



**ABUSE OF TIME, FALSIFICATION OF RECORDS AND GROSS
LACK OF PRODUCTIVITY BY FOREMEN AND EMPLOYEES OF
THE STRUCTURES DIVISION OF METRO-NORTH RAILROAD**

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INTRODUCTION

In August 2013 the Office of the MTA Inspector General (OIG) issued its report entitled “Productivity of Road Machinists in Metro-North Railroad’s Work Equipment Division (MTA/OIG# 2013-05). During the course of that review regarding Work Equipment, a part of the Metro-North (MNR) Maintenance of Way Department, OIG conducted a separate investigation focusing on the conduct of foreman and crews spanning four different trades from the Structures Department (Structures), another unit of Maintenance of Way. Our findings regarding Structures are particularly alarming given the active wrongdoing of the foremen involved.

Specifically, we found that over a five-month period from April to August 2013, each and every Structures foreman who OIG investigated abused his position by engaging in non-work related activities during business hours, used his MNR vehicle inappropriately, involved members of his crew in the abuses, and subsequently filed false timesheets for himself and his crew. Predictably, we also found that every crew member accompanying each foreman participated actively or passively in these improprieties. Additionally, our investigation uncovered evidence that MNR lacks appropriate internal controls and also raised serious questions regarding the role of management in the utilization and oversight of these crews, particularly regarding the amount of work they should and actually do accomplish during their shifts.

While our report here does not attempt to cover every act of wrongdoing OIG observed, it does reflect the extensive surveillance and data review we conducted and reveals compelling evidence of serious misconduct, for which we recommend appropriate discipline. Of course, we will make available to MNR management, for disciplinary purposes and lessons-learned reviews, the detailed video surveillance recordings made and GPS tracking data compiled by OIG investigators to support their findings.

INVESTIGATION

Structures/Elevators (Mechanical Foreman SAMUEL GIORDANO)

OIG investigators conducted visual surveillance on Foreman SAMUEL GIORDANO and his assigned MNR truck #2149 on April 11, 2013 as well as a combination of visual surveillance, video recordings and GPS tracking from April 12, 2013 to May 2, 2013.¹ OIG investigators observed GIORDANO and several of his apparent MNR subordinates² abuse time by running errands, driving around on personal business and engaging in other non-work-related activities. Giordano works a 7:30 a.m. to 4:00 p.m. tour according to the MNR organizational chart (7:00 a.m. to 4:00 p.m. according to KRONOS swipes) out of his home base of MNR Croton-Harmon Yard (Croton-Harmon or Croton Yard).

April 11, 2013: GIORDANO's time sheet indicated that he worked for 8 hours doing "Shop Work" (meaning work performed in the Croton-Harmon Yard facility) and worked through lunch (1/2 hour "work lunch"). However, during GIORDANO'S shift, OIG investigators observed that he left the yard twice in his MNR vehicle #2149 for reasons that did not appear to be work-related. For example, at 10:42 a.m., he left the yard and was observed driving on Route 9A and turning onto Wood Road; and, at 12:19 p.m., he left the yard and was observed driving on 9A, making a U-turn near Maple Street, driving north on North Riverside Avenue and back onto 9A (minutes from his Montrose residence).

April 15, 2013: On his timesheet, GIORDANO claimed to have performed four hours of "Shop Work" and 4 hours of "Hudson Line Generator Maintenance" (plus a paid meal for GIORDANO). To the contrary, though, GPS data reveals that during his tour GIORDANO stopped twice at his personal residence, the first time between 8:46 a.m. and 8:52 a.m., and the second time between 11:28 a.m. and 11:43 a.m. after having ostensibly completed Generator Maintenance work in Peekskill, New York (between 9:52 a.m. and 11:23 a.m.). After leaving his residence the second time, GIORDANO also stopped at three different parks for 35 minutes (one hour including travel between the parks) before returning to the Croton-Harmon yard.³

April 16, 2013: On his timesheet, GIORDANO claimed to have performed 4 hours of work at the Poughkeepsie station, 4 hours of work at the Cold Spring Station and 1.5 hours of overtime for a door repair job at Mt. Vernon East. GIORDANO arrived at the front section of the

¹ All details in the report are based on a combination of visual surveillance, video recordings and GPS tracking data, unless specifically noted to the contrary.

² During the investigation, GIORDANO did not have a consistent identifiable crew and he usually drove alone (with the crew members in a different MNR vehicle). While OIG was able to identify one of the crew members who abused time along with GIORDANO, the remainder can be identified by MNR by viewing the videotape.

³ Giordano stopped at Steamboat Waterfront Park in Verplanck, New York (11:47 a.m. to 11:55 a.m.); Hudson River waterfront at Half Moon Bay on Elliot Way, Croton-on-Hudson, New York (12:11 p.m. to 12:37 p.m.); and Croton Point Park (12:46 p.m. to 12:47 p.m.).

Poughkeepsie Station at 9:23 a.m. and a few minutes later met with two other MNR employees, one of whom was subsequently identified as MNR Electrical Foreman Marco Tiso (TISO). On TISO's time sheet, he claimed to have performed 4 hours of work at the Poughkeepsie station for elevator repair, 4 hours of work at the Cold Spring Station and 7 hours of overtime for an elevator job at Yankee Stadium.

GIORDANO, TISO and TISO's work crew remained at Poughkeepsie station for just under one hour (9:23 a.m. to 10:21 a.m.). During that time, GIORDANO, TISO and an unidentified crew member spent 30 minutes drinking coffee and talking, but GIORDANO, TISO and TISO's work crew spent only approximately 20 minutes performing work-related functions.

After leaving Poughkeepsie at 10:21 a.m., GIORDANO, along with another MNR employee in vehicle #2149 and TISO with his crew in MNR truck #3470, drove to the Poughkeepsie Plaza Mall (arriving at 10:28 a.m.) where they all entered and shopped at Harbor Freight Tools. After leaving the store, GIORDANO and his passenger went back to the vehicle and left the parking lot at 10:51 a.m. As TISO and his crew were exiting the store, OIG investigators left the parking lot to continue their surveillance of GIORDANO.

