



**Carolyn Pokorny**  
**MTA Inspector General**

**Office of the Inspector General**  
**Metropolitan Transportation Authority**  
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New York, NY 10119  
212-878-0000

August 18, 2020

Via Electronic Mail

Catherine Rinaldi  
President  
Metro-North Railroad  
420 Lexington Ave., 11<sup>th</sup> Floor  
New York, NY 10170

**Re: Safety Risk at Grand Central  
Terminal and Failure to Investigate  
and Stop Unauthorized Use of MTA  
Property  
MTA/OIG #2020-23**

Dear Ms. Rinaldi:

The Office of the MTA Inspector General (OIG) received complaints alleging that 3 Metro-North Railroad (MNR) employees converted a room at Grand Central Terminal (GCT) into their personal “man cave,” to “hang out and get drunk and party” in, replete with a futon couch, a large screen television with a streaming device, a refrigerator, and a microwave (the Unauthorized Breakroom). The OIG substantiated the allegations. The OIG found that 3 employees (a Wireman, an Electrical Foreman, and a Carpenter Foreman) had used the Unauthorized Breakroom based on evidence found inside and the statements of 1 of the employees. The 3 employees falsely denied that they had access to the Unauthorized Breakroom which, as detailed below, is implausible. Also, a supervisor was untruthful with the OIG during the investigation. In addition, the OIG also found that a safety risk was created when the employees’ managers were unaware the Unauthorized Breakroom existed or which employees had keys to it.

Furthermore, our investigation revealed that the MNR Security Department (MNR Security) lacks a formal process to track the investigation of complaints that the MNR President’s Office refers. The OIG had referred the first complaint about the Unauthorized Breakroom to your Office, which in turn referred it to the MNR Security for investigation. The MNR Security wrongly assured your Office and the OIG that it had investigated the complaint. The OIG learned it had not been investigated when we received a second complaint with the same allegations.

The OIG recommends that: (1) the GCT Administration accurately identify, record, and track the location of all rooms and access to these rooms by its employees; (2) MNR Security formalize how it tracks complaints the President's Office refers; (3) the 3 employees who utilized the Unauthorized Breakroom be disciplined as MNR deems appropriate, up to and including termination; and (4) the supervisor be disciplined as MNR deems appropriate.

## **I. BACKGROUND**

In February 2019, the OIG received an anonymous email complaint alleging that there was a "man cave" at GCT down the stairs from track 114 with "a couch and a flat screen t.v." where 3 specific employees "hang out and get drunk and party." The OIG referred the complaint to MNR for investigation. In late June 2019, the OIG received a similar complaint.

## **II. INVESTIGATION**

### **A. The OIG Inspection of the Unauthorized Breakroom**

On August 8, 2019, at approximately 6 p.m., the OIG met the MNR Security Manager for GCT, at a room designated as "CPRR #14" (Room #14) located at the lower level of the north end of track 114 to check for the room described in both complaints. The MNR Security Manager for GCT's master key did not work for Room #14, so he summoned the supervisor of the locksmith shop (the Supervisor). The Supervisor, who is not a licensed locksmith, explained that he did not have a key to Room #14 because GCT Administration limited room access to licensed locksmiths because it was a locksmith storage room. The Supervisor then called a locksmith and left to return to his duties until a locksmith arrived. About 3 1/2 hours later (around 9:30 p.m.), the Supervisor returned when an off-duty locksmith reported to Room #14 with his foreman and opened the door. The outer room contained locksmith supplies. Inside the same room, there was an interior room with a locked door. On the door was a handwritten sign which read "foreman's office." The locksmith, the foreman, and the Supervisor denied having a key to the interior room—the Unauthorized Breakroom—so the locksmith had to change the cylinder to open the door.

The OIG found the Unauthorized Breakroom furnished exactly as described in the 2 complaints. There was a wall-mounted flat screen television connected to a streaming device and a cabinet just below the television that appeared to be constructed to conceal the television. There was a futon couch and a second cabinet that appeared to have been designed to conceal the futon. There was a refrigerator and a microwave. There was a half-consumed beer in the refrigerator and an empty can in the garbage. The refrigerator appears to be MNR property, because GCT Administration managers confirmed that the refrigerator was the type purchased by MNR for use in GCT. The OIG also found an air mattress in its original box with a sales receipt and a clear plastic bag filled with sheets and a comforter. Just outside the Unauthorized Breakroom, there was a cabinet in the exterior locksmith shop storage area that concealed a pullout cot. See photographs attached as Exhibit A.

