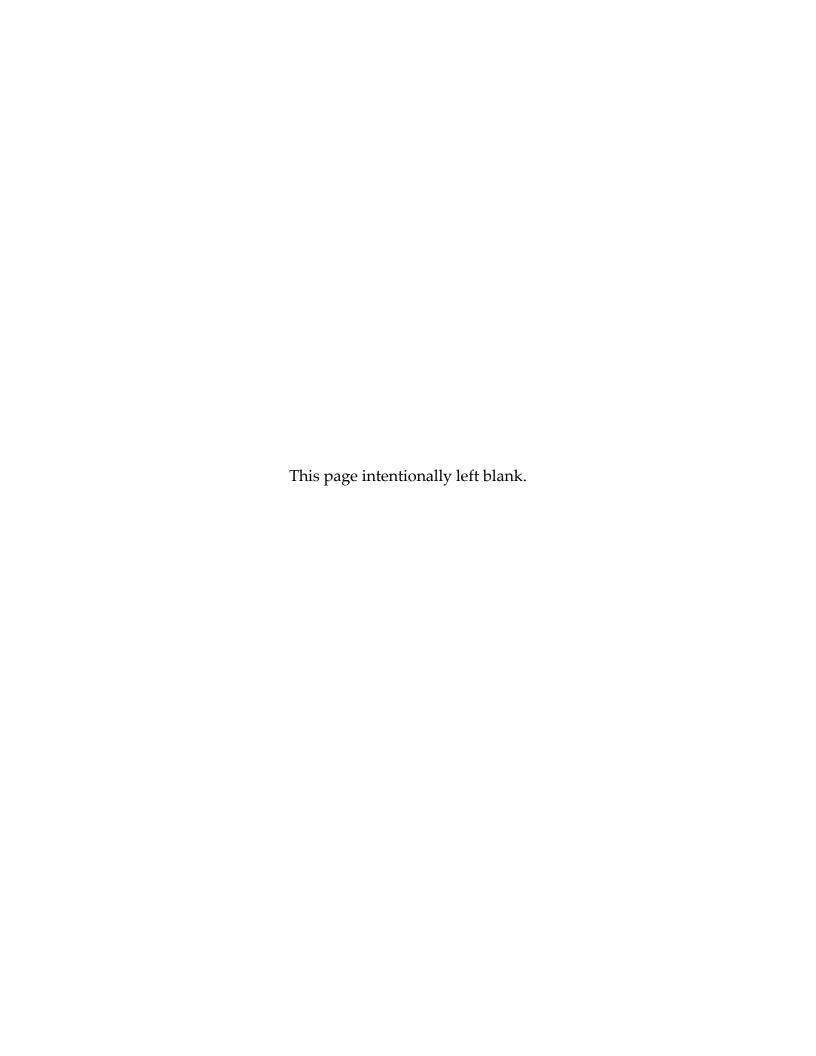


MANAGEMENT ADVISORY REPORT GOVERNANCE: Employee Time Charges Trend

Data for Calendar Year 2013

Report No. OIG-MAR-2014-011 | September 26, 2014









Memorandum

To: DJ Stadtler, Vice President, Operations

Barry Melnkovic, Chief Human Capital Officer

R. Wanin

Polly Hanson, Chief of Police

William Herrmann, Deputy Managing General Counsel

From:

David R. Warren, Assistant Inspector General, Audits

Date: September 26, 2014

Subject: Governance: Employee Time Charges Trend Data for Calendar Year 2013

(Management Advisory Report No. OIG-MAR-2014-011)

We recently followed up on actions taken in response to recommendations from our previous report on the management of overtime. During that follow-up work, we learned that officials of Amtrak (the company) were questioning whether agreement employees may be reporting straight-time hours when they should be reporting overtime hours. Such practices could lead to inaccurate reporting on the use of overtime. Therefore, we have developed information on agreement employee time charge patterns for straight time.