In an OIG interview, TISO did not specifically remember April 16, but acknowledged taking his crew members with him in his vehicle. He stated, "I'd have to say if the guys were with me, I dragged them with me."

After leaving Harbor Freight Tools, GIORDANO then drove to Lowes Home Improvement Center at the Poughkeepsie Galleria Mall and bought what appeared to be a garden rake. GIORDANO and the unidentified MNR worker then drove to Home Depot in Wappingers Falls and then to a second Home Depot in the Fishkill Mall. After spending over one hour and 30 minutes on the shopping excursion (10:21 a.m. - 11:50 a.m.), GIORDANO and the MNR co-worker in his vehicle then drove to Cold Spring Station at 12:06 p.m. and remained there until 1:58 p.m., spending less than 2 hours at that job site.

After leaving Cold Spring, GIORDANO drove back to Croton-Harmon Yard for 3 minutes, but immediately left to go to a Shop Rite supermarket for 10 minutes. He returned to Croton-Harmon at 2:44 p.m. and stayed at the yard until 5:30 p.m., before going home. Notably, GIORDANO claimed on his time sheet that he worked 1.5 hours of overtime for a door repair job at Mt. Vernon East. At no time did OIG investigators observe GIORDANO at Mt. Vernon East, let alone working there, and the GPS did not show GIORDANO's vehicle at or near that location. Instead, he was physically present at Croton Yard during these allegedly overtime hours. Even if GIORDANO actually performed required work during that period at Croton Yard, and we have no evidence that he did so, his claim for additional pay in the form of overtime is egregious for two reasons: first, he was untruthful about even being at the Mt. Vernon East facility, the location where he claimed he performed the overtime work, and second, he should have performed that "overtime" work at the straight time rate earlier in the day instead of running his own personal errands.

April 17, 2013: GIORDANO claimed on his time sheet that he worked “8 Regular Pay hours” for “Fleetwood Elevator Repair.” Despite his claim, he was only present at the job site (Fleetwood Station) for less than 40 minutes (arriving at 10:14 a.m. and leaving at 10:52 a.m.)—a fraction of the eight-hour claim. Instead of working, he drove to Arthur Avenue in the Bronx (11:15 a.m.) for no apparent business purpose, drove back to Northern Westchester (bypassing the Fleetwood station) to Verplanck where he ate his lunch by the water in Steamboat Waterfront Park (12:09 p.m. - 12:25 p.m.). When GIORDANO left the park, he drove back to Croton Yard, where he remained for the remainder of the day.

April 18, 2013: GIORDANO claimed on his time sheet that he worked “7.5 Regular Pay hours” for “Shop Work” and “1/2 hour early quit.” Despite his claim, he conducted personal business during company time and used MNR workers to chauffeur him around. At 11:19 a.m., he left in his MNR vehicle (along with another MNR worker) to run personal errands at a Chase Bank, Croton Bait & Tackle store, and Shop-Rite Supermarket to get lunch, returning to the Yard at 11:56 a.m. Approximately one hour later, GIORDANO left Croton Yard in his truck for a 10-minute drive with no apparent destination (north on the Route 9 service road to the Senasqua Road overpass and back to Croton Yard).⁴ At 1:46 p.m., GIORDANO went home and parked his vehicle (1:58 p.m.). For the next 40 minutes, GIORDANO went in and out of his house and spent time on his front lawn. At 2:38 p.m., another MNR vehicle (#1225) came to GIORDANO’s house, picked him up and drove him back to Croton Yard, where he swiped out at 3:30 p.m.

April 24, 2013: GIORDANO claimed on his time sheet that he did “Shop Work” at Croton Yard for 4 hours, another 4 hours at “Brewster door repair,” and 2 hours overtime for “Southeast New Door Operator.” The time record is clearly false in that GIORDANO only drove through the Brewster Facility, stopping for just two minutes, before proceeding to Southeast Station, where records indicate he spent approximately 35 minutes (9:45 to 10:19 a.m.) during his regular tour before departing. After leaving Southeast Station at 10:27 a.m., he drove to his personal residence where he stayed for approximately 10 minutes (between 11:14 and 11:25 a.m.) After leaving his residence, he visited the Hudson River Waterfront near Half Moon Bay in Croton-on-Hudson for another 13 minutes (11:38 to 11:51 a.m.) before returning to the Croton-Harmon Yard.

Records indicate that at 1:43 p.m., GIORDANO left the Croton-Harmon Yard in vehicle #2149 and proceeded to King Buffet at Pike Plaza in Peekskill where he remained from 1:56 to 2:19 p.m. GIORDANO then drove back to Southeast Station, arriving at 3:04 p.m. and remaining there until 5:22 p.m. While GIORDANO was at Southeast that afternoon, OIG investigators

⁴ It appeared to OIG investigators to be an effort to detect the presence of surveillance. GIORDANO similarly conducted an apparent evasive maneuver on Friday, April 12, 2013 at 6:29 a.m., when he drove off Route 9A onto a dead end street for approximately a minute before returning to the highway towards Croton Yard. OIG investigators believe that GIORDANO was attempting to detect possible OIG surveillance activity given his awareness of prior OIG investigations. To more fully appreciate GIORDANO’s actions, we recommend that MNR management view the videotape footage and the GPS tracking data.

observed him talking on his cell phone and standing with TISO, who was observed smoking cigars while he conversed with GIORDANO.

