



Barry L. Kluger  
Inspector General

## Office of the Inspector General

Metropolitan Transportation Authority  
Two Penn Plaza, 5<sup>th</sup> Floor  
New York, New York 10121  
212-878-0000

June 14, 2011

Mr. Thomas Prendergast  
President  
New York City Transit  
2 Broadway, 30<sup>th</sup> Floor  
New York, New York 10004

Re: Theft of Time  
MTA/OIG #2011-05

Dear Mr. Prendergast,

This office has concluded an investigation into a complaint that Gary Schiavone, Director, Standards and Compliance, Paratransit steals time from NYC Transit: that Schiavone does not swipe in or out and leaves work early, and that standards and compliance staff is not required to utilize the Kronos system resulting in an absence of time controls. In addition, it was alleged that Schiavone parks his assigned agency car in Staten Island on his way home to New Jersey, and that NYC Transit pays for the tolls for his private vehicle. Our investigation determined that Schiavone, while in Florida for four days attending the NFL Super Bowl, claimed to be at work and that on at least 14 occasions he falsified his time and attendance records to reflect that he worked in excess of 8 hours when in fact he worked less than his required 8 hours. As to the allegations regarding his vehicle usage, we determined that his conduct was in conformance with Paratransit policy and that he used his personal E-Z Pass to travel to New Jersey.

### **Schiavone's Time and Attendance records**

The investigation determined that Schiavone was absent from work while he attended the NFL Super Bowl in Florida from February 4 – 9, 2010, without reporting the appropriate leave on his time sheets. Receipts for rental car and a restaurant, in addition to his own emails and admissions to OIG representatives, substantiate that he was in Florida on the above dates. A review of his Time and Attendance Reports for the corresponding dates reveals he indicated he worked the following schedule:

- 2/04: 7:00 AM to 4:30 PM for 9.30 hours<sup>1</sup>
- 2/05: 6:00 AM to 4:00 PM for 10.00 hours
- 2/08: 6:00 AM to 3:15 PM for 9.15 hours
- 2/09: 7:00 AM to 4:00 PM for 9.00 hours

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<sup>1</sup> While he does not receive overtime, most of his time attendance records reflect a work day in excess of his scheduled 8 hour shift.

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When confronted, Schiavone admitted he had been in Florida and that he made a mistake when preparing his time sheet. Schiavone further said that he had filed for time off but was unable to provide a copy of his leave request. We were informed by the office of Standards and Compliance, Paratransit, that no such request was filed.

In addition, OIG compared Schiavone's personal E-Z Pass records to his Time and Attendance Reports. We found 14 occasions between January 12 and June 7, 2010, when the information recorded in his Time and Attendance reports is in conflict with his E-Z Pass records. For example, on January 14, 2010, the E-Z Pass records place him traveling on the Outerbridge Crossing at 6:45 a.m., while he wrote on his Time and Attendance report that he was already on the job at 6:00 a.m. On other occasions, E-Z Pass records place him heading home on the NJ Garden State Parkway when his "time out" indicates he is still working. On these 14 occasions, Schiavone was paid for an eight hour day when in fact he did not work his entire shift. The total number of hours in our sample for which he was improperly paid is 23 hours and 47 minutes (see attached chart). Schiavone was unable to explain these discrepancies other than to state he "screwed up."

As Paratransit's Safety Officer, Schiavone stated that he spends a substantial portion of his time in the field interacting with Paratransit carriers throughout the five boroughs. He does not electronically swipe an access card at the start or the end of his day, but rather, records his time on a handwritten Time and Attendance report which is approved by his supervisor and submitted to Paratransit on a bi-weekly basis.

### **Interview with Thomas Charles**

During an OIG interview, Schiavone's direct supervisor, Thomas Charles, Vice President, Paratransit stated he has 29 field employees that work in 18 different locations: 13 Superintendents of Maintenance; 13 Superintendents of Transportation; and 3 installation employees who work nights at the Command Center maintaining the AVL (automatic vehicle location monitoring) employed in each carrier vehicle. Charles said that Paratransit has 12 vehicles for use by the field employees and that none of those vehicles are equipped with GPS systems. The vehicles are housed at either NYC Transit depots or carrier facilities and with fewer vehicles than field employees, not everyone is assigned a vehicle. He advised that Paratransit field employees are given Nextel phones. We note that Nextel phones have Telenav capability which, when activated, provides information regarding the location of the telephone. This service is an additional fee.

When informed of Schiavone's falsification of his work schedule, Charles acknowledged that he has no practical way of ascertaining an employee's location during the work day. In the meeting, we presented our recommendations 1-3, listed below, and Charles was amenable to implementing them.

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### **FINDINGS**

1. Schiavone falsely claimed to have worked 32 hours while at the Super Bowl during February 2010.
2. Schiavone falsely claimed in his time attendance records that he worked 23 hours on at least 14 days between January and June 2010.

### **RECOMMENDATIONS**

1. Gary Schiavone should be disciplined for falsifying his time records to claim that he was working when he was not.
2. Paratransit should install GPS in its vehicles.
3. Paratransit should require its field personnel to swipe in and out on a Kronos clock at NYC Transit depots.
4. Ensure that all Nextel phones assigned to field personnel have the Telenav tracking feature activated.

The issue of effective management of field personnel is an important challenge now more than ever. As a public agency, controls need to be in place to ensure accountability. We look forward to working with you to strengthen and improve the monitoring of field employees' productivity.

Please advise me within 30 of any action you may take pursuant to this letter. If you have any questions, please contact Chris Prather, Deputy Inspector General Investigations, at (212) 878-0279.

Very truly yours,

Barry L. Kluger



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### ATTACHMENT

Gary Schiavone

<u>DATE</u>	<u>TOLL</u>	<u>TIME</u>	<u>TOLL</u>	<u>TIME</u>	<u>TOTAL</u>	<u>T&amp;A</u>
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#### January 2010:

12	Outer Bridge	0730	Raritan South, Garden State Pkway	1445	7h 15m	9:45
13	Outer Bridge	0720	Raritan South, Garden State Pkway	1323	6h 3m	8:45
14	Outer Bridge	0645	Raritan South, Garden State Pkway	1111	4h 26m	9:00
15	Outer Bridge	0645	Raritan South, Garden State Pkway	1308	6h 23m	9:00
19	Outer Bridge	0640	Raritan South, Garden State Pkway	1354	7h 14m	9:30
20	Outer Bridge	0640	Raritan South, Garden State Pkway	1312	6h 32m	8:30

#### February 2010:

3	Outer Bridge	0720	Raritan South, Garden State Pkway	1400	6h 40m	12:00
17	Outer Bridge	0715	Raritan South, Garden State Pkway	1345	6h 30m	9:15
24	Bayonne Bdge	1030	Raritan South, Garden State Pkway	1500	4h 30m	9:00

#### April 2010:

7	Outer Bridge	0915	Raritan South, Garden State Pkway	1550	6h 35m	8:30
29	Outer Bridge	0745	Raritan South, Garden State Pkway	1340	5h 55m	9:00

#### May 2010:

3	Goethals Bdge	1115	Raritan South, Garden State Pkway	1700	5h 45m	11:15
26	Outer Bridge	0645	Raritan South, Garden State Pkway	1420	7h 35m	9:00

#### June 2010:

7	Outer Bridge	0710	Raritan South, Garden State Pkway	1400	6h 50m	10:00
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