



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 25, 2018

Mr. Andrew Byford
President
MTA New York City Transit
2 Broadway, 30th Floor
New York, NY 10004

Re: Abuse of Time and False Records
MTA/OIG #2017-12

Dear Mr. Byford:

The MTA Office of the Inspector General (OIG) has completed an investigation into allegations that Victor Pecora (Pecora), New York City Transit (NYC Transit) Train Operator, abused time and submitted false time records, and paid bribes to his supervisor, Tweh Friday (Friday), NYC Transit Train Service Supervisor (TSS) to approve Pecora's false time records. Although we did not substantiate the bribe allegation, we did substantiate the allegations that Pecora abused time and submitted false time records which Friday improperly approved. We recommend that NYC Transit discipline Pecora, up to and including termination, and discipline Friday as it deems appropriate.

INVESTIGATION

Pecora has been employed by NYC Transit for approximately 24 years, serving as a Train Operator for the last twenty-one years. His regular tour is 4:48 a.m. to 12:48 p.m. with Saturday and Sunday being his regular days off. He resides in Wappingers Falls, New York and his assigned work location is the Concourse Train Yard (CTY) located at Jerome Avenue, Bronx, New York.

Friday has been employed with NYC Transit for approximately thirty years in various positions. Friday works from 6:00 a.m. to 2:00 p.m. at CTY. Friday's responsibilities as TSS include assigning and approving overtime for employees at CTY, including Pecora.

On September 12, 2017, OIG staff conducted surveillance at CTY and observed Pecora leave CTY at approximately 2:00 p.m. and drive away in a vehicle that had been previously determined to be his personal automobile. An investigator followed Pecora as he drove northbound on Jerome Avenue to Major Deegan I-87 northbound, and onward via various roads to the Taconic Parkway northbound, to the vicinity of the Town of Kent, located in Putnam County, New York, where at approximately 2:43 p.m. the investigator observed that a New York State Trooper had pulled Pecora's vehicle over. OIG staff later obtained copies of two Uniform

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Traffic Tickets that had been issued to Pecora on September 12, 2017, in the Town of Kent, New York; one for speeding and the other for an uninspected vehicle. Pecora's home is located in Wappingers Falls approximately twelve miles from where he was stopped.

OIG staff later reviewed Pecora's Employee Attendance Report and Exception Claim Form for September 12, 2017. The Exception Claim Form was generated to document overtime Pecora claimed to have worked. In that form Pecora falsely claimed that he had worked approximately two hours of overtime from 12:48 p.m. to 2:48 p.m.¹ In fact, as described above, Pecora had been observed on that date driving away from CTY from approximately 2:00 p.m. until he was stopped at 2:43 p.m. The Exception Claim Form was signed by TSS Friday. The discrepancy between the time Pecora claimed to have left work and the time that the OIG investigator saw him leave CTY is 48 minutes.

On September 21, 2017, OIG staff conducted surveillance of Pecora and again observed Pecora drive away from CTY in his personal vehicle at approximately 2:19 p.m. OIG staff followed Pecora's vehicle as it traveled northbound on Jerome Avenue and continued to travel on various roads to the Taconic Parkway northbound, from which he exited onto Highway I-84 West at approximately 3:30 p.m. This exit is located approximately fifteen miles from Pecora's residence.

OIG staff later reviewed Pecora's Employee Attendance Report and Exception Claim Form, for September 21, 2017 in which Pecora falsely reported that he had worked from 2:48 a.m. to 4:48 p.m., including approximately four hours of overtime. In fact, he had been seen driving away from CTY at approximately 2:19 p.m. and exiting onto Highway I-84 at 3:30 p.m. TSS Friday also approved this Exception Claim Form. The discrepancy between the time Pecora claimed he left work and the time that Pecora was seen leaving CTY is two hours and twenty-nine minutes.

Finally, on September 22, 2017, OIG staff conducted surveillance of Pecora and followed as he once again drove his personal vehicle away from CTY at approximately 1:21 p.m. northbound on Jerome Avenue and along various roads onto the Taconic Parkway northbound, and later on Highway I-84 where he exited onto Exit 13N/U.S. 9W at approximately 2:30 p.m. This exit is approximately seven miles from Pecora's residence.