May 2, 2013: GIORDANO did not go to work, although scheduled to do so, and completed a time sheet claiming 8 hours of sick leave. Despite his claim of sickness, GIORDANO used his MNR vehicle to do a host of personal errands, including going to the lawn mower repair shop (7:56-8:16 a.m.), buying merchandise at the shop inside a Sunoco gas station (12:27-12:44 p.m.) and shopping at a local food market (2:06-2:18 p.m.). OIG investigators also observed him mowing the lawn of his personal residence from 9:38 a.m. to 9:48 a.m.⁵

Summary

GIORDANO abused his foreman position during the period of April 11, 2013 to May 2, 2013 in the following manner:

- He engaged in personal business on work time without permission or authority on 6 days
- He filed false time sheets on behalf of himself for 6 days
- He filed a false time sheet claiming to be sick on 1 day
- He brought an MNR employee with him on a non-work-related trip on 1 work day
- He used his MNR vehicle inappropriately for 7 days

TISO abused his foreman position on April 16, 2013 in the following manner:

- He engaged in personal business on work time without permission or authority on 1 day
- He filed a false time sheet on behalf of himself for 1 day
- He filed false time sheet on behalf of his crew for 1 day
- He brought his crew with him on a non-work related trip on 1 day
- He used his MNR vehicle inappropriately for 1 day

⁵ For the time period of April 11 to 24, 2013, GIORDANO's supervisor was Sal Zani, who was not available for interview by the OIG because he retired in June 2013.

Masons (Bridges & Buildings Mechanical Foreman DANIEL DILORENZO)

OIG investigators conducted visual surveillance, video recordings and GPS tracking on Foreman DANIEL DILORENZO and his assigned MNR truck #2545 from June 20, 2013 to July 2, 2013. The investigation uncovered evidence of inappropriate behavior by DILORENZO as well as his crew members WILLIAM TRAVIS, ROBERT RENDA, GERARD SALVATI and LOUIS BUFFONE, JR. On two of the surveillance dates when DILORENZO was not working, OIG investigators observed misconduct by the “acting foremen” (either LOUIS BUFFONE, JR. or DAVID MACALUSO) and their crews. DILORENZO works a tour of 7:30 a.m. to 3:30 p.m. (according to both the MNR organizational chart and KRONOS swipes) and is headquartered at MNR’s Beacon facility.

June 20, 2013: According to their time sheets, Acting Foreman DAVID MACALUSO, as well as crew members TRAVIS, RENDA, and SALVATI, claimed 8 hours regular (straight time) pay and 2 hours overtime pay to “Jackhammer concrete abutment eastside Bridge 45.40 West of Hudson” (a project involving work on a concrete abutment at a bridge at mile marker 45.40 on the West of Hudson line near Harriman Station). Despite these claims that they worked for 2 hours beyond their regular shift, OIG investigators observed this crew driving, apparently aimlessly, for approximately one hour and 20 minutes of this overtime period (from 3:48 p.m. to 5:08 p.m.). Instead of driving directly to Beacon from Harriman, meaning northeast to Route 84 and then east to Beacon, the crew took a circuitous route, driving west through Harriman, Central Valley, Highland Mills, Salisbury Mills, New Windsor, Washingtonville, Campbell Hall, and Montgomery New York. During their extended drive (in excess of a reasonable amount of travel time along a direct route between the home base and the job site), they made only a stop for gas on Route 94 in Salisbury Mills and performed no work before returning to the Beacon facility. In our view, based on our investigation, a more direct route back to the Beacon facility would have eliminated some portion of this overtime.

June 21, 2013: According to their time sheets, Foreman DILORENZO, TRAVIS and SALVATI claimed 8 hours regular pay for “West of Hudson Br. 45.40 work on East End Abutment” This is a particularly egregious example of false statements and abuse of time.

To begin, the team took an approximate 15-mile detour (in excess of a reasonable amount of travel time along a direct route between the home base and the job site) to make a three minute stop at the Campbell Hall facility. Thereafter, OIG investigators observed this crew leave the Campbell Hall vicinity at 9:34 a.m. and drive 70-miles round trip in their Metro-North vehicle out-of-state to Pennsylvania. In Pennsylvania, they visited a smoke shop—Smokers Choice on Milford Landing Drive in Milford. They also drove to a fireworks shop—Keystone Fireworks on Pennsylvania Avenue in Matamoras—where they stayed for 24 minutes while DILORENZO entered the shop and later exited with a medium-sized package that he put in the MNR vehicle.⁶ DILORENZO and his crew left Pennsylvania at approximately 10:55 a.m. and then drove back

⁶ If DILORENZO indeed bought fireworks in this store and transported them back to New York, he may have violated the New York State Penal Law, which makes it illegal to possess or sell fireworks within this state.

across the state line to the worksite at bridge 45.40 in Harriman, arriving at approximately 11:39 a.m. The total trip to and from Pennsylvania was approximately 2 hours and 5 minutes. Following this excursion they worked for 1 hour and 22 minutes at the bridge site before returning to the Beacon facility via another circuitous route through Middletown, New York. In short, far from working 8 hours on the abutment as they claimed, DILORENZO and his crew drove a company vehicle out of state for personal shopping and ostensibly worked on public business for only a fraction of the claimed period. No apparent MNR work was performed during this ride, they stopped at no MNR facilities and such activity did not appear to serve any other business purpose.

June 23, 2013:⁷ According to their time sheets, Acting Foreman BUFFONE and TRAVIS claimed 8 hours Sunday overtime pay for a scraping and painting job in White Plains, New York (“scrape and paint south side walkway”). Despite these claims, they spent only 4 hours at the job site in White Plains, after which, according to GPS records, they took a circuitous drive on local roads through Westchester and Putnam counties for the next hour and fifty minutes earning overtime pay (in excess of a reasonable amount of travel time along a direct route between the headquarters location and the job site). No apparent MNR work was performed during this ride, they stopped at no MNR facilities, and such activity did not appear to serve any other business purpose.