Our objective was to develop information on the extent to which agreement employees reported working 16 or more hours of straight time in a day—and the possible reasons why. We did not assess the validity of the reported time charges or verify the possible reasons cited were the actual basis for the time charges we identified. We used a data analysis software tool, Audit Command Language (ACL), to analyze 100 percent of the time charges reported by agreement employees during calendar year (CY) 2013. For a detailed discussion of our audit scope and methodology, see Appendix A.

¹ Management of Overtime: Best Practice Controls Can Help in Developing Needed Policies and Procedures (OIG-A-2013-009, March 26, 2013).

² These employees are covered by a labor agreement.

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SUMMARY OF RESULTS

The Deputy Managing General Counsel informed us that the company is in the process of implementing our previous recommendation to develop corporate-wide policies and procedures for authorizing the use of overtime that address cost-effectiveness, operational efficiency, and safety. Therefore, we are not making a new recommendation in this report. However, this report provides information for management to consider as it develops policies and procedures to manage the employee time charge process. The following summarizes the results of our work:

- During CY 2013, agreement employees reported 116,892 instances of working 16 or more hours of straight time in a day. These charges amount to 9.6 percent of the approximately 1.2 million time charges of 8 hours or more of straight time for the period we reviewed.
- About 83 percent of the charges of 16 or more hours were made by employees covered by transportation labor agreements, and 17 percent were charged by employees covered by mechanical labor, engineering labor, and police labor agreements, as shown in Table 1.

Table 1. Number of Reports by Employees of 16 or More Hours of Straight Time per Day in CY 2013

Labor Agreement	Number of Instances	Percentage
Transportation ^a	96,780	83%
Mechanical ^a	16,006	14%
Engineering ^a	3,800	3%
Police	306	-
Total	116,892	100%

Source: OIG analysis of CY 2013 time and attendance data

Note

^aEmployees covered by these agreements work in the Operations department.

Our general read of labor agreements and interviews with Labor Relations officials from the Human Capital department identified a number of possible reasons for these time charges. However, we did not verify the accuracy of the possible reasons for the time charges. We have summarized the possible reasons for the reported time charges below.

Employees covered by transportation labor agreements reported more than 83 percent of the instances in which employees worked 16 or more hours of straight time in a day. The following possible reasons are related to 53 percent of these instances:

- Regular Straight Time and Held Time. A Labor Relations official told us that this time charge category can be used by train and engine crews—engineers and conductors—who work straight time and then are released from duty and wait at a location away from their home crew base. The time away from the home crew base is referred to as held time. The official told us that such charges can be the result of train schedules or hour-of-service restrictions.³ Under labor agreements, train and engine crews are allowed up to eight hours of held time in a consecutive 24-hour period. Some of the eight hours of straight and held time may be on different days. However, if the held time starts on the same day as the straight time charges began, all 16 hours are reported as occurring on the day the trip started.
- **Regular Straight Time.** This time charge category can be used by onboard service (OBS) employees on long-distance routes—chefs, food specialists, lead service attendants, and service attendants working in the dining or café cars—who are scheduled to work 16 or more hours of straight time in a day, according to a Labor Relations official. For example, OBS employees on the Capital Limited route from Washington, D.C. to Chicago are scheduled to work 20 hours and 16 hours on the next-day return trip.
- **Regular Straight Time and Late Train.** This category can be used by OBS employees who are scheduled to work 16 or more hours of straight time a day and the train is late, according to a Labor Relations official. If the train is late, employees report regular straight-time hours for the number of hours the train is late.
- Regular Straight Time, Late Train, and Trip Guarantee. This category can be used by train and engine crews scheduled to make two trips of less than eight hours each on the same day, and the train is late but still arrives in less than eight hours. The additional time is reported as late train and trip guarantee because the employee is guaranteed at least eight hours for the trip, according to a Labor Relations official.

³ Under Federal Railroad Administration regulations on hours of service, engineers and conductors can work a maximum of 12 hours per day.

