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Inspector General

Office of the Inspector General

Metropolitan Transportation Authority
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February 12, 2019

Mr. Daniel F. DeCrescenzo, Jr.
Acting President
MTA Bridges and Tunnels
2 Broadway
New York, NY 10004

**Re: Fair Hiring Practices at MTA
Bridges and Tunnels
MTA/OIG #2018-55**

Dear Mr. DeCrescenzo:

In 2013, the MTA Chairman/CEO approved All-Agency Policy Directive 11-051, entitled “Anti-Nepotism Employment Procedures” (Anti-Nepotism Policy). The stated purpose of the Anti-Nepotism Policy is to ensure generally that employment decision-making is merit-based, and specifically that family members of MTA employees do not receive preference in the hiring process. Subsequently, this Office initiated reviews at various MTA agencies to determine whether their hiring practices complied with the Anti-Nepotism Policy and provided all candidates for public employment with an equal opportunity to compete.

As part of this effort, we reviewed MTA Bridges and Tunnels’ (B&T) procedures for filling vacancies in three titles: Maintainer I; temporary Bridge & Tunnel Officer (BTO); and City Custodial Assistant (CCA), an entry-level position in the B&T Maintenance Department (Maintenance).¹ We learned that Maintainer I and temporary BTO are civil service titles for which applicants must first take an exam; a hiring agency then considers applicants in exam score order. Therefore, these positions present an inherently low risk of preferential treatment in the hiring process. In contrast, the CCA title is non-civil service and does not require applicants to take an exam or have any specific experience or educational background. Indeed, we found that the hiring process for filling CCA vacancies lacked the necessary controls to ensure fairness and compliance with the Anti-Nepotism Policy. Further, after successfully working in the position for two years, a CCA may take the exam for Maintainer I, a title from which further promotion is possible.

Our previous work at other MTA agencies demonstrated that preferential treatment is more likely to be a factor in the hiring process for entry-level titles with minimal qualifications—particularly those that offer future promotional opportunities—than for titles requiring specialized knowledge or skill-sets. Such entry-level positions are broadly appealing, typically drawing a large number of applicants for a limited number of vacancies. Specifically, in April 2017, B&T planned to fill just two CCA vacancies but received 601 applications in response to the job posting. While the sizeable number of applications and the superficial similarity of the

¹ As of January 1, 2018, 33 CCAs were working in 10 B&T facilities.

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applicants made the review process naturally daunting, it became more problematic because there were no controls in place to guide reviewers in selecting among the 601 for each of the eight interview slots, leaving the selection of finalists vulnerable to inappropriate influences.

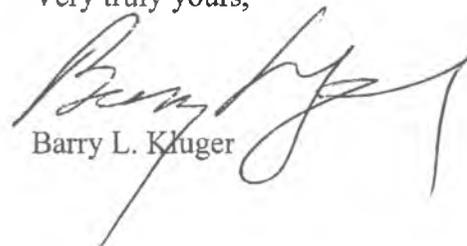
To address this problem, our work with Metro-North Railroad (MNR) may prove instructive. Like the CCA title, MNR's Conductor position draws a large number of applications. In 2013, OIG reviewed MNR's hiring process to evaluate that agency's efforts to identify and prevent instances of nepotism. During our review, we found that referred applicants were approximately 160 times more likely to have been hired than an applicant without such a referral. In response to these findings, MNR developed a process to manage its entry-level titles efficiently and fairly, while also assuring compliance with MTA's Anti-Nepotism Policy. Specifically, a computer program selects applicants randomly, and qualified candidates move to the next stage in the process until the applicant pool reaches the desired size. In speaking with us about this process, MNR Human Resources officials expressed particular satisfaction with how it had improved the fairness and efficiency of their hiring practices.

Similarly, to help enhance the hiring process at B&T following an entry-level posting, we recommended that B&T management implement a randomization methodology to prioritize CCA applicants for résumé review and initial interviews, with qualified candidates to progress on merit. Given the limited number of CCA positions available, the high number of applicants, and the value of this public employment, such a mechanism would help ensure that all applicants have an equal opportunity to obtain it. Additionally, an improved process would reduce the significant workloads of the B&T hiring officials responsible for reviewing résumés and selecting applicants to interview.

We reported our findings and recommendation in a letter to former B&T President Cedrick Fulton on November 30, 2018. In your response dated January 7, 2019, on behalf of the agency, you stated that B&T firmly supports and is strongly committed to its policies, especially those that provide for "equal and fair opportunity"; that senior staff have worked tirelessly to instill that philosophy throughout the organization; and that the agency accepts and will implement our recommendation.

We appreciate your attention to the issues we raised, which we will continue to monitor as appropriate, as well as the courtesy and cooperation afforded to us at all times by your staff. Should you have any questions regarding this final report, please contact me or Executive Deputy Inspector General Elizabeth Keating at (212) 878-0022.

Very truly yours,



Barry L. Kluger

cc: Patrick Smith