June 24, 2013:⁸ According to their time sheets, Foreman DILORENZO, SALVATI, TRAVIS and RENDA claimed 8 hours of regular pay for “Br. 45.40 strip form on West End and parge abutment” (near Harriman Station). However, GPS records show that after a 3-minute stop at Campbell Hall (an approximate 15-mile detour from the direct route between the Beacon facility and the job site at Harriman station), the vehicle was only at the job site near Harriman Station for 2 hours. After leaving Harriman, the vehicle traveled on local roads as far west as Goshen from approximately 12:00 p.m. to 12:37 p.m. before turning eastbound at Campbell Hall and returning to the Beacon facility at 1:07 p.m. (in excess of a reasonable amount of travel time along a direct route between the home base and the job site).

June 25, 2013:⁹ According to their time sheets, Foreman DILORENZO, TRAVIS and RENDA claimed 8 hours regular pay for “BR 45.40 chop out damaged abutment East End” (near Harriman station). However, GPS tracking data shows Truck #2545 was at the job site near Harriman station for only 3 hours. Before going to the job site, according to the GPS tracking data, the crew made a 27-minute stop—not reported on the crew’s time sheet—at Campbell Hall, which is an approximate 15-mile detour from the direct route between the Beacon facility and

⁷ The details regarding DILORENZO on June 23, 2013 are derived solely from the GPS tracking data. No visual surveillance or video recordings were conducted on June 23, 2013.

⁸ The details regarding DILORENZO on June 24, 2013 are derived solely from the GPS tracking data. No visual surveillance or video recordings were conducted on June 24, 2013.

⁹ The details regarding DILORENZO on June 25, 2013 are derived solely from the GPS tracking data. No visual surveillance or video recordings were conducted on June 25, 2013.

the job site at Harriman station. After leaving the job site at approximately 1:05 p.m., they drove around Orange County on local roads before returning to the Beacon facility approximately 85 minutes later (at 2:30 p.m.). No apparent MNR work was performed during this ride, they stopped at no MNR facilities, and such activity did not appear to serve any other business purpose.

June 26, 2013: According to their time sheets, Foreman DILORENZO, BUFFONE, TRAVIS and RENDA claimed 8 hours regular pay for “45.40 West of Hudson. Chop out concrete and drill out for threaded rod.” However, they were only present at the bridge project job site for approximately 1 hour and 45 minutes (9:45 to 11:33 a.m.). Before doing the bridge work, they drove to the Campbell Hall Deli, a detour of approximately 15 miles, without having any apparent work-related reason for being in the area. After later dropping off an air compressor at Harriman Station, they parked their vehicle behind “Mike’s Pizza,” ate lunch and sat in and around Truck #2545 for 79 minutes (12:06 p.m. to 1:25 p.m.)—even though MNR supervisors stated that their lunch break is restricted to 20-30 minutes (at most), depending upon the trade — then drove a westerly route back through Goshen and Campbell Hall before turning east to return to the Beacon facility. No apparent MNR work was performed during this ride, they stopped at no MNR facilities, and such activity did not appear to serve any other business purpose.

June 27, 2013: According to their time sheets, Foreman DILORENZO claimed 6 hours and 53 minutes, and TRAVIS and RENDA claimed 8 hours regular pay for “Pick up materials Camp. Hall Deliver Air Comp. to Tuxedo” (the apparent pick-up and delivery of an air compressor to a work site in Tuxedo, New York). Truck #2545 left the Campbell Hall facility at approximately 10:20 a.m. to go to Tuxedo and the actual task itself only took 1 hour and 10 minutes. After leaving the drop-off point near the tracks in Tuxedo at 11:28 a.m., DILORENZO and his crew made 4 personal stops (Chase Bank, Beer Beverage Plus Smoke Shop in Goshen, a Mobil station on Rt. 207 in the city of Campbell Hall, and another Mobil station on Rt. 208 in Montgomery), plus a lunch break in Monroe, New York.

June 28, 2013: According to their time sheets, Foreman DILORENZO, BUFFONE, TRAVIS, and RENDA claimed 8 hours regular pay for “Br. 45.40 Fab. Cage and Install And Form up to be Poured.” However, according to GPS records and video surveillances, they ostensibly worked on this project for a total of 3 hours (plus a reasonable amount of travel time along a direct route between the home base and the job site.) The rest of the tour (in Truck #2545) involved morning stops at a Chase Bank in Beacon, the Campbell Hall Deli (a detour of approximately 15 miles), a two-minute stop at the Campbell Hall facility, and stops at two difference auto repair shops – CH Salvage in Campbell Hall and T&K’s Auto Repair in Goshen (a conversation between DILORENZO and a T&K employee was videotaped by OIG).

Upon returning to the Beacon facility, yet another trip was made in the late afternoon before Truck #2545 parked for the night at the Beacon facility. There was again a stop at the Chase Bank in Beacon and a stop at a vacant wooded lot at Churchill Street (the east end of Main Street, Beacon). No apparent MNR work was performed during these rides, they visited no MNR facility, the company vehicle was neither inspected nor repaired at any of the auto facilities, and none of the activities appeared to serve any other business purpose.

June 29, 2013:¹⁰ According to their timesheets, Foreman DILORENZO claimed 8 hours 53 minutes overtime and BUFFONE, SALVATI, TRAVIS and RENDA claimed 10 hours overtime for Saturday work (6:00 a.m. to 4:00 p.m. tour) described as “Pour Form on East End Abutment BR. 45.40.” According to GPS tracking data, before doing the bridge work the crew stopped at the Campbell Hall Deli, a detour of approximately 15 miles, again without having any apparent work-related reason for being in the area. Then, according to GPS records they only remained at the job site (ostensibly to work on this project) until approximately 12:10 p.m. After leaving Harriman station at 12:10 p.m., Truck #2545 proceeded to an apparently extended one-hour lunch break (only 20 minutes is authorized) on Rt. 17M in Monroe (12:17 p.m.-1:16 p.m.). After leaving that location at 1:16 p.m., the crew drove around Orange and Dutchess counties for approximately 1 hour and 45 minutes. Notably, the vehicle made stops at a car dealership on Auto Park Place in Newburgh (Orange County) and a strip mall in Fishkill at Main Street and Blodgett Road. No apparent MNR work was performed during this ride, they visited no MNR facilities, and such activity did not appear to serve any other business purpose.