Employees covered by mechanical and engineering labor agreements reported 17 percent of the instances of working 16 or more hours of straight time in a day, while employees covered by the police labor agreement accounted for .26 percent. Through our interviews with Labor Relations officials and our general read of labor agreements, we identified a number of reasons why employees reported 16 or more hours of straight time in a day. For example, employees in some unions who work eight hours of overtime in a day can report eight hours of straight time and accrue four hours in a time bank—rather than eight hours of overtime.

In commenting on a draft of this report, company management said that this information is very useful in understanding the time charge trends.

Employees Covered by Transportation Labor Agreements

In CY 2013, employees covered by transportation labor agreements reported 96,780 instances of working 16 or more hours of straight time in a day, as shown in Table 2. These charges amount to 14.6 percent of the 661,431 time charges of eight hours or more of straight time by transportation labor agreement employees during CY 2013.

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Table 2. Number of Reports by Employees Covered by Transportation Labor Agreements of 16 or More Hours of Straight Time per Day in CY 2013

Time Charge Categories	Number of Instances	Percentage
Regular Straight Time and Held Time ^a	14,616	15%
Regular Straight Time and Late Train	13,822	14%
Regular Straight Time	13,180	14%
Regular Straight Time, Late Train, and Trip Guarantee ^b	9,490	10%
Regular Straight Time and Late Dinner OBS ^c	5,965	6%
Regular Straight Time and Trip Guarantee	4,882	5%
Regular Straight Time, Paid Rest OBS, and Down Time Rest OBS ^d	3,376	4%
Regular Straight Time, Held Time, Late Train, and Trip Guarantee	3,369	3%
Other ^e	28,080	29%
Total	96,780	100%

Source: OIG analysis of time and attendance data

Notes:

^aHeld time is the time that train and engine crews spend away from their home crew base because of train schedules or hour of service restrictions.

The possible explanations for Regular Straight Time and Held Time; Regular Straight Time and Late Train; and Regular Straight Time, Late Train, and Trip Guarantee are provided on page 3. Possible explanations for other time charges used by Transportation employees to report working 16 or more hours of straight time in a day included:

• Regular Straight Time and Late Dinner. This category is used by OBS employees for their regularly scheduled hours and any extra hours worked because the dining car stayed open later than scheduled, according to a Labor Relations official. OBS personnel working in the dining car generally go off duty at 10:00 p.m.; however, the dining car occasionally stays open past 10:00 p.m. because of passenger demand. When this occurs, OBS employees report the extra time past the normal closing time as late dinner.

^bTrip guarantee time is the difference between the number of actual hours worked and the minimum guaranteed work day of eight hours.

^cLate dinner is the amount of time that the dining car stays open past its regularly scheduled closure time due to customer demand.

^dPaid rest and down time rest can be charged when OBS employees actual rest time is less than the scheduled rest time because of customer needs. The amount of rest time not used can be charged if it is not made up during the trip.

^eThe other category includes 717 combinations of time charges.

- Regular Straight Time and Trip Guarantee. This category is used by train and engine crews who are scheduled to work less than eight hours, according to a Labor Relations official. Train and engine crews are guaranteed eight hours per trip even if the actual time worked is less than eight hours. For trips less than eight hours, employees report the time difference between their time worked and the guaranteed eight-hour trip. For example, the Wolverine route from Chicago to Grand Rapids, Michigan, is scheduled for 6½ hours. If the train ran as scheduled, an employee working a round trip on the same day would report 16 straight-time hours—13 hours of straight time and 3 hours of trip guarantee time.
- Regular Straight Time, Paid Rest OBS, and Down Time Rest OBS. This category is used by OBS employees when they are not able to use all of their regularly scheduled rest time, according to a Labor Relations official. OBS employees are authorized specific amounts of scheduled rest time on long-distance routes. If the actual rest time used is less than the scheduled rest, and the rest time is not made up during the trip, the employee reports the missed rest time as both paid rest and down time rest. For example, an employee with scheduled rest time from 10:00 p.m. to 5:00 a.m. who was required to work to 12:00 a.m. would report the regular straight-time hours, two hours paid rest time, and two hours down time rest.

