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Inspector General

Office of the Inspector General

Metropolitan Transportation Authority
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September 22, 2017

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

**Re: Misconduct During Hiring Process
MTA/OIG # 2017-08**

Dear Mr. Irick:

The Office of the MTA Inspector General (OIG) has completed its investigation of an allegation that Mukesh Singhani (Singhani), Director, Track Engineering, Maintenance of Way (MOW), Department of Subways, New York City Transit (NYC Transit), manipulated the hiring process in order to hire the son of a former NYC Transit employee. We substantiated the allegation. During the course of our investigation, we also learned that Laurie Siegel (Siegel), Manager, Performance Analysis, MOW, NYC Transit, assisted Singhani's misconduct and also manipulated the hiring process for the son of a second former NYC Transit employee. We recommend that NYC Transit discipline Singhani, up to and including termination, and Siegel as it deems appropriate. Based on our finding that Singhani and Siegel's conduct also appears to violate New York State Public Officers Law, we will forward this matter to the New York State Joint Commission on Public Ethics (JCOPE), in accordance with its jurisdiction, for such action as it may deem appropriate.

INVESTIGATION

Singhani was hired by NYC Transit in 1988 and has been the Director, Track Engineering, MOW since September 2, 2013. He currently supervises four administrative positions and two operational positions. Siegel was hired by NYC Transit in 1983, and has been assigned to MOW Engineering as its Human Resources (HR) liaison since October 8, 2012. Her primary responsibilities are HR-related and include writing job descriptions, setting up and monitoring the hiring process, preparing Position Requisition Forms (PRFs), and approving the write-up of Job Vacancy Notices (JVN).

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Job Vacancy Notice 82851 Assistant/Associate Transit Management Analyst

In April 2015, NYC Transit posted Job Vacancy Notice (JVN) 82851, for an Assistant/Associate Transit Management Analyst with Singhani as the hiring manager. The position was advertised from April 29, 2015 through May 20, 2015. The minimum educational requirement for the posting was a bachelor's degree in any one of a variety of disciplines and related work experience. The Assistant Transit Management Analyst position required an additional two years "of satisfactory full-time professional experience in the collection, evaluation and use of data relating to operational procedures, administrative systems, equipment and space utilization, and staffing requirements, including the preparation of charts, graphs, drawings and technical reports." The Associate Transit Management Analyst position required one additional year of professional experience, and at least one year of transportation industry experience. Three hundred and twenty applications were received through the Business Service Center (BSC) website.

OIG staff reviewed the documentation for the hiring process. The Applicant Flow Data Report (AFDR) from the posting listed five candidates who were interviewed for the position and provided codes to explain the disposition of each candidate: two candidates were coded with the letter "O" which meant they withdrew; one was coded with the letter "A" which meant "qualified not the best candidate;" and the fourth was coded "C" which meant "qualified insufficient experience." There were no additional explanatory or interview notes maintained.

Although the selected candidate, who was already employed as a NYC Transit Assistant Civil Engineer, accepted the position and was promoted to the Assistant Transit Management Analyst title, he was retained in his same chain of command and the posted position remained open. In order to fill the posted position, five new candidates were selected for interviews. Among those candidates was Henry Sanjurjo (Sanjurjo), son of a former NYC Transit employee, whose resume reflected that his only employment that exceeded six months was working at a bagel shop, and that he had been unemployed for two years. His education consisted of a Bachelor of Science degree in an unspecified discipline and participation in an engineering program. Singhani and Salvatore Mancuso, Superintendent Track Planning and Budget, interviewed the candidates and selected Sanjurjo.¹

Although Singhani and Mancuso selected Sanjurjo for the position, HR rejected Sanjurjo because he did not meet the minimum requirements for the position. Siegel told OIG that she sent Sanjurjo's hiring package to HR because he had a college degree. According to Siegel, no one from HR questioned her about how Sanjurjo's application made it as far through the process as it did. According to Siegel, Singhani wanted to hire Sanjurjo despite HR's rejection of the hire

¹ The AFDR for this group of candidates stated that two of the candidates requested salaries that could not be met, and one of them withdrew her application. The remaining candidate was a former NYC Transit employee with almost 20 years of NYC Transit employment, a bachelor's degree in public administration, and a master's degree in transportation management.

and asked her if there was a way to do so. Siegel suggested to Singhani that they could create a JVN for a less senior position with lower minimum requirements that would enable him to hire Sanjurjo. A new PRF was submitted to HR to replace the PRF originally used to create JVN 82851 and approved by HR. JVN 85690 was then created and posted for a Transit Management Analyst Trainee.

Job Vacancy Notice 85690 Transit Management Analyst Trainee

In March 2016, NYC Transit posted JVN 85690 for a Transit Management Analyst Trainee. The requisite education and experience for the position were: A master's degree from an accredited college in accounting, architecture, business administration, computer science, economics, engineering, engineering technology, finance, industrial psychology, mathematics, physics, public administration, public policy, transportation planning, urban planning/studies, human resources management, labor relations, operations research, security management or in a related area; or a baccalaureate degree from an accredited college including or supplemented by 24 credits in one of the areas listed. Desired skills included strong analytical skills and knowledge of budgeting, financial planning and project management.