July 1, 2013:¹¹ According to their timesheets, Foreman DILORENZO, BUFFONE, SALVATI, TRAVIS and RENDA claimed 8 hours regular pay for “45.40 East End Repair Back wall under Controlled Siding Trk. East End.” However, according to GPS records, Truck #2545 never crossed the Newburgh-Beacon Bridge into Orange County (west of the Hudson River) where the claimed work was to be performed. Instead, Truck #2545 spent the entire 8-hour tour driving around to various locations in Beacon and Fishkill (on the east side of the Hudson River), including a stop at the same strip mall in Fishkill at Main Street and Blodgett Road that this crew visited two days before. No apparent MNR work was performed during this ride, they visited no MNR facilities, and such activity did not appear to serve any other business purpose.

Interview of DILORENZO’s Supervisor

Ronald Daly was DILORENZO’s Supervisor during the period from June 20 through July 1, 2013. In an OIG interview, Daly stated that he was aware of DILORENZO’s assignment at a bridge repair job on the West of Hudson Line, but denied knowledge of any improprieties by DILORENZO or his crew. Further, Daly indicated that he performed no field inspections of this crew during this time period.

¹⁰ The details regarding DILORENZO on June 29, 2013 are derived solely from the GPS tracking data. No visual surveillance or video recordings were conducted on June 29, 2013.

¹¹ The details regarding DILORENZO on July 1, 2013 are derived solely from the GPS tracking data. No visual surveillance or video recordings were conducted on July 1, 2013.

Summary

DILORENZO abused his foreman position during the period of June 20, 2013 to July 2, 2013 in the following manner:

- He engaged in personal business on work time without permission or authority on 8 days, including a trip to Pennsylvania
- He filed false time sheets on behalf of himself for 8 days
- He filed false time sheets on behalf of his crew for 8 days
- He brought his crews along for non-work-related trips on 8 work days
- He used his MNR vehicle inappropriately for 8 days

BUFFONE abused his acting foreman position on June 23, 2013 in the following manner:

- He engaged in personal business on work time without permission or authority on 1 day
- He filed false time sheets on behalf of himself for 1 day
- He filed false time sheets on behalf of his crew for 1 day
- He brought his crew along for a non-work-related trip on one work day
- He used his MNR vehicle inappropriately for 1 day

MACALUSO abused his acting foreman position on June 20, 2013 in the following manner:

- He engaged in personal business on work time without permission or authority on 1 day
- He filed false time sheets on behalf of himself for 1 day
- He filed false time sheets on behalf of his crew for 1 day
- He brought his crew along for a non-work-related trip on one work day
- He used his MNR vehicle inappropriately for 1 day

Carpenters and Welders (Mechanical Foreman KEVIN EICH)

OIG investigators conducted visual surveillance, video recordings and GPS tracking on Foreman KEVIN EICH and his assigned MNR truck #2287 from July 12, 2013 to July 22, 2013. The investigation uncovered evidence of inappropriate behavior by EICH as well as his crew members ROBERT SCHMIDT and STEVEN RITTER. EICH works a regular tour of 7:00 a.m. to 3:30 p.m. according to the MNR organizational chart (and 6:30 a.m. to 3:00 p.m. according to KRONOS swipes) and is headquartered at Campbell Hall Yard. Notably, EICH and/or his crew drove to Matamoras, Pennsylvania (apparently to buy cigarettes)—a 70 mile detour from Campbell Hall—while claiming to be working, on 4 separate occasions during the 11 days they were under surveillance by OIG.

July 12, 2013: According to their time sheets, Foreman EICH, RITTER, and SCHMIDT claimed 8 hours regular pay (plus a paid meal for EICH) for “Campbell M/W Pump House Maint. Change Filters” (apparently referring to Pump House maintenance at Campbell Hall Yard). Despite these claims, EICH and RITTER spent close to 2 hours (between 11:35 a.m. and 1:27 p.m.) away from the job site, stopping at the Hudson Valley Federal Credit Union and a Mobil gas station in Montgomery, New York and then driving out-of-state to the Turkey Hill Gas Station and Grocery Store in Matamoras, Pennsylvania. On the way back from Pennsylvania, they stopped at the Shop Rite Supermarket in Montgomery, New York. EICH and RITTER did not make any legitimate MNR-related stops on the way to or from Pennsylvania, no apparent MNR work was performed during this ride, they visited no MNR facilities, and such activity did not appear to serve any other business purpose. Earlier in the morning, OIG investigators observed SCHMIDT driving MNR vehicle #2287 to and from Washingtonville, NY in the vicinity of a Dunkin Donuts store and then returning for additional personal errands in the Campbell Hall, NY area (including the Campbell Hall Post Office). This drive was also recorded on GPS. No apparent MNR work was performed during this ride, he visited no MNR facilities, and such activity did not appear to serve any other business purpose.

July 15, 2013: According to their time sheets, Foreman EICH, RITTER, and SCHMIDT claimed 8 hours regular pay (plus a paid meal for EICH) for “Campbell M/W Prep Waste Lines for New Trailers” (referring to preparation of waste lines at Campbell Hall Yard). Despite these claims, EICH and RITTER left the job site at Campbell Hall Yard during their tour at approximately 9:41 a.m. for 46 minutes to go to the Newburg Power Equipment Store and Moroney’s Harley Davidson Shop in New Windsor, New York. They arrived back at Campbell Hall yard at 10:27 a.m. Later that morning, SCHMIDT departed the Campbell Hall Yard at 11:40 a.m. and was observed by OIG investigators at Walgreen’s Pharmacy and a Mobil Station, both on Rt. 208 in Montgomery, NY. He returned to Campbell Hall Yard at 12:30 p.m. No apparent MNR work was performed during any of these rides, they visited no MNR facilities, and none of the activities appeared to serve any other business purpose.