The OIG found evidence that the 3 MNR employees (the Wireman, Electrical Foreman, and Carpenter Foreman) had used the Unauthorized Breakroom. The air mattress box contained

a receipt with the Wireman's name printed on it. The television had a list of network setting connections, 1 of which was to the hot spot from the Carpenter Foreman's smart phone. The OIG found 2 datebooks and a pull-up bar bearing the name of the Electrical Foreman and the streaming device was registered to the Electrical Foreman.

The OIG asked the Supervisor where the Electrical Foreman could be found, and he responded that the Electrical Foreman's shift was from 12 a.m. to 8 a.m. However, the OIG later learned that the Supervisor failed to tell the OIG that he had seen the Electrical Foreman when they were waiting for a locksmith to return to unlock Room #14. The Supervisor had no explanation for why he did not advise the OIG that he had seen the Electrical Foreman earlier in the evening.

The Director of GCT Administration (the Director) confirmed that the Unauthorized Breakroom was not an authorized breakroom and stated that its inaccessibility and the fact that management was unaware of the room created a safety hazard. The Director also confirmed that his department would not purchase a streaming device and opined that the wiring of the TV monitor and the attached streaming device created a potential fire hazard. The Director told the OIG that there are televisions in the common areas of Track 100, including in the authorized breakroom.

## **B. Failure to Investigate Complaint**

### *1. MNR Security Failed to Investigate the OIG Referred Complaint*

The OIG found that MNR Security failed to take any steps to investigate the February 2019 complaint that the OIG referred to the MNR. In a July 16, 2019 email to the Office of the President, the former Chief Security Officer reported that the allegations had been investigated and not substantiated. He noted that the new Chief Security Officer could determine if future investigation was needed. Both the Special Investigator and the Chief Security Officer were copied on that email.

However, the OIG found that the complaints were not investigated and MNR Security does not have a formal way of tracking the investigation and disposition of the complaints it receives from the MNR President's Office. The former Chief told the OIG that he did not keep files for specific complaints and used his email to store correspondence related to matters on which his department was working. He also mentioned that he would track complaints on a spreadsheet, but it was not a formal department document. Although complaints referred from the MNR President's Office represent a small portion of referrals made to MNR Security in a year, with 10 in 2019 and 5 in 2018, without some uniform means of tracking them the risk remains that they will fall through the cracks.<sup>1</sup>

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<sup>1</sup> MNR Security investigates 80 to 100 work-place violence complaints a year, which they are required to log in a state-mandated database. In addition, they are asked once or twice a month to support investigations conducted by MNR Human Resources and MNR Diversity and EEO.

The former Chief was unable to provide evidence that he had, in fact, directed an investigation of the complaint. He told the OIG that when he received the complaint he probably reached out by phone and email to the Vice President of Operations or the Director of Maintenance of Way, since the employees in the complaint are in their line of supervision. Both the Vice President of Operations and the Director of Maintenance of Way denied that they had received a complaint and knew nothing of the Unauthorized Breakroom until the OIG conducted its inspection. The OIG found no email evidence that the former Chief had notified either of them. The former Chief told the OIG that his department received several similar complaints about GCT employees, and he must have grouped this complaint with others and, for unknown reasons, considered it closed.

The current Chief of Security (current Chief) also does not have a formal complaint tracking system. He told the OIG that he keeps a notebook and a folder to track complaints but relies on the MNR President's database as a "master list" of complaints. He was unaware of the former Chief's spreadsheet of complaints. The current Chief and the Special Investigator told the OIG that they did not know who, if anyone, had been assigned to investigate the complaint. The current Chief told the OIG that he had reviewed the former Chief's emails to see if the matter was assigned to an investigator, and found no emails doing so. The Special Investigator admitted that he had seen the July 16, 2019 email but had never been assigned or directed to go to the Unauthorized Breakroom to investigate the complaint. He told the OIG that he believes that he would have talked to either the former Chief or current Chief for direction on how to proceed, although he found no emails suggesting that he had done so.<sup>2</sup>

The OIG reviewed emails of MNR Security personnel during the relevant period and have found no emails assigning an investigator or documenting any investigative steps taken between March 5, 2019 and July 16, 2019, the day the former Chief Security Officer said the investigation was complete.