Employees Covered by Mechanical Labor Agreements

In CY 2013, employees covered by mechanical labor agreements reported 16,006 instances of working 16 or more hours of straight time in a day, as shown in Table 3. These charges amount to about 3.5 percent of the 456,649 time charges of 8 hours or more of straight time by mechanical labor agreement employees during CY 2013.

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Table 3. Number of Reports by Employees Covered by Mechanical Labor Agreements of 16 or More Hours of Straight Time per Day in CY 2013

Time Charge Categories	Number of Instances	Percentage
Regular Straight Time and Straight Time with Bank ^a	7,251	45%
Holiday and Straight Time with Bank	5,214	33%
Holiday and Vacation	1,161	7%
Regular Straight Time	785	5%
Other ^b	1,595	10%
Total	16,006	100%

Source: OIG analysis of CY 2013 time and attendance data

Notes:

^aStraight time with bank is used when employees work overtime but are allowed to report straight time and accrue some hours in a time bank rather than be paid overtime.

^bThe other category includes 81 combinations of time charges.

Our general read of the labor agreements and interviews with Labor Relations officials identified the following possible key reasons why employees covered by mechanical labor agreements reported working 16 or more hours of straight time in a day:

- Regular Straight Time and Straight Time with Bank. A Labor Relations official told us that this time charge category is used by employees who work straight time and overtime. Employees in some unions⁴ can report some overtime hours as straight time and accrue some overtime hours in a time bank. For example, an employee who worked eight hours of overtime in a day can report eight hours of straight time and accrue four hours to a time bank—rather than eight hours of overtime.⁵
- Holiday and Straight Time with Bank. This time charge category is used by
 employees who work on a holiday, according to a Labor Relations official.
 Employees who work on a holiday report eight hours of straight time and for the
 holiday can report eight hours of straight time with bank, accruing four hours to
 a time bank rather than eight hours of overtime.

⁴ The Joint Council of Carmen, Helpers, Coach Cleaners and Apprentices; International Association of Machinists and Aerospace Workers; The International Brotherhood of Electrical Workers; Sheet Metal, Air, Rail and Transportation Workers.

⁵ Employees hired before October 18, 2010, can accrue up to 80 hours of compensatory time with bank each calendar year; employees hired after October 18, 2010, can accrue up to 40 hours of compensatory time with bank each calendar year.

- **Holiday and Vacation.** This category is used by employees who take a vacation day on a holiday, according to a Labor Relations official. Under labor agreements, employees who are on vacation during a holiday report 16 hours of straight time for the day—eight hours of vacation time and eight hours of holiday time.
- **Regular Straight Time.** A Labor Relations official informed us that this time charge category is used by employees in some unions who work 16 hours a day, but have not worked the 40 hours needed during the week to qualify for overtime.

Employees Covered by Engineering Labor Agreements

In CY 2013, employees covered by engineering labor agreements reported 3,800 instances of working 16 or more hours of straight time in a day, as shown in Table 4. These charges amount to about 3.9 percent of the 97,048 time charges of 8 hours or more of straight time by engineering labor agreement employees during CY 2013.

Table 4. Number of Reports by Employees Covered by Engineering Labor Agreements of 16 or More Hours of Straight Time per Day in CY 2013

Time Charge Categories	Number of Instances	Percentage
Regular Straight Time and Straight Time with Bank ^a	780	21%
Regular Straight Time	707	19%
Regular Straight Time and Training Class	418	11%
Holiday and Vacation	399	10%
Regular Straight Time and Vacation	192	5%
Regular Straight Time and Miscellaneous Paid Absences	189	5%
Straight Time with Bank and Holiday	180	5%
Regular Straight Time and Travel Time	152	4%
Training and Travel Time	132	3%
Other ^b	651	17%
Total	3,800	100%

Source: OIG analysis of CY 2013 time and attendance data

Notes:

^aStraight time with bank is used when employees work overtime but are allowed to report straight time and accrue some hours in a time bank rather than be paid overtime.