July 16, 2013: According to their timesheets, Foreman EICH, RITTER and SCHMIDT claimed 8 hours regular pay (with a paid meal for EICH) for “Campbell M/W Yard Maints” (referring to yard maintenance at Campbell Hall). Despite these claims, EICH left Campbell Hall Yard (with an unidentified MNR worker from that facility) at approximately 9:36 a.m. for an hour in the middle of their tour to revisit Moroney’s Harley Davidson Motorcycle Shop (see prior day), arriving at approximately 9:51 a.m. and returning at approximately 10:37 a.m. Upon their return, EICH, RITTER and SCHMIDT immediately left the job site for 2 hours (10:37 a.m. to 12:39 p.m.) for another 70-mile round trip out-of-state drive to the Turkey Hill Gas Station and Grocery Store in Matamoras, PA (see July 12). On the way back, they made another apparently personal stop at Air Gas Technologies (a propane and welding company) in New Hampton, New York. No apparent MNR work was performed during this ride, they visited no MNR facilities, and such activity did not appear to serve any other business purpose.

July 18, 2013: According to their timesheets, Foreman EICH, RITTER and SCHMIDT claimed 4 hours regular pay for “Campbell M/W Yard Maints” (at Campbell Hall Yard) and 4 hours regular pay (with a paid meal for EICH) for “Harmon Pick Up Material” (at Croton-Harmon

Yard). Despite these claims, EICH, RITTER and SCHMIDT left the Campbell Hall job site for 2 hours (from 7:43 a.m. to 9:44 a.m.) for still another 70-mile round trip, out-of-state drive to the Turkey Hill Gas Station and Grocery Store in Matamoras, Pennsylvania. Before crossing the state line into Pennsylvania, the crew made a 10-minute stop at Woodland Drive in Port Jervis, New York, starting at 8:20 a.m. While the location appeared to be a private auto body shop with an easement onto MNR tracks at the rear of the property, there was no reference to any MNR work being conducted at this location on either EICH's, RITTER's or SCHMIDT's time sheets. Later in the afternoon, on the return trip from Croton-Harmon Yard (before arriving back at Campbell Hall), the crew ran other personal errands in Montgomery, New York at the Hudson Valley Federal Credit Union, a Mobil station and a Chase Bank. No apparent MNR work was performed during this ride and such activity did not appear to serve any other business purpose.

July 19, 2013: Crew Member Schmidt left the yard at 8:03 a.m. by himself and drove Truck #2287 on to Interstate 84 westbound, in the direction of Port Jervis, New York for an authorized auto repair, as confirmed by Metro-North management. Schmidt passed the last exit in New York, for Port Jervis, and instead took the first exit in Pennsylvania, to the Turkey Hill Gas Station in Matamoras, which is approximately three miles from the auto repair shop. Schmidt spent about 7 minutes inside the Turkey Hill Gas Station (8:40 a.m. to 8:47 a.m.), and then took local streets across the Pike Street Bridge (no toll) back into New York, where he then proceeded to the repair shop.

Interview of EICH's Supervisors

During the time period in question, EICH reported directly to Supervisor Peter J. Vuksta. In an OIG interview, Vuksta stated that he was on vacation from July 2 through July 21, 2013, returning to work on Monday, July 22, 2013. Vuksta informed the OIG that before departing for his annual leave, he forwarded a list of assignments to be done during his absence to his two foremen, including EICH. Furthermore, he stated that he believed that he contacted (via phone call or email) Greg McConnell, Structures Supervisor in Croton Harmon, and/or Assistant Director Sal Monti for supervisory coverage. In OIG interviews, McConnell and Monti denied all knowledge of Vuksta's vacation and denied being assigned to or being asked to provide supervisory coverage for him in July 2013.

Summary

EICH abused his position during the period of July 12, 2013 to July 22, 2013 in the following manner:

- He engaged in personal business on work time without permission or authority on 4 days, including 3 trips to Pennsylvania
- He brought his crews along on non-work-related trips on 4 work days
- He filed false time sheets on behalf of himself for 4 days
- He filed false time sheets on behalf of his crew for 4 days
- He used his MNR vehicle inappropriately for 4 days

Tinsmiths (Mechanical Foreman MARK MAGNANI)

OIG investigators conducted visual surveillance, video recordings and GPS tracking on Foreman MARK MAGNANI and his assigned MNR truck #2550 from August 13, 2013 to August 21, 2013. The investigation uncovered evidence of inappropriate behavior by MAGNANI as well as his crew members JOSEPH CHRISTIAN, ERNEST BOTSCHELLER and RICHARD DELGADO. MAGNANI works a regular tour of 7:30 a.m. to 4:00 p.m. (according to both the MNR organizational chart and KRONOS swipes) and is headquartered at Croton Harmon Yard.

***The Poughkeepsie Station Shelter House Repair Job
(August 13-19, 2013)***

Day 1: (August 13): According to their time sheets, Foreman MAGNANI, CHRISTIAN and BOTSCHELLER claimed 8 hours regular pay (with a paid meal for MAGNANI) for “Poughkeepsie – Shelter House Repairs,” a job that is located approximately 40 miles (or 1 hour driving time) from Croton Harmon Yard. Despite these claims, MAGNANI, CHRISTIAN AND BOTSCHELLER were only present at the job site for approximately 34 minutes (9:48 a.m. to 10:22 a.m.) (not including travel time to and from the job site from their headquarters)—a fraction of the eight-hour claim. On the trip up to Poughkeepsie, Foreman MAGNANI and his 2 crew members made personal stops at TD Bank and Cracker Barrel Restaurant in Fishkill, New York (9:08 a.m.-9:23 a.m.). After this 34 minute stint at the job site (9:48 a.m. – 10:22 a.m.), the crew sat in the truck while parked in an MNR employee parking lot behind the Poughkeepsie train station for 40 minutes, drove to purchase lunch (11:04 a.m. to 11:19 a.m.) and then returned to the employee parking lot for another 2 hours (11:19 a.m. to 1:17 p.m.). After sitting in the truck, they made a stop at Rite-Aid Pharmacy in Wappingers Falls, New York (1:40 p.m. to 2:01 p.m.) and then returned to Croton Harmon Yard.

