



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

January 21, 2016

Ms. Veronique Hakim
President
MTA New York City Transit
2 Broadway, 30th Floor
New York, New York 10004

**Re: Unauthorized Dual Employment
Public Safety Sensitive Position
MTA/OIG #2016-01**

Dear Ms. Hakim:

The Metropolitan Transportation Authority (MTA) Office of the Inspector General (OIG) has completed its investigation of an allegation of unauthorized dual employment by MTA New York City Transit (NYC Transit) Bus Operator David June. We substantiated the allegation and found that June has worked in a full-time position with the United States Postal Service (USPS) throughout his tenure with NYC Transit. We recommend that NYC Transit impose discipline as it deems appropriate, up to and including termination, in light of June's employment in a public safety sensitive position.

INVESTIGATION

June has been in the public safety sensitive position of a Bus Operator with NYC Transit since July 2003. He worked his first few years at the East New York Depot and beginning in 2008 has been assigned to the Grand Avenue Bus Depot in Maspeth, Queens. Currently, his regular tour is an overnight shift from 11:28 p.m. to 8:47 a.m., and his regular days off are Tuesday and Wednesday.

OIG began its investigation of June following a United States Postal Service Inspector General (USPS IG) request for information about his NYC Transit employment. USPS IG informed this office that June is a letter carrier and has been with USPS since January 1998. USPS IG also informed this office that during 2015, June's USPS scheduled shift was from 9:00 a.m. to 5:30 p.m.

OIG staff spoke with Ysanne Roach, Office Director, Special Investigations and Review, NYC Transit. Roach searched the Dual Employment Maintenance database and found no dual employment record for June and no record of Human Resources being notified of June's dual

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employment. OIG staff spoke with management at the Grand Avenue Bus Depot and confirmed that June submitted no dual employment request to management.

OIG staff interviewed June on January 4, 2016. June admitted that he knew his Bus Operator position is a public safety sensitive position and knew of the NYC Transit "eight hour rule" requiring eight consecutive non-working hours before reporting to work for his position. June admitted he did not notify NYC Transit management of his outside employment or file a dual employment request regarding his job with USPS. He also admitted that he knew he was required to report his outside employment to management but did not do so. When asked why he did not report his outside employment, June responded that he supports his family by working both jobs and knew that if he notified NYC Transit management of the USPS job, NYC Transit would not approve it. Finally, June admitted he has worked both his NYC Transit and USPS jobs on the same days since beginning his NYC Transit employment in 2003 and that he was in violation of the "eight hour rule" each time he did so.

OIG staff compared June's 2015 work/absence records from both NYC Transit and USPS. Based on our analysis, we found that June clearly violated NYC Transit's "eight hour rule" on at least 100 occasions over the past year. In addition, based on June's admissions, he routinely violated that same rule since the inception of his NYC Transit employment in 2003.

POLICIES

NYC Transit Policy Instruction for Dual Employment Number 4.23.2;

Section IV, Guidelines (A) (4) states in pertinent part: "A new hire who wishes to continue other employment must file a dual employment request prior to his/her appointment date."

Section IV, Guidelines (B) (1) regarding employees in safety-sensitive titles, including Bus Operators, states: "The proposed outside employment may not result in total, combined work time that prevents the employee from having eight consecutive non-working hours in the 16-hour period before reporting to work for the Authority."

Section IV, Guidelines (C) (1) regarding employees in public-safety positions, including Bus Operators, further states in pertinent part that: "Dual employment requests may be approved for a maximum of one year; employees must resubmit requests for review and approval annually. ..."

Section VI, Administration and Responsibilities (B) Employee, subsections (1), (2), (4), and (6), state in pertinent parts that:

All current employees must obtain the Authority's approval in writing ... before engaging in any occupation ... outside the Authority. All newly appointed employees who wish to continue other employment must file a dual employment request prior to commencing employment with the Authority. ... Employees in public-safety positions (Bus Operators...) must resubmit their request for dual employment annually Violation of these procedures may subject an employee to discipline, up to and including termination of employment, and/or may expose an employee to civil or criminal penalties. *[emphasis original]*

MTA All-Agency Code of Ethics Section 4.07, Other Employment and Outside Activities, states in pertinent part:

Employees are prohibited from outside employment ... that interferes or is in conflict with the proper and effective discharge of the individual's official duties or responsibilities. ... Employees may engage in outside employment /activity provided that ... such employment /activity does not interfere with their ability to devote appropriate time and attention to their employment with their MTA Agency; ... such employment /activity does not violate the specific guidelines for other employment set by their MTA Agency; ... and ... they obtain the required approvals as set forth in the specific procedures for approval of other employment set by their MTA Agency.

FINDINGS

Based on the above, we find that June violated NYC Transit Policy/Instruction Number 4.23.2 and MTA Code of Ethics Section 4.07 in that:

1. June continuously engaged in unauthorized dual employment by failing to request NYC Transit approval for USPS employment prior to commencing employment at NYC Transit, and while in a public safety sensitive position, failing annually to obtain written approval.
2. June, through his USPS work schedule, violated NYC Transit's requirement of eight consecutive non-working hours before reporting to his public safety sensitive position work on countless occasions continuously since his NYC Transit employment commenced in 2003; potentially jeopardizing the safety of customers, co-workers, and members of the general public.


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RECOMMENDATION

Accordingly, we recommend that NYC Transit impose discipline as it deems appropriate, up to and including termination, in light of June's employment in a public safety sensitive position.

As always, we appreciate your continued courtesy and cooperation. Should you have any questions, please contact me at (212) 878-0279 or Special Investigative Counsel Marcie Kaplan at (212) 878-0084.

Very truly yours,

A handwritten signature in black ink, appearing to read "Demetri M. Jones", with a horizontal line extending to the right from the end of the signature.

Demetri M. Jones
Deputy Inspector General
Legal and Investigations