



Barry L. Kluger
Inspector General

Office of the Inspector General

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

May 2, 2013

Mr. Carmen Bianco
Acting President
MTA New York City Transit
2 Broadway, 30th Floor
New York, New York 10004

**Re: Unauthorized Possession of New York City Transit
Superintendent Shield
MTA/OIG #2013-03**

Dear Mr. Bianco:

This office investigated an anonymous complaint alleging that John Boyce, Manager, Material Standards & Evaluation, NYC Transit, was overheard claiming that he never pays for his commute on the Metro-North Railroad (MNR) and that he displays “an official looking shield” he received from a retired NYC Transit Superintendent. Our investigation established that Boyce did, in fact, ride for free on MNR for significant periods of time during the past 22 years, and that he improperly possessed a NYC Transit Superintendent’s shield.

INVESTIGATION

On November 16, 2012, at 6:09 a.m., MTA OIG investigators observed Boyce enter the Croton-Harmon Station and board MNR train #710 to Grand Central Terminal. Investigators observed Boyce display to MNR conductor collecting tickets, a NYC Transit employee MetroCard inside a wallet typically used to hold shields or badges. The conductor accepted the MetroCard in lieu of a valid MNR ticket.

In his interview with OIG, Boyce acknowledged that he possessed a NYC Transit Superintendent shield which he claimed he received in 1990 from a now retired NYC Transit Superintendent. He claimed further that he never used this shield to obtain a free commute on the MNR. He surrendered the shield to OIG investigators which will be returned to NYC Transit.

While admitting that he used his NYC Transit Employee Metrocard for four months per year over this 22 year period, he claimed that he purchased approximately eight monthly MNR tickets for each of the years during this period. He stated that if an MNR conductor requested a fare, he would produce a one-way ticket from Croton-Harmon to GCT that kept in his wallet. He also claimed that during the four months for which he acknowledged that he used his NYC Transit Employee MetroCard, he, at times, carpooled with a friends.

When asked to provide any evidence that he ever purchased MNR tickets during those 22 years, he stated that he could not. Subsequent to his meeting with OIG in January 2013, he contacted the OIG and displayed valid MNR tickets for January and February 2013. These, of course, had no relevance to OIG's investigation. Interestingly, OIG determined that Boyce did not participate in MTA's TransitChek program, which provides a tax saving benefit for MTA employees for the purchase of commutation tickets.

Even if one were to only consider Boyce's claims, and limited admissions, the cost of those commutes between GCT and Croton-Harmon is approximately \$17,000.00. The cost for the entire period would, of course, be even more significant.

OIG brought this matter to the attention of MNR and, on April 2, 2013, MNR reissued its guidelines to conductors and assistant conductors, re-instructing them that they are "not authorized to accept alternate forms of identification or documentation in lieu of those specifically authorized."

FINDINGS

- 1) Boyce's unauthorized possession of a superintendent shield violates Rules & Regulations Conduct of Employees Rule 10(g) which prohibits possession of a NYC Transit "badge" unless issued by the Authority.
- 2) Boyce's improper use of his NYC Transit employee MetroCard to commute between Croton-Harmon and GCT, violates Rules & Regulations Conduct of Employees Rule 28(e) which prohibits employees from using their passes for any purpose other than purposes approved by NYC Transit.

RECOMMENDATION

OIG recommends that:

1. Boyce be disciplined for violation of NYC Transit Rules & Regulations 10(g) and 28(e).
2. NYC Transit initiate efforts to recoup, at the very least, the value of Boyce's admitted to improper rides.


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3. NYC Transit reinstruct its employees as to the proper and improper use of NYC Transit's Employee MetroCards.

We will of course make available to you those members of our staff who conducted the investigation and any other evidence in our possession to assist you in the disciplinary process should you accept our recommendations.

If you have any questions or comments please do not hesitate to call me or Deputy Inspector General for Investigations Mark Feldman at (212) 878-0279.

Very truly yours,

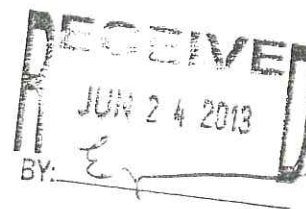


Barry L. Kluger

Cc: Mark Neadel



New York City Transit



June 21, 2013

Mr. Barry L. Kluger
Inspector General
Office of the MTA Inspector General
Two Penn Plaza, 5th Floor
New York, NY 10121

Re: MTA/OIG #2013-03

Dear Mr. Kluger:

This is in reference to the above-captioned report summarizing your investigation into an anonymous complaint alleging that NYC Transit Manager John Boyce was overheard claiming that he never paid for his commute on the Metro-North Railroad, and that he displayed "an official looking shield" he received from a retired NYC Transit Superintendent. Your investigation concluded that Manager Boyce commuted to and from work for free on the Metro-North Railroad for over 20 years. NYC Transit concurs with your report's findings and conclusions. The following are our responses to the report's recommendations.

Recommendation 1 – "Boyce be disciplined for violation of NYC Transit Rules & Regulations 10(g) and 28(e)."

Recommendation 2 – "NYC Transit initiate efforts to recoup. at the very least, the value of Boyce's admitted to improper rides."

NYC Transit Response – Labor Relations prepared disciplinary charges against Manager Boyce. However, Manager Boyce elected to retire prior to the time the disciplinary charges were served. Pursuant to NYC Transit policy, management will not authorize the cash out of Manager Boyce's sick leave that he would otherwise be entitled to receive while he has outstanding disciplinary charges pending.

Recommendation 3 – "NYC Transit reinstruct its employees as to the proper and improper use of NYC Transit's Employee MetroCards."

NYC Transit Response – Labor Relations is drafting a letter to all managers with respect to the use of Employee MetroCards. Managers will be instructed to provide this guidance to their subordinates.

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Thank you for sharing the results of this investigation and your efforts in improving public transportation.

Sincerely,


Carmen Bianco
Acting President

cc: R. Bergen
J. Leader
C. Johnson
M. Neadel