

Union Obstruction Prevented Investigation

Office of the Inspector General



Investigation Result

We attempted to investigate whether BART implemented sufficient safety procedures and training requirements for utility workers responsible for removing graffiti from vandalized BART trains. However, Service Employees International Union (SEIU), Local 1021, prevented us from conducting our investigation by instructing its members to notify the union when we wish to speak to them so that the union could coordinate the meeting. This violates the confidentiality of our investigations and removes an employee's right to determine whether they want others notified of their involvement in an investigation. The following outlines the events that interfered with our investigation:

- We requested several times that the utility crew notify us when they will be conducting a train cleaning to remove graffiti so that we could observe the process. Despite there being 15 instances of graffitied trains from December 2021 to May 2022, we received no notification from the utility workers. We were notified one time from a non-SEIU member that the utility crew was planning to clean a train on July 17, 2022. We visited the cleaning site that day, but the utility crew canceled the cleaning prior to our arrival and did not notify us of the rescheduled date. Based on timekeeping data, the cleaning took place on July 18, 2022 and our investigator was available to observe the cleaning, had they been informed.
- We made nine attempts to contact three utility workers assigned to the graffiti removal crew to speak to them about BART's process for removing graffiti from train cars. None of the workers responded to our messages. We tried emailing, calling, and texting the utility workers. Because utility workers do not have designated BART phone numbers, we tried their personal phone numbers on file with the District. We did that only after making attempts to contact the utility workers via BART communications. SEIU accused us of harassing its members. However, as we had said in our messages, the purpose of our meeting request was to understand whether BART has provided appropriate equipment and training to BART employees responsible for removing graffiti from train cars. The emphasis of our investigation was to understand BART's procedures for ensuring employee and environmental safety. The utility workers were not subjects of our investigation and were in no way accused of wrongdoing.
- We attempted to conduct a site visit at the Richmond Station to interview a utility worker during their regular duty hours. The Utility Foreworker intercepted our investigator and did not allow us access to any utility workers. The Utility Foreworker told our investigator they needed to make a phone call, which they made out of the listening range of our investigator. The Utility Foreworker returned from making the call and told our investigator that the SEIU President said interviews need to be scheduled through the SEIU President.



Our office was informed during the course of another investigation that the District may have inadequate safety protocols in place for workers who remove graffiti from vandalized BART train cars. Concerns included compliance with health and safety regulations, chemical runoff, and training. Due to SEIU's obstruction, those concerns remain.



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