Through our general read of labor agreements and interviews with Labor Relations officials, we identified the following possible key reasons why employees covered by engineering labor agreements reported working 16 or more hours of straight time in a day:

^bThe other category includes 84 combinations of time charges.

- Regular Straight Time and Straight Time with Bank. A Labor Relations official told us that this time charge category is used by employees who work straight time and overtime on the same day. Employees in some unions⁶ are authorized to report some overtime hours as straight time and accrue some overtime hours in a time bank. For example, an employee who works eight hours of overtime in a day can report eight hours of straight time and accrue four hours in a time bank—rather than eight hours of overtime.⁷
- Regular Straight Time and Training Class. This category is used by employees
 who work their regular assignment and attend a training class on the same day,
 according to a Labor Relations official. Employees who work their regularly
 scheduled hours and also attend a training class on the same day report 16 hours
 of straight time—eight hours of regular straight time and eight hours of training
 time.
- **Holiday and Vacation.** This time charge category is used by employees who take a vacation day on a holiday, according to a Labor Relations official. Employees who are on vacation on a holiday report 16 hours of straight time—eight hours of holiday time and eight hours of vacation time.
- Regular Straight Time and Vacation. This category is used by employees who work on a scheduled vacation day, according to a Labor Relations official. Employees who work on a vacation day report 16 hours of straight time—eight hours of straight time and eight hours of vacation time.
- Regular Straight Time and Miscellaneous Paid Absences. A Labor Relations
 official told us that this time charge category is used by employees who do not
 complete an 8-hour shift because bringing them back to work for a second shift—
 combined with all hours of the first shift—would violate the Engineering
 department's 16-hour policy. Under labor agreements, employees report the
 hours that they did not work on the first shift as miscellaneous paid absences.

⁶ Joint Council of Carmen, Helpers, Coach Cleaners and Apprentices; International Association of Machinists and Aerospace Workers; The International Brotherhood of Electrical Workers; Sheet Metal, Air, Rail and Transportation Workers. The American Railway and Airway Supervisors Association agreement includes compensatory time: employees can bank all or part of their overtime hours.

⁷ Employees hired before October 18, 2010, can accrue up to 80 hours of compensatory time with bank each calendar year, and employees hired after October 18, 2010, can accrue up to 40 hours of compensatory time with bank each calendar year.

- **Regular Straight Time with Bank and Holiday.** This category is used by employees who work on a holiday, according to a Labor Relations official. Work performed on a holiday is paid at the overtime rate. However, employees can elect to receive eight hours of straight time with four hours of bank time—rather than eight hours of overtime.
- Regular Straight Time and Travel Time. This time charge category is used by
 employees who travel between their assigned work location and a work location
 outside the assigned location, according to a Labor Relations official. Under labor
 agreements, employees are paid for the time to travel to a work location outside
 their regular work location; they report the travel time and actual work time as
 straight time.
- Training and Travel Time. This category is used by employees who travel to
 and attend a training class on the same day, according to a Labor Relations
 official. Under labor agreements, employees are paid for the time it takes to
 travel to a training class. Employees who travel to and attend training on the
 same day report the travel time and training as straight time.

For one time charge category we did not identify a possible reason for the time charges:

• **Regular Straight Time.** This category is used by employees working 16 or more hours of straight time in a day. However, Labor Relations officials could not explain why this would occur.

Employees Covered by Police Labor Agreements

In CY 2013, employees covered by the police labor agreement reported 306 instances of working 16 or more hours of straight time in a day, as shown in Table 5. These charges amount to about 10.7 percent of the 2,867 time charges of 8 hours or more of straight time by police labor agreement employees during CY 2013.

