SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT
INDEPENDENT OFFICE OF THE INSPECTOR GENERAL

INVESTIGATIONS IDENTIFY LAPSES IN POLICY ENFORCEMENT & $15.7K IN TIME THEFT

INVESTIGATION RESULTS

The BART Office of the Inspector General (OIG) received whistleblower complaints concerning time theft, lax supervision, unqualified appointment, abuse of position, unprofessional conduct, and a financial conflict of interest. In all, we investigated or monitored 10 allegations reported as potential fraud, waste, or abuse concerns. We are providing this summary report to comply with California Public Utilities Code 28841, which requires that we inform BART administration, the Board of Directors, and the public of our findings and recommendations.

Time Theft, Lax Supervision, & Abuse of Position

We investigated four allegations of time theft, substantiating one and identifying nearly $15.7k in recoverable funds. On at least 16 occasions, an employee violated Operations Rules & Procedures (OR&P) § 1703 by falsely claiming to have worked on holidays or days that they were otherwise absent from duty, for a total of $15,679 in identified time theft. The employee demonstrated remorse and a willingness to repay BART for the improper wages.

We also concluded that the employee's supervisor violated OR&P §1703 by allowing the 16 days of inaccurate time entries to be processed, despite knowing the employee was absent. The supervisor presented as remorseful and admitted to insufficient oversight, citing health issues and misplaced trust in the employee to self-report accurately. While there was no evidence of active complicity, we concluded that the supervisor did not uphold their duty to monitor and validate time records.

WHY THESE INVESTIGATIONS MATTERS

This work is critical to safeguarding the District's mission, resources, and public credibility. It helps identify systemic weaknesses, strengthen internal controls, and reinforce accountability at all levels, and sends a clear message that misconduct will not be ignored. These efforts are about more than correcting behavior, they are about protecting the public's investment and BART's future.

RELEVANT DISTRICT POLICY

The District's Operations Rules & Procedures prohibit falsifying records and unauthorized disclosure of records; and recruitment procedures require hiring only persons qualified to perform the work.

The District's Equal Employment Opportunity policy explicitly prohibits discrimination, harassment, and retaliation, including discrimination and harassment based on protected categories, e.g., gender.

RECOMMENDATIONS IN BRIEF

To deter future misconduct and recover public funds, BART should:

- Address time theft & policy violations.
- Seek $15.7k in restitution.
- Enforce BART workplace rules.

BART agreed to our recommendations, see page three for details.

We also uncovered that the employee who committed the time theft had acted inappropriately while serving as the investigating officer in a time-theft case involving their subordinate. The employee provided the subject of that investigation with an advance copy of the disciplinary interview questions. This action violated OR&P § 1704, which expressly prohibits the unauthorized disclosure of confidential records. By preemptively sharing investigatory materials, the employee compromised the integrity of the disciplinary process they were responsible for upholding.

The three additional time-theft cases revealed wasteful practices tied to lax enforcement of BART policies. Beyond those named in the complaints, we observed multiple employees sitting in their cars waiting for parking after clocking in for work. The frequency and visibility of this behavior suggested it was known to management and silently accepted, likely due to parking challenges. Still, apparent acceptance of noncompliance does not excuse policy violations. Per BART policy, employees are expected to report to their assigned work location on time, ready for duty (OR&P §1302), and to carry out all assigned tasks while on duty as directed by appropriate authority (OR&P §1303). However, we determined the apparent lack of policy enforcement created an environment encouraging the misconduct we observed.

Unprofessional Conduct Allegations

We received three complaints involving various allegations of unprofessional conduct, including discrimination. While these matters fell outside our typical investigative scope, we served as an intermediary to ensure that they were addressed due to the organizational structure of those involved. We verified that external parties conducted independent investigations using sound methodologies, and that they reported their findings to BART officials and to the complainants. The investigators sustained portions of two of the allegations but did not sustain the remaining allegations.

Unqualified Appointment

We investigated an allegation that the District appointed an employee who is not a licensed Professional Engineering (P.E.) into a position that requires such licensure. The complainant also alleged that the employee was not qualified to manage the direction of P.Es. under their chain of command. Per the job description in question, possession of a P.E. is not a requirement. Further, the employee's job description appears consistent with their assigned duties. The complainant reported other concerns that were outside our purview and were being addressed by Human Resources using the unrepresented employee grievance process. Therefore, we did not investigate those matters.

Financial Conflict of Interest

We received an allegation that a District employee was overseeing projects conducted by a contractor that employed the employee's spouse, and that the employee did not disclose this financial conflict of interest on their Fair Political Practices Commission (FPPC) Statement of Economic Interest forms. We determined that District senior management addressed the omission and resolved this conflict of interest with the employee. Therefore, we took no additional action.

OIG Reporting Requirement & Disclosure Practices

We identify those involved in our investigations in only limited circumstances. This avoids violating privacy and confidentiality rights granted by law and creating unwarranted actions against those involved with our investigations. The decision to provide names is made on a case-by-case basis and considers all elements of an investigation. This practice does not prevent individuals from requesting documents under the California Public Records Act (CPRA). However, such disclosures may be restricted or limited by law. The investigations described in this report are associated with case numbers 217-2024, 219-2024, 220-2024, 277-2025, 279-2025, 293-2025, 298-2025, 302-2025, 312-2025, and 320-2025.

Tone at the Top & in the Middle

Tone at the top sets the expectation but tone in the middle determines follow through. When middle managers look the other way, it tells staff, “Integrity is optional if the boss isn’t watching.” This fractures accountability and creates a shadow culture where policy takes a backseat to convenience.

Recommendations & District Responses

Recommendations		
1.	**Recommendation:**	Address the employee's violation of OR&P § 1703 and § 1704 in accordance with the District's Non-Rep Handbook.
	Implementation Date:	TBD
	Corrective Action Plan:	Human Resources is currently addressing the misconduct in accordance with the Non-Rep Handbook.
2.	**Recommendation:**	Seek full restitution for the $15,679 in wages obtained through falsified time reporting.
	Implementation Date:	TBD
	Corrective Action Plan:	Pending the results of the Human Resources investigation, the Office of the General Counsel will advise management on options for seeking civil restitution for the District's losses.
3.	**Recommendation:**	Address the supervisor's violation of OR&P § 1703 in accordance with the District's Non-Rep Handbook.
	Implementation Date:	TBD
	Corrective Action Plan:	Human Resources is currently addressing the misconduct in accordance with the Non-Rep Handbook.
4.	**Recommendation:**	Reinforce expectations for managers, supervisors, and staff to follow existing policies and that work should begin once clocked in.
	Implementation Date:	Implemented
	Corrective Action Plan:	Management has reinforced time-keeping expectations for clocking-in at work to ensure that employees park their personal vehicle on their own time and that District work begins when employees clock-in.

Providing Independent Oversight of the District's Use of Revenue

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24/7 Fraud, Waste, & Abuse Whistleblower Hotline

www.bart.gov/oighotline

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