Day 2 (August 14): According to their time sheets,¹² Foreman MAGNANI, CHRISTIAN, BOTSCHELLER and DELGADO claimed an 8 hour shift at regular pay, 6 hours of which plus a paid meal for MAGNANI was for “Remove & Install Shelter Aluminum sheets” at Poughkeepsie Station and 2 hours to “Bend Up Aluminum” at Croton-Harmon Yard. While the crew was at Croton-Harmon for a little more than 2 hours and 30 minutes, they only worked at the job site in Poughkeepsie for about 45 minutes—a fraction of the six-hour claim (10:38 a.m. to 11:22 a.m.)(not including travel time to and from the job site). On the trip up to that job site, they made an apparently personal stop at Wal-Mart in Fishkill (10:01 a.m. – 10:11 a.m.). After the 45 minute stint at the job site, they sat in the truck while parked at the Poughkeepsie train station or in the MNR employee parking lot off Water Street for 1 hour and 7 minutes (11:50 a.m. to 12:57 p.m.) before heading back to Croton Harmon. On the ride back, they stopped at a Mobil station, a “Vitamin Shoppe” store where MAGNANI exited the vehicle and made a purchase, and a TD Bank.

¹² The August 14 timesheets were signed on August 15 by Acting Foreman DELGADO.

Day 3 (August 15): According to their time sheets, Acting Foreman DELGADO and BOTSCHELLER claimed an 8 hour shift at regular pay, 2 hours to “Bend Up Aluminum” at Croton-Harmon Yard and 6 hours with a paid meal for DELGADO to “Install Aluminum in shelter” at Poughkeepsie Station. While DELGADO and BOTSCHELLER were at Croton Harmon for a little more than 3 hours, they only worked at the job site in Poughkeepsie for about 33 minutes—a fraction of this six-hour claim (10:58 a.m. to 11:31 a.m.)(not including travel time to and from the job site). On the trip up to Poughkeepsie, they made a personal stop at TD Bank. After the 33 minute stint at the job site, they again stayed in the truck while parked in the Poughkeepsie station or in the back MNR employee parking lot off Water Street, this time for 1 hour and 11 minutes (11:43 a.m. to 12:54 p.m.). On the trip back to Croton-Harmon Yard, they stopped at a Mobil station and then drove a meandering, circuitous route for 1 hour and 53 minutes (from 1:06 p.m. to 2:47 p.m.) on back roads in Wappingers Falls, Beacon, Peekskill and Montrose before arriving back at their headquarters at 2:47 p.m.

Day 4 (August 16): According to their time sheets, Foreman MAGNANI, DELGADO and BOTSCHELLER claimed a fourth 8-hour shift at regular pay (with a paid meal for MAGNANI) for “Poughkeepsie-Shelter House repairs.” Despite these claims, they only worked at the job site for one hour and 13 minutes (10:55 a.m. to 12:08 p.m.)(not including travel time to and from headquarters)—again, only a fraction of this eight-hour claim. On the trip up to Poughkeepsie, they made a personal stop at TD Bank in Fishkill, New York. After the 73 minute stint at the job site, they drove back to Croton Harmon, stopped at a Mobil station, went to a Buffalo Wild Wings restaurant, spent about 45 minutes eating their lunch in the back of a store parking lot and then made 3 additional stops in Croton-on-Hudson (Zeytinia Deli, Wells Fargo Bank, and Shop Rite Supermarket) before returning to the Croton Harmon Yard.

Day 5 (August 19):¹³ According to their time sheets, Foreman MAGNANI, CHRISTIAN, BOTSCHELLER and DELGADO claimed a fifth eight-hour shift at regular pay for “Poughkeepsie-Shelter House repairs.” Despite these claims, according to GPS data, they were only at the job site on this day for 57 minutes (11:07 a.m. to 12:04 p.m.)(not including travel time to and from the job site from Croton Yard. Moreover, on the trip up to Poughkeepsie, they took back roads to MAGNANI’s private residence in Mahopac and a strip mall in Jefferson Valley. After the 57 minutes stint at the job site, the crew parked in the MNR employee lot behind the Poughkeepsie station for almost an hour, and then drove to a Mobil station, a Target department store parking lot at the Galleria Mall, and Wal-Mart and Home Depot parking lots in Fishkill, New York, before returning to Croton Harmon Yard.

Five-Day Summary: MAGNANI and his crew claimed almost 5 days of pay (three full 8-hour days plus two 6-hour days = 36 hours) for what amounted to less than five hours of work at the job site plus approximately 10 hours of travel time (some of which may not have been necessary

¹³ The details regarding MAGNANI on August 19, 2013 are derived solely from the GPS tracking data. No visual surveillance or video recordings were conducted on August 19, 2013.

had the crew worked more efficiently), wasting work time by running errands and driving around, while causing unnecessary wear and tear on and wasting fuel for their MNR vehicle.

Work Other than the Poughkeepsie Station Job

August 21, 2013: According to their time sheets, Foreman MAGNANI and BOTSCHELLER claimed 4 hours regular pay for “B.G. – Bench/Recycle Bin Repairs” (an apparent reference to the Botanical Gardens station), and 4 hours regular pay for “A25 Roof Inspection.” Despite the 4 hours claimed, MAGNANI and BOTSCHELLER were only at the Botanical Garden station for approximately 9 minutes (10:24 a.m.-10:33 a.m.)(not including travel time to and from the job site). The remainder of the day was made up of morning and afternoon trips to and from the south end of the Tarrytown station (the apparent location of the “A25 Roof Inspection”), a trip to the Shop Rite Supermarket on Tuckahoe Road in Bryn Mawr, New York, then a trip back south and west to the city of Yonkers (11:06 a.m. to 11:45 a.m.). On the afternoon return trip from Tarrytown station to Croton Harmon Yard, MAGNANI and BOTSCHELLER went to the Auto Zone in the Arcadia Shopping Mall in Ossining, New York (2:05 p.m. to 2:13 p.m.) and the Shop Rite in Croton Harmon (2:24 p.m. to 2:39 p.m.)(where OIG investigators observed MAGNANI bringing items in a shopping cart from the store to Vehicle #2550).