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Table 5. Number of Reports by Employees Covered by Police Labor Agreement of 16 or More Hours of Straight Time per Day in CY 2013

Time Charge Categories	Number of Instances	Percentage
Regular Straight Time and More than 40 Hours Paid at Straight Time ^a	104	34%
Holiday and Vacation	84	27%
Regular Straight Time and Vacation	39	13%
Regular Straight Time and Travel Time	24	8%
Holiday and More than 40 Hours Paid at Straight Time	11	4%
Travel Time and Training	10	3%
Other ^b	34	11%
Total	306	100%

Source: OIG analysis of CY 2013 time and attendance data

Notes:

^aMore than 40 hours paid at straight time is used when employees work more than their regular work hours per day, but have not yet reached a total of 40 hours for the week.

Through our general read of the labor agreement and interviews with Labor Relations officials, we identified the following possible key reasons why employees covered by police labor agreement reported working 16 or more hours of straight time in a day:

- Regular Straight Time and More than 40 Hours Paid at Straight Time. A Labor Relations official told us that this time charge category is used by employees who work more than the regularly scheduled hours in a day, but do not have 40 hours of qualified work time during the week to qualify for overtime. In these instances, employees report eight hours of regular straight time and eight hours of more than 40 hours paid at straight time.
- **Holiday and Vacation.** This category is used by employees on vacation during a holiday, according to a Labor Relations official. Under the labor agreement, employees who are on vacation during a holiday report 16 or 20 hours⁹ of straight time—8 or 10 hours of vacation time and 8 or 10 hours of holiday time.
- Regular Straight Time and Vacation. This category is used by employees who
 volunteer to work while also taking vacation leave, according to a Labor

^bThe other category includes 13 combinations of time charges.

⁸ Sick leave, compensatory time, and court time are not included in calculating overtime pay.

⁹ Employees working an 8-hour shift reported 16 hours a day, and employees working a 10-hour shift reported 20 hours a day.

Relations official. Employees can volunteer to work one five-day period during the year, with supervisory approval. Under the labor agreement, employees who volunteer to work and charge vacation report 16 hours of straight time—eight hours of regular straight time and eight hours of vacation time.

- Regular Straight Time and Travel Time. This time charge category is used by
 employees who travel from one work location to another work location,
 according to a Labor Relations official. For example, employees who spend four
 hours each way between work locations and work eight hours will report 16
 hours of straight time—eight hours for the actual work shift and eight hours of
 travel time.
- Holiday and More than 40 Hours Paid at Straight Time. This category is used by employees who work on a holiday but do not have 40 hours of the needed qualified work time during the week to qualify for overtime, according to a Labor Relations official. In these instances, employees report 16 hours of straight time—8 hours of regular straight time and eight hours of more than 40 hours paid at straight time.
- Travel Time and Training. A Labor Relations official told us that this time charge category is used by employees who travel and attend a training class on the same day. Under the labor agreement, employees are paid for the time it takes to travel to a training class. They report straight-time hours for the time in travel and training.

MANAGEMENT COMMENTS

In commenting on a draft of this report, company management acknowledged the data analysis and their appreciation for the effort to identify agreement employees who were reporting straight-time hours in excess of eight hours per day in accordance with their collective bargaining agreements. They also noted that this information is very useful in understanding the time charge trends. For management's complete response, see Appendix B.

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Appendix A

SCOPE AND METHODOLOGY

This management advisory report provides information about agreement employees in the Operations' Engineering, Mechanical, and Transportation departments and the Police department reporting 16 or more hours of straight time in a day in CY 2013. Our objective was to develop information on the extent to which agreement employees report 16 or more hours of straight time a day—and the possible reasons why.

We did not determine the appropriateness of the reported time charges but did limited work to understand the possible reasons why employees could report 16 or more hours of straight time per day. However, we did not verify whether these reasons were the actual basis for the various time charges we identified. We conducted this analysis in accordance with standards we developed for alternative products. We conducted this analysis from March through August 2014 in Wilmington, Delaware; Philadelphia, Pennsylvania; and Washington, D.C.

