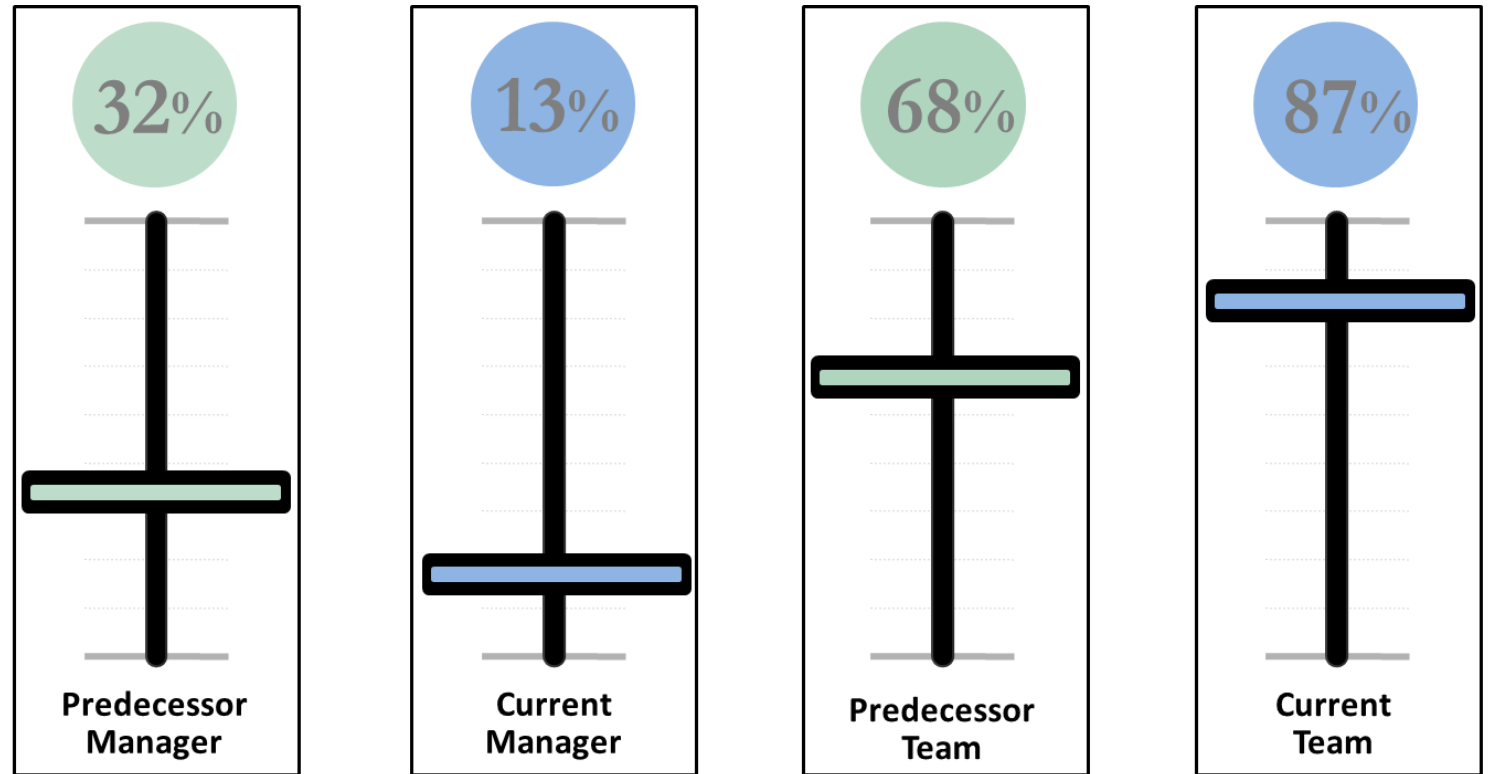
- Employee had “prediscipline” notice on file
- Mitigating or aggravating factors impact disciplinary decisions
- District disclosed required evidence to employee & union
- District held “Skelly” hearing as required
 - Allows employee to challenge discipline & present evidence or witnesses
- Employee removed from duty but kept on paid status & required to take training
 - Standard after safety incident & not considered formal discipline
- District rules require employees to follow safest course of action
 - Allows & requires employees to not follow directives that pose safety hazard
- Employers may consider contrition in their disciplinary decisions
- No recommendation associated with report

Allegation: BART Manager Abused Use of Overtime

- Manager working overtime on work not permitted to perform
- Not assigning project overtime to their two staff members



BART Manager Did Not Commit Overtime Abuse



- Compared overtime data between accused manager and predecessor
 - Total overtime comparable: 273 hours vs. 271 hours
 - Current team receives more project overtime
 - No policy restricting supervisor overtime
- No recommendation associated with report



Questions?

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