The posting was open from March 21, 2016 through April 11, 2016. Singhani sent an email dated March 14, 2016 to Sanjurjo's father with a subject line that read: "Hank-call me when you get a chance & look for it." Thereafter, Sanjurjo's father sent Singhani an email dated March 28, 2016, informing Singhani that he would be at 180 Livingston Street (where Singhani works) that day and asked if he could call him when he was done; Singhani replied Sanjurjo [could] call him. There were 271 resumes submitted for the JVN 85690 position and Sanjurjo's resume once again made it through the BSC screening process and Singhani again selected Sanjurjo for an interview (along with eight other candidates).

The AFDR reflected the disposition of the eight candidates other than Sanjurjo selected for interviews: one of the codes "E," was applied to five candidates and meant that the candidates may be eligible for future openings but were not selected; a sixth candidate withdrew from the hiring process; and the final two were designated "NS," which meant considered and not selected. Sanjurjo was again the selected candidate. Notably, five of the interviewed candidates had experience working as College Aides at NYC Transit while Sanjurjo's resume reflected no prior experience in transportation and a spotty employment record. Also of note is that many of the candidates not selected for interview had a master's degree, which appeared from the posting to be the preferred level of education.

Siegel described her practice in the hiring process to OIG staff. She said that after writing a job description she approves the JVN, as written by the hiring manager, and she sends a draft JVN to HR. HR adds the position to PeopleSoft, which automatically generates the educational and work experience requirements based on the job's code number. She stated when a JVN is posted on the BSC website, applicants must complete the BSC's prescreening process. Siegel then

uploads resumes from PeopleSoft and reviews them to ensure that all candidates meet the minimum requirements for a position. Thereafter, she forwards the resumes of applicants she found to be qualified to the hiring manager.

Siegel stated she forwarded Sanjurjo's resume to Singhani for the original Associate/Assistant Transit Management Analyst position because Sanjurjo had a college degree. When confronted with the fact that Sanjurjo did not meet the position's other minimum requirements, Siegel could not explain why she provided Sanjurjo's resume to Singhani. She claimed she did not recall Singhani asking her to look for Sanjurjo's resume among those they received for the first position. She admitted that after Sanjurjo was rejected by HR for the Associate/Assistant Transit Management Analyst position Singhani asked her to find a way to hire Sanjurjo. She also admitted that she told Singhani that if he wanted to bring Sanjurjo on board he could post a less senior position. Siegel admitted she recognized Sanjurjo's name because his father had worked in her division. She claimed she did not know how close Singhani was to Sanjurjo's father, only that they knew one another. Siegel did not participate in Sanjurjo's first interview and claimed to not recall discussing the interviewed candidates with Singhani.

OIG staff discussed with Siegel the resumes of the other candidates who were interviewed for the Transit Analyst Trainee position, and pointed out that most of them had a stronger employment history than Sanjurjo. Siegel, who participated in the interviews for the trainee position, conceded that Sanjurjo's resume gave her pause, since it contained large gaps in employment and listed only positions held for a few months, but Siegel stated that Sanjurjo had interviewed well. When asked about another candidate for the position who had been a College Aide in her department, Siegel conceded that the applicant had also interviewed well, but said her main interest was Human Resources, not track planning and budgeting, the work performed by Singhani's group. OIG reviewed the notes Siegel took during the interviews and observed that she described three of the interviewees as a "good candidate," but about Sanjurjo wrote, "comes across as dependable, interested, willing to work as required."

Singhani admitted to OIG staff he would not have selected Sanjurjo for an interview based on his resume and that he selected him for an interview because he recognized Sanjurjo's name. Singhani denied Siegel's account that he wanted to find a way to bring Sanjurjo on board, and thus chose to advertise for a position with lower qualifications. Singhani claimed he and Siegel discussed changing the title because he was willing to hire someone with less experience that he could train. Singhani also claimed he did not want to bring in a new staff member whose salary was higher than that of his other employees.

Singhani stated he selected Sanjurjo because he was good with numbers. When asked what in Sanjurjo's resume had drawn his attention, Singhani responded he liked that Sanjurjo had been a math tutor, if only for six months. We pointed out that Sanjurjo had not been employed anywhere for more than a few months, and had been unemployed for two years. When Singhani was shown the resumes of candidates with more work experience than Sanjurjo and asked why

he did not interview them, he stated that he felt that those candidates would think the job was beneath them and quickly get bored and leave.

During his first OIG interview Singhani claimed he did not really know Sanjurjo's father, that he had moved out of Singhani's group 20 years earlier, and that he had no contact with him after that. In a subsequent interview, Singhani claimed that when he first saw Sanjurjo's name among the resumes he reviewed for the original JVN, he may have chosen Sanjurjo to interview because he was "curious." When asked about the March 14th and 28th emails to Sanjurjo's father, Singhani admitted that he knew that Sanjurjo was still looking for a position after he was not hired from the original Associate Transit Management Analyst posting. Singhani admitted he wanted to give Sanjurjo's father advance notice about the Transit Management Analyst Trainee position prior to its posting in order to give Sanjurjo's son a chance. Singhani eventually admitted that he would not have selected Sanjurjo for an interview based on his resume, but instead chose him because of his family connection to NYC Transit. He described hiring Sanjurjo as "being in the best interest of the Authority" because he was a relatively inexpensive hire and added that he "wanted to give the kid a break." He denied telling Sanjurjo's father the questions Sanjurjo should expect.