## *2. The Director of GCT Failed to Investigate Allegation Raised at Disciplinary Hearing*

The OIG found that the Director had prior notice that an unauthorized breakroom had been set up in Room #14. After meeting with the OIG, the Director provided the OIG with a transcript of a February 13, 2019 disciplinary hearing of a GCT electrician who was accused of workplace violence against the Electrical Foreman. In that transcript, there was testimony that the Electrical Foreman had a room near Track 112/114 described as "A little apartment. He has a big screen in there. It used to be an old locksmith storage area." The Director stated that he would have read the transcript when he received it.<sup>3</sup> He also stated that he would have mentioned it to his deputy and discussed it at his morning managers' meeting. However, the Director offered no explanation for why he did not follow up on this specific allegation about the Unauthorized Breakroom.

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<sup>2</sup> The Special Investigator told the OIG that he was on vacation from July 13, 2019 through July 23, 2019, which OIG confirmed through his PeopleSoft time records.

<sup>3</sup> MNR Labor Relations confirmed that the Director, as the Reviewing Officer in the disciplinary process, is required to read the transcript.

The Superintendent of GCT Electrical & Mechanical Maintenance (Superintendent A) stated that the Unauthorized Breakroom was raised during a managers' meeting. Superintendent A told OIG that either the Director or his Deputy Director asked him if he knew of an Unauthorized Breakroom. Superintendent A believed that he was asked about it directly because the employees involved were his subordinates. Superintendent A stated that he checked each of the rooms assigned to the trades (i.e. electricians, mechanics, and elevator technicians), under his supervision but it did not include Room #14, the locksmith shop. Superintendent A stated that he was not given any details about where the Unauthorized Breakroom was located.

In addition, the managers who were overseeing the locksmiths, Superintendent of GCT Civil Maintenance (Superintendent B) and his assistant superintendent (the Assistant Superintendent)<sup>4</sup> denied knowing anything about the Unauthorized Breakroom until the August 8, 2019 OIG inspection. Either the Director failed to inform them about the complaint or they failed to investigate it.

### **C. GCT Administration Managers Claim No Knowledge of Room #14**

#### *1. Locksmiths Managers Did Not Know About Room #14*

The Director, Deputy Director, Superintendent A, Superintendent B and the Assistant Superintendent (collectively "GCT Administration managers") claimed they did not know that the locksmiths used Room #14 for storage, let alone for personal use. These same managers also told the OIG that the locksmith shop and its supplies were considered sensitive because of the keys and the pinning devices they use to change locks and described enhanced security to protect the locksmith shop and its materials. Despite their assertions that locksmith materials were sensitive, both Superintendent B and the Assistant Superintendent told the OIG they had no idea that the room existed, let alone that it was a locksmith storage room. They both denied that they had received a tour of their assigned shops and storage areas when they were hired into their supervisory positions. They both claimed neither their predecessors nor their subordinates informed them of the Room #14 storage area. Similarly, both the Director and Deputy Director also claimed that they did not know the locksmiths used Room #14 for storage and were uncertain who on their staff would have keys to Room #14.

On the other hand, a retired Deputy Director (retired Deputy Director) told the OIG that Superintendent B, the Assistant Superintendent, and the Deputy Director not only knew about Room #14 but had been inside with him in late 2018. The retired Deputy Director told OIG that he would regularly make unannounced inspections of rooms assigned to the trades working throughout GCT. The purpose of these inspections was to look for employees sleeping or shirking work. The Director confirmed that the retired Deputy Director conducted these checks to catch employees "goofing off." Nevertheless, the Deputy Director, Superintendent B, and the Assistant Superintendent insisted they did not know Room #14 was assigned to the locksmiths under their supervision, nor the storage location of sensitive locksmith supplies.