To identify the number of employees reporting working 16 or more hours of straight time in a day, we used a data analysis software tool, Audit Command Language (ACL), to analyze 100 percent of the time charges reported by agreement employees during CY 2013. To understand why employees could report 16 or more hours of straight time per day, we interviewed Labor Relations officials from the Human Capital department. These officials are responsible for monitoring labor agreements and are knowledgeable on the relevant work rules and provisions in selected labor agreements. We also gathered and did a limited review of information from the following labor agreements:

- American Rail Way Supervisors Association
- Amtrak Service Workers Council
- Brotherhood of Locomotive Engineers and Trainmen
- Brotherhood of Maintenance of Way Employees
- Fraternal Order of Police
- Joint Council of Carmen, Helpers, Coach Cleaners and Apprentices
- International Association of Machinists and Aerospace Workers
- International Brotherhood of Electrical Workers
- Sheet Metal, Air, Rail and Transportation Workers

Internal Controls

We did not assess the adequacy of internal controls over the time and attendance reporting system. During our interviews with Labor Relations officials, we discussed time and attendance reporting procedures to understand how work schedules were created in the system and how employees made adjustments to the schedule based on actual hours worked. In addition, we did some limited testing of the data in the system, as described in the next section.

Computer-Processed Data

We used computer-processed data from the Finance department's timekeeping and payroll system, SAP. We merged this data with our ACL software and developed automated programs to analyze the data. To validate the results of our analysis, we selected a few employees who reported 16 or more hours of straight time based on our analysis, and we compared the hours to the source data to ensure that our automated programs were producing accurate results.

Prior Audit Reports

One OIG report is relevant to this report:

 Management of Overtime: Best Practice Controls Can Help in Developing Needed Policies and Procedures (OIG-A-2013-009, March 26, 2013)

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Appendix B

COMMENTS FROM AMTRAK'S MANAGEMENT

NATIONAL RAILROAD PASSENGER CORPORATION 60 Massachusetts Ave NE., Washington, DC 20002

Memo



Date September 22, 2014

From Polly Hanson

William Herrmann Barry Melnkovic

DJ Stadtler

To David Warren, Assistant Inspector General, Audits

Department Amtrak Police Department

Human Capital Management

Operations

Subject Management Advisory Report: **Employee Time Charges Trend** Data for Calendar Year 2013

Cc Jerry Sokol Matt Gagnon Melantha Paige

This is in response to the Office of Inspector General's ("OIG") draft management advisory report number Project No. 007-2014 "Employee Time Charges Trend Data for Calendar Year 2013," dated August 19, 2014. Inasmuch as this management advisory contains no recommendations, we write to acknowledge the data analysis and our appreciation for the effort to identify agreement employees who were reporting straight time hours in excess of eight hours per day in accordance with their collective bargaining agreements. This information is very useful in understanding the time charge trends.

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Appendix C

ABBREVIATIONS

Audit Command Language **ACL**

Amtrak the company

CYcalendar year

OBS onboard service

OIG Amtrak Office of Inspector General

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Appendix D

OIG TEAM MEMBERS

Michael Kennedy, Senior Director

Maggie Huang, Consultant

OIG MISSION AND CONTACT INFORMATION

Amtrak OIG's Mission The Amtrak OIG's mission is to provide

independent, objective oversight of Amtrak's programs and operations through audits, inspections, evaluations, and investigations focused on recommending improvements to Amtrak's economy, efficiency, and effectiveness; preventing and detecting fraud, waste, and abuse; and providing Congress, Amtrak management, and Amtrak's Board of Directors with timely information about problems and deficiencies relating to Amtrak's programs and operations.

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To Report Fraud, Waste, and Abuse

Report suspicious or illegal activities to the OIG Hotline

(you can remain anonymous):

Web: www.amtrakoig.gov/hotline

Phone: 800-468-5469

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