Sanjurjo told us that he had applied for many positions through the MTA's BSC website, and had interviewed for a position in procurement as well as for the two Transit Management Analyst positions. He denied speaking to his father about the analyst positions, although he admitted talking to his father about "track geometry." He also denied knowing what questions would be asked before the interview.

Other Improprieties

During the investigation OIG staff found an email from Siegel to Singhani in which she informed him that they had to interview candidate Justin Taylor for the Transit Management Analyst Trainee position for which Sanjurjo was ultimately hired. Taylor did not meet the educational requirements for the position and when questioned about the email Siegel stated that she sent it because she knew Taylor's father. She stated she recognized his name and address but denied speaking to Taylor's father before his resume was received. She stated Taylor's father called her when his son was invited for an interview. Siegel added that Taylor did not interview well.

New York State Public Officers Law § 74(3) and the MTA All-Agency Code of Ethics

Both New York State Public Officers Law (POL) § 74(3)(h) and MTA All Agency Code of Ethics (Code of Ethics) § 4.02(a) prohibit employees from engaging in conduct that will raise suspicion among the public that they are likely to be engaged in acts that are in violation of the public trust. POL § 74 (f) and MTA Code of Ethics § 4.02(c) further state that an employee should “not by his conduct give reasonable basis for the impression that any person can improperly influence him or unduly enjoy his favor in the performance of his official duties.” POL § 74 (3)(d) and MTA Code of Ethics § 4.02 (b) further prohibit employees from using or attempting to use their official position to secure unwarranted privileges or exemptions for themselves or others.

Singhani admittedly contacted Sanjurjo’s father to give him advance notice of the second job posting and met with him during the time that the position was posted. Singhani initially attempted to hire Sanjurjo into a position for which he was not qualified. When HR rejected Sanjurjo’s application as unqualified for the position, Singhani and Siegel posted a lower position for which Sanjurjo could qualify in order to hire him. Singhani and Siegel improperly chose a title for the JVN 85690 to fit a pre-selected candidate, rather than selecting a qualified candidate to fit the vacancy. Singhani selected Sanjurjo for hiring over other candidates who appeared, based on their resumes, as well as the notes kept by Siegel, to be better qualified than Sanjurjo, in order to give the child of a former co-worker a job.

Siegel, in addition to aiding Singhani in manipulating the hiring process in favor of Sanjurjo, also manipulated the process to interview Taylor, son of a second former NYC Transit employee.

FINDINGS

- 1) Siegel gave Sanjurjo’s resume to Singhani for JVN 82851 knowing that it did not meet the minimum qualifications for the position, in violation of POL § 74 (3)(a), (d) and (f) and Code of Ethics § 4.02 (a), (b) and (c).
- 2) After Singhani selected Sanjurjo for the position posted in JVN 82851, Siegel submitted Sanjurjo’s resume to Human Resources knowing he was not qualified for the position, in violation of POL § 74 (3)(a), (d) and (f) and Code of Ethics § 4.02 (a), (b) and (c).
- 3) Singhani and Siegel manipulated the hiring process in order to hire Sanjurjo by requesting a second JVN 85690, and changing the title of the position they sought to fill to one requiring no experience in order to hire a pre-selected candidate, in violation of POL § 74 (3)(a), (d) and (f) and Code of Ethics § 4.02 (a), (b) and (c).

- 4) Singhani knew that Sanjurjo was not the best qualified candidate for the position but interviewed Sanjurjo because he knew Sanjurjo's father, a former NYC Transit employee, in violation of POL § 74 (3)(a), (d) and (f) and Code of Ethics § 4.02 (a), (b) and (c).
- 5) Siegel told Singhani to interview Justin Taylor for a position, knowing that Taylor did not have the required educational background for that position, solely because Taylor's father was a former NYC Transit employee, in violation of POL § 74 (3)(a), (d) and (f) and Code of Ethics § 4.02 (a), (b) and (c).

RECOMMENDATIONS

- 1) NYC Transit should discipline Singhani up to and including termination.
- 2) NYC Transit should discipline Siegel as it deems appropriate.

Based on our finding that Singhani and Siegel's conduct also appears to violate New York State Public Officers Law, we will forward this matter to the New York State Joint Commission on Public Ethics (JCOPE), in accordance with its jurisdiction, for such action as it may deem appropriate.

As always, we appreciate your continued courtesy and cooperation. Should you have any questions, or need additional information, please contact me at (212) 878-0007 or Deputy Inspector General Demetri M. Jones at (212) 878-0279.

Very truly yours,

Barry L. Kluger

By:


Demetri M. Jones
Deputy Inspector General