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<sup>4</sup> The Assistant Superintendent was promoted to Superintendent GCT Utilities on March 25, 2020.

## *2. Key Control and Room Access is Lax*

The GCT Administration managers told the OIG that access to the locksmiths' supplies is restricted because they are considered "sensitive." However, no one was able to provide a written policy designating the locksmith shop and its storage areas as sensitive or identify any extra security precautions taken to secure the shop. The Assistant Superintendent told OIG that he believed only licensed locksmiths were permitted in the locksmith shops. Meanwhile, the Deputy Director believed that the locksmiths, their foreman, and their supervisor had access to the locksmith areas.

The OIG found that the current locksmiths and former locksmiths who had moved to other trades in GCT Administration retained all of their keys, as did the Electrical Foreman who previously worked with the locksmiths when they needed an electrician's assistance. Notably, none of the employees the OIG interviewed admitted that they had keys to the Unauthorized Breakroom. Despite the sensitive status of the locksmith supplies and the locksmith shops, the managers could not tell the OIG who had keys and access to the locksmith shop or its storage areas, and there are apparently no records maintained of who had those keys.

## *3. The Unauthorized Breakroom Poses a Safety Risk to Employees*

The Director considered the interior room a potential fire hazard to employees and the MNR Fire Brigade considers an unmapped room for which no one appears to have the key to be very dangerous. The risks associated with employees hiding in that room with the door locked create a variety of hazards including the inability of rescue personnel to quickly access the room.<sup>5</sup> And, in fact, those risks were apparent in how long the OIG waited for a locksmith to respond to the room to open the door.

### **D. 3 MNR Employees Used the Unauthorized Breakroom, But Falsely Denied Doing So**

During the OIG's initial inspection, we found personal property and evidence that 3 employees of MNR's GCT Administration Department used the Unauthorized Breakroom: the Wireman, the Electrical Foreman, and the Carpenter Foreman. However, all three falsely denied doing so, in statements to the OIG that were not credible.

#### *1. The Wireman*

The February 2019 complaint identified the GCT Wireman by his name as one of the employees who used the room. The OIG found an air mattress with a receipt in the Wireman's name when the room was inspected on August 8, 2019.

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<sup>5</sup> Both the Fire Brigade and the Director told the OIG that there are 2 issues with completely mapping out the rooms in GCT. A survey of GCT space was begun several years ago but was not completed; it is maintained in a database called WISP. The OIG was also told that GCT contractors are not required to provide as-built drawings at the conclusion of their projects, which has led to unmapped space.



The Wireman stated that he had been in Room #14 when he was assigned to help locksmiths unload materials. He initially denied knowing about the Unauthorized Breakroom in Room #14, but ultimately admitted that in April 2019, the Electrical Foreman invited him inside. When the Wireman arrived at Room #14, the Electrical Foreman let the Wireman into the Unauthorized Breakroom. He admitted that they watched television for an hour or 2 before the Wireman's overtime tour ended at 8 a.m.<sup>6</sup> The Wireman acknowledged that the Unauthorized Breakroom was neither an authorized breakroom nor a foreman's office. The Wireman admitted being in the interior room approximately 5 times during April 2019 and was there with the Electrical Foreman and the Carpenter Foreman, and no one else.

The OIG again interviewed the Wireman, who recanted his prior statement. He told the OIG that Room #14 is a locksmith storage room and denied knowing that the room was used for any other purpose. He claimed that the only time he had been in the room was to help locksmiths store supplies in the room, and that he had not been inside the Unauthorized Breakroom. He claimed that he had not been in Room #14 in over a year, despite previously telling the OIG that he had been there at least 5 times in April 2019. The Wireman denied that the Electrical Foreman told him about the Unauthorized Breakroom in Room #14 and denied that he had ever seen it.

The Wireman claimed he did not recall going into Room #14 with the Electrical Foreman. He further claimed to not recall telling the OIG that he had been in the "man cave" with the Electrical Foreman. The Wireman claimed to not know that the interior room was used as a breakroom. When the Wireman was told that an air mattress, and a receipt for its purchase bearing his name, was found in the "man cave," he admitted that he purchased the mattress.

