



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

February 9, 2018

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

**Re: Cleaners' Absence From Duty
MTA/OIG #2018-04**

Dear Mr. Byford:

The MTA Office of the Inspector General (OIG) has completed its investigation into an allegation that Carlota Sanchez (Sanchez), New York City Transit (NYC Transit) Cleaner, punched out time cards at the end of the work tour for fellow cleaners who left work before the end of their tour. We did not substantiate the allegation. However, we found during a related facility check that Sanchez was present but not performing her duties. We also found Cleaner Jose Castillo was not performing his duties, was missing from his work site until the end of his tour, and provided untruthful information to OIG investigators. We further found that although his time card had been punched for duty at the beginning of his tour on the day of the facility check, Cleaner Brian Galbreath was absent from the work place. We recommend that NYC Transit discipline Sanchez as it deems appropriate. We further recommend NYC Transit discipline Castillo and Galbreath as it deems appropriate, up to and including termination.

INVESTIGATION

Sanchez has been employed by NYC Transit for approximately 11 years, as a cleaner; Castillo has been a NYC Transit cleaner for approximately 6 years; and Galbreath has been a cleaner for approximately 4 years. During the relevant time period, all three employees worked from 3:00 p.m. to 11:00 p.m. at the Ditmars Boulevard Station (DBS) located at 23 Ditmars Boulevard, Astoria, New York. All three employees used a time clock at DBS to punch their time cards at the beginning and end of their work tours.

On January 31, 2018, OIG investigators conducted a facility check at DBS specifically to ensure that cleaners were present and performing their duties. The investigators arrived at approximately 9:30 p.m. and physically inspected the train platforms and trains, break and lunch room, bathrooms and locker rooms. No cleaners were found in any of those areas. The investigators subsequently asked a train dispatcher on duty where the cleaners were and was directed to a small room outside of the dispatch tower. The investigators went to the room indicated by the dispatcher and knocked on the door. Sanchez opened the door and investigators identified themselves to her and asked where the other cleaners were. Sanchez stated that the other cleaners should be on the platform or in the trains working. Thereafter, Sanchez led the

investigators to a locked room at the end of the platform.¹ The investigators knocked on the door several times but received no response. The investigators again checked the platforms and trains in Sanchez's presence but did not encounter any cleaners.

Sanchez stated to investigators that Galbreath and Castillo were the other cleaners on duty at that time but could not account for their whereabouts. When questioned about supervision, Sanchez stated that a supervisor had been at the station earlier but left because he had to report to other stations each night. Sanchez said that she did not have a phone number for the supervisor or any other way of contacting him. When asked why she had not been working in the trains or on the platform when the investigators arrived, Sanchez did not respond. Sanchez denied that she punched out time cards for absent coworkers at the end of the tour.

The investigators continued to check the station, platforms, and trains until approximately 10:45 p.m. looking for Galbreath and Castillo but did not locate either employee. At approximately 10:50 p.m. the investigators were waiting inside the dispatch tower near the time clock when Castillo appeared wearing street clothing rather than his NYC Transit attire. Upon being asked his whereabouts during the evening, Castillo claimed that he had been cleaning platforms and train cars throughout the station the entire evening, and that he eventually went to the locker room to use the restroom. He added that at some point he was in the room at the end of the platform, the same room that the investigators had found locked earlier and where no response had been made to the investigators' knocking.

Galbreath was never found at his work site during the facility check.

POLICY/RULES

MTA All-Agency Code of Ethics

The MTA All-Agency Code of Ethics § 1.07 applies to all MTA employees and states, in pertinent part:

Employees must cooperate fully and honestly with audits and investigations conducted by the MTA Inspector General Failure to so cooperate will subject an Employee to appropriate disciplinary penalty, up to and including dismissal.

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

NYC Transit Rules and Regulations Governing Employees 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."

¹ According to Sanchez, the room was a small supply room that contained buckets and other cleaning materials.

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.”

Galbreath was never located at any time during the facility check despite the fact that his time card had been punched at the beginning of his work tour. Castillo had only appeared at the facility at the end of his tour wearing street clothing. Sanchez had been present during the facility check but was not working at the time and offered no reason for why she had not been working when the investigators appeared.

FINDINGS

1. Galbreath was not present at his work site at any time during the facility check, in violation of Rule 5(a), and thereby engaged in conduct which would tend to create adverse criticism of the Authority and System, in violation of Rule 10(a).
2. Castillo was not performing his work duties at the time of the facility check and appeared only at the end of his tour, in violation of Rule 5(a), and thereby engaged in conduct which would tend to create adverse criticism of the Authority and System, in violation of NYC Transit Rule 10(a).
3. Castillo was not truthful when he stated to OIG investigators that he had been cleaning train cars and platforms for the entire evening during the facility check.
4. Sanchez was not performing her job duties at the time of the facility check, in violation of Rule 5(a), and thereby engaged in conduct which would tend to create adverse criticism of the Authority and System, in violation of Rule 10(a).

RECOMMENDATIONS

1. NYC Transit should discipline Galbreath as it deems appropriate, up to and including termination.
2. NYC Transit should discipline Castillo as it deems appropriate, up to and including termination.

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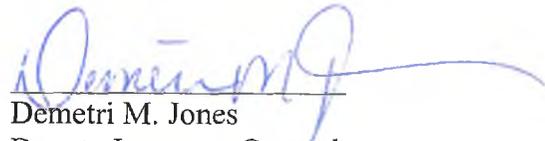
3. NYC Transit should discipline Sanchez as it deems appropriate.

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

Very truly yours,

Barry L. Kluger

By:


Demetri M. Jones
Deputy Inspector General