OIG staff later reviewed Pecora's September 22, 2017 Employee Attendance Report and Exception Claim Form in which Pecora falsely reported that he had worked from 4:48 a.m. to 4:48 p.m., including approximately four hours of overtime. In fact, he had been seen driving away from CTY at approximately 1:21 p.m. and exiting I-84 at 2:30 p.m. As in the prior instances, TSS Friday approved the Exception Claim Form. The discrepancy between the time

¹ In addition to payment for any overtime Pecora actually worked, he was also entitled to receive additional payment for one-half of his overtime.

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Pecora claimed to have left work and the time he was seen leaving CTY is three hours and twenty-seven minutes.

Pecora was paid time and one-half for overtime in excess of his regular work hours. For the time period under review, OIG staff found 17 out of 22 instances in which TSS Friday approved Pecora's overtime. In each of those 17 instances Pecora claimed he worked 59 overtime hours for which he was paid along with an additional 29-1/2 hours.

INTERVIEWS

During an OIG interview, Pecora acknowledged that his current assignment is at CTY. When questioned about false statements on his Employee Attendance Reports and Exception Claim Forms, Pecora said, "You got me, I'm fired, I'm not giving you anything."

OIG also interviewed Friday. Friday stated that as part of his job responsibilities he assigned overtime, was required to see to it that employees were on time and did their jobs properly. Friday was asked if he verified that Pecora or any other employees to whom he assigned overtime actually worked the extra hours. Friday said he did not because at times he could be required to go to any station in the system and did not necessarily remain in any one location until the end of a particular employee's work tour. He said that his practice was to give employees work assignments that might require overtime and to later approve the Exception Claim Forms for the hours the employees claimed to have worked, even though Friday did not witness or otherwise verify the employees worked overtime.

Peter Chu (Chu), NYC Transit Assistant Chief Transportation Officer was asked what the proper procedure was for an employee who was signing out after overtime. Chu said that at a location like the CTY, a supervisor was available to sign employees in and out, 24 hours a day, seven days a week. Chu said that there would be no reason for Supervisor Friday to sign an Exception Claim Form with overtime in the situation where Friday did not actually witness the employee performing the overtime because there was always a supervisor available at the yard.

POLICY/RULES

Rules and Regulations Governing Employees of MTA New York City Transit Authority, Manhattan, and Bronx Surface Transit Operating Authority and South Brooklyn Railway

Rule 5(a) states, inter alia, that "Absence from duty without proper authority is regarded by the Authority as willful neglect of duty and as a serious breach of discipline."

Rule 8(a) states, "Written or oral reports must be complete and accurate. Employees who knowingly submit or make reports containing false statements shall be charged with misconduct and incompetence."

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Rule 10(a) states, "Employees are required to avoid behavior which would tend to create adverse criticism of the Authority or of the System. Their conduct, whether on or off duty on System property, is required to be such as to merit the confidence and respect of the public and their superiors."

Pecora submitted false records that claimed he worked overtime when in fact he was not at his assigned work site. Friday failed to verify that Pecora worked the overtime claimed on Pecora's time sheets and, as a result, approved false time records submitted in support of overtime.

FINDINGS

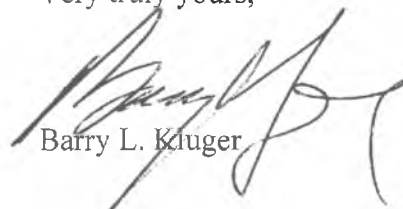
1. Pecora submitted false overtime records, in violation of NYC Transit Rule 8(a).
2. Pecora was absent from duty, in violation of NYC Transit Rule 5(a).
3. Pecora engaged in conduct which would tend to create adverse criticism of the Authority and System, in violation of NYC Transit Rule 10(a).
4. Supervisor Friday improperly approved false overtime records for Pecora, in violation of NYC Transit Rule 8(a).

RECOMMENDATIONS

1. NYC Transit should discipline Pecora, up to and including termination, for abusing time and submitting false overtime documents.
2. NYC Transit should discipline Friday for approving overtime records without verifying their accuracy.

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, Legal and Investigations Demetri M. Jones at (212) 878-0279.

Very truly yours,



Barry L. Kluger

Cc: Timothy Mulligan
Executive Vice President