## *2. The Electrical Foreman*

The Electrical Foreman stated that when he was assigned to work with the locksmith shop, 5 to 8 years ago, he had the same keys as the locksmiths, including to Room #14.<sup>7</sup> He retained those keys until they were confiscated from him on August 8, 2019 by a supervisor, although he claimed to be unable to remember which supervisor. As noted above, the Supervisor who met the OIG at Room #14 admitted that he saw the Electrical Foreman after the OIG had been admitted to Room #14 but concealed that from the OIG when he saw them later in the evening. The Electrical Foreman noted that he has 3 or 4 other key chains with GCT keys but could not say exactly where they were.

The Electrical Foreman admitted that when he was assigned to the locksmith shop he was frequently sent to Room #14 because he was the "new guy." He told the OIG that he did not like going to Room #14 because it was far away from track 100, where the locksmith shop is located. The Electrical Foreman told the OIG that he could not remember the last time that he had been in Room #14, but thought it was no more recently than 5 to 8 years ago. The Electrical Foreman recalled that there was an interior room inside Room #14 that had been built out with sheetrock

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<sup>6</sup>The OIG confirmed that the Wireman worked overtime during April 2019.

<sup>7</sup> The Electrical Foreman is qualified to work with low-voltage electricity and was assigned to the locksmith shop to assist with magnetic locks and swipe cards.

and a door. The Electrical Foreman claimed that none of the locksmiths had a key to the interior door and thus avoided closing the door. He claimed that when he saw the interior room, the door was open and the room was being used for storage.

The Electrical Foreman denied that he left personal property in Room #14 or that he helped furnish it with a futon, television, streaming device, or a refrigerator. When OIG confronted him with the fact that the streaming device was registered to him, he told us that he has “a lot” of streaming devices and frequently works on them in his office. He suggested that someone might have stolen 1 from the pile in his office and installed it in the Unauthorized Breakroom. He told the OIG that he currently has a television connected to a streaming device in his office. When asked if MNR allows him to keep a television in his office, he told the OIG “you can’t tell me I can’t watch TV during my break.”<sup>8</sup> The Electrical Foreman admitted that the package containing a pull-up bar was his, but also suggested it was stolen from his office; he did not report either of these purported thefts to either MNR Security or the MTA Police Department. Finally, he also admitted that the 2 2018 calendars found in the room were his and offered no explanation for why they were found in the Unauthorized Breakroom.

### 3. Carpenter Foreman, GCT Administration, MOW, MNR

The Carpenter Foreman was promoted to foreman of the 4 p.m. to 12 a.m. shift in February 2019 and performed most of his overtime on the 12 a.m. to 8 a.m. shift. He stated that he does not have keys to Room #14 and knows nothing about how access to Room #14 is managed. The Carpenter Foreman insisted that he has never been in Room #14. When the Carpenter Foreman was asked why his smartphone would have connected to a television or streaming device inside the room, he admitted that his smartphone “hotspot” is usually on. He opined that perhaps while walking or working in the area, his smartphone hot spot automatically connected with the television in the Unauthorized Breakroom. However, this assertion is contrary to the experience of OIG investigators. Also, the OIG subsequently tested this theory in the cross passage and the areas around Room #14. Using a similar smartphone, the OIG was unable to connect the smartphone hotspot with the TV network. Instead, the OIG found that the only way to connect a smartphone hotspot with the TV was to manually enter the hotspot password.

## III. POLICIES AND ANALYSIS

### A. MTA All-Agency Code of Ethics

#### 1. § 8.04 Prohibition Against the Use of MTA Property

The MTA All-Agency Code of Ethics section 8.04 prohibits the use of MTA resources for non-governmental purposes, including for personal purposes, with limited exceptions. The Electrical Foreman, the Wireman and the Carpenter Foreman violated this provision by

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<sup>8</sup> The Director told OIG that foremen should not have TVs in their offices and that the only sanctioned TVs were in the official break room.



commandeering the Unauthorized Breakroom and using it to engage in leisure activities—including sleeping, working out, drinking beer and watching television.