Interview of MAGNANI’s Supervisors

During the time period in question, Marco TISO, Assistant Supervisor, was MAGNANI’s direct supervisor. TISO reports to Supervisor Greg McConnell, Croton-Harmon facility. Prior to his promotion in June 2013, TISO was an Electrical Foreman in the same department.

According to TISO, MAGNANI informed him of unfinished work at the Poughkeepsie-Shelter House Repair job and requested one week to complete it. TISO approved MAGNANI’s request. As noted above, MAGNANI claimed that he and his crew worked three 8-hour shifts and 2 six-hour shifts on this job when the OIG surveillance revealed that they actually worked for less than 5 hours. When confronted with this evidence, TISO denied knowledge of any improprieties. Further, TISO indicated that he performed no field inspections of this crew during the period of OIG surveillance. It will be recalled (see page 2) that on one day of OIG surveillance (April 16, 2013), we observed then-foreman TISO and his crew for one hour during which they spent 20 minutes performing work-related functions and 30 minutes talking and drinking coffee with a foreman of a different crew, after which they went shopping at Harbor Freight Tools

OIG also interviewed Greg McConnell regarding this crew and this job, and he agreed with OIG’s observations that the length of time, number of personnel assigned, and activities claimed during this period (August 13 to August 19, 2013) were improper as described.

Summary

MAGNANI abused his foreman position during the period of August 13, 2013 to August 21, 2013 in the following manner:

- He engaged in personal business on work time without permission or authority on 5 days
- He brought his crews along for 5 days of non-work related trips
- He filed false time sheets on behalf of himself for 4 days
- He filed false time sheets on behalf of his crew for 4 days
- He used his MNR vehicle inappropriately for 5 days

DELGADO abused his acting foreman position on August 15, 2013 in the following manner:

- He engaged in personal business on work time without permission or authority on 1 day
- He brought his crew along on a non-work-related trip on 1 work day
- He filed false time sheets on behalf of himself for 2 days
- He filed false time sheets on behalf of his crew and MAGNANI's crew for 2 days
- He used his MNR vehicle inappropriately for 1 day

FINDINGS

As described in more detail above:

1. Foremen DILORENZO, EICH, GIORDANO, MAGNANI and TISO, and Acting Foremen BUFFONE, DELGADO, and MACALUSO, abused time by running errands, driving around on personal business and engaging in other non-work-related activities while on duty and without permission or authority. As foremen, they set egregiously poor examples for their crews.
2. Foremen DILORENZO, EICH, GIORDANO, MAGNANI, and TISO, and Acting Foremen BUFFONE, DELGADO, and MACALUSO, filed false time sheets for themselves and their crew members, claiming they were working on specific jobs when they were actually running errands, driving around on personal business and otherwise engaging in non-work-related activities.
3. Foremen DILORENZO, EICH, GIORDANO, MAGNANI, and TISO, and Acting Foremen BUFFONE, DELGADO, MACALUSO, improperly deprived the public of the services of their crews by having the crew members accompany them on non-work-related trips.
4. Foremen DILORENZO, EICH, GIORDANO, MAGNANI, and TISO, Acting Foremen BUFFONE, DELGADO, and MACALUSO, and Crew Member SCHMIDT, misused their MNR vehicles to conduct unauthorized personal business during working hours, thereby wasting gas and causing unnecessary wear and tear on the vehicles.
5. As part of the conduct described above, Foremen DILORENZO drove with his crew across state lines, without permission and authority, while claiming to be working, and engaged in conduct that raised reasonable suspicions that he was illegally transporting fireworks to New York.
6. As part of the conduct described above, Foreman EICH drove with his crew across state lines (apparently to buy cigarettes), without permission and authority, while claiming to be working, on 3 separate occasions, and permitted crew member Schmidt to drive across state lines on 1 occasion, during an 11 day period.
7. As part of the conduct described above, Foreman MAGNANI, on behalf of himself and his crew, claimed almost 5 days of pay (three full 8-hour days plus two 6-hour days = 36 hours) for work that took them less than five hours plus approximately 10 hours of travel time (some of which may not have been necessary had the crew worked more efficiently), wasting work time on personal business, while causing unnecessary wear and tear on and wasting fuel for his MNR vehicle.
8. Foreman GIORDANO misused his MNR vehicle to conduct unauthorized personal business and mowed his lawn during sick leave.
9. Crew Members BOTSCHHELLER, BUFFONE, CHRISTIAN, MACALUSO, RENDA, RITTER, SALVATI, SCHMIDT, and TRAVIS accompanied their respective foremen while

they were driving around on personal business and engaging in other non-work-related activities, without reporting this misconduct to the OIG or, apparently, to MNR management.

RECOMMENDATIONS

1. Impose appropriate discipline, up to and including termination, on Foremen DILORENZO, EICH, GIORDANO, MAGNANI, and TISO, and Acting Foremen BUFFONE, DELGADO, and MACALUSO, for their conduct described and the Findings above.
2. Impose appropriate discipline on Crew Members BOTSCHELLER, BUFFONE, CHRISTIAN, DELGADO, MACALUSO, RENDA, RITTER, SALVATI, SCHMIDT, and TRAVIS for their conduct described and the Findings above, particularly if they failed to report the foremen's misconduct to management, given that they failed to report the misconduct to the OIG.