Here, the Electrical Foreman was among a limited group of employees who had been given a key to Room #14. The Wireman admitted to the OIG that the Electrical Foreman had invited him into the Unauthorized Breakroom on MNR property, where he, the Electrical Foreman and the Carpenter Foreman watched a television powered by MNR electricity. Moreover, by installing a lock on the door of the interior room for which the locksmith shop did not have the key, the employees essentially converted the MNR room to the private use of these three employees. In addition, someone had installed what appears to be an MNR refrigerator into a room that was not generally available to other GCT Administration employees.

Evidence that the three MNR employees had used the Unauthorized Breakroom is overwhelming. First, there is strong physical evidence, unique to these employees, linking all three to the space for recreation. Evidence linking the Electrical Foreman included: 2 datebooks inscribed with his name; a media streaming device registered to him; and a pull-up bar in a package addressed to him at his home address. The Wireman was linked by the inflatable mattress in a box containing a receipt with his name on it. The Carpenter Foreman was linked because his smartphone hot spot was connected to the television's network. Second, the complaints to OIG specifically named these same three employees as individuals who used the Unauthorized Breakroom as their “man cave” to “hang out and get drunk and party,” which the presence of beer, TV, refrigerator and mattresses corroborates. Third, the Wireman confessed that he and the other 2 employees had used the Unauthorized Breakroom, before he recanted. Fourth, the transcript of a February 13, 2019 disciplinary hearing of a GCT electrician included testimony that the Electrical Foreman had a room near Track 112/114 described as “A little apartment. He has a big screen in there. It used to be an old locksmith storage area.”

## *2. § 1.07 Cooperation with Audits and Investigations*

The Code of Ethics section 1.07 requires all employees to “cooperate fully and honestly” with investigations conducted by the OIG. “Failure to so cooperate will subject an Employee to appropriate disciplinary penalty, up to and including dismissal.” The three employees violated this provision by falsely denying having used the Unauthorized Breakroom in statements to the OIG that are utterly incredible.

Here, the Wireman initially cooperated with the OIG when he revealed that he had been in the Unauthorized Breakroom with the Electrical Foreman and the Carpenter Foreman, which was consistent with evidence the OIG found in the room. However, he attempted to retract his statements to the OIG when he was subsequently interviewed and implausibly claimed to “not recall” the statements he made to the OIG a little over a month before.

The Electrical Foreman's and the Carpenter Foreman's statements to the OIG were similarly implausible. The Electrical Foreman admitted that he had retained his key to the Locksmith Shop storage room after he was no longer assigned to work with them. The OIG found 4 personal items that belonged to the Electrical Foreman: a package addressed to him, a streaming device, and 2 calendars that contained his name and handwriting. The Electrical

Foreman implausibly claimed that the personal items that were found in the room were taken from his office by someone else and brought to the room. The Carpenter denied that his smartphone was used as a hotspot, despite the fact that the OIG confirmed that to utilize a smartphone hotspot the owner of the phone is required to enter a password and cannot connect from outside Room #14.

Finally, after the OIG found the date books containing the Electrical Foreman's name, the Supervisor misled the OIG about where the Electrical Foreman might be found. Despite seeing the Electrical Foreman on track 100 a couple of hours earlier, he told the OIG simply that the Electrical Foreman's shift was from 12 a.m. to 8 a.m. It is hard to draw any conclusion other than that the Supervisor lied to cover for the Electrical Foreman and forgot his lie when he was interviewed sometime later.

### 3. § 4.02: Public Trust

The MTA All-Agency Code of Ethics, Section 4.02, states, in pertinent part, that employees shall not engage in a course of 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. Further, employees shall avoid even the appearance that they can be improperly influenced in the performance of their official duties or induced to violate the public trust or impair their independence of judgment in the exercise of their official duties.

Here, the Electrical Foreman, Carpenter Foreman, and Wireman used a room apparently unknown to managers, far removed from the shops to which they were assigned, in order to, at best hangout and watch television or, at worst, drink alcohol and sleep while unobserved by their managers. Such furtive behavior combined with the fact that only a small number of employees had the key to the room can only lead to the conclusion that these employees were trying to evade detection. MNR provides an authorized breakroom equipped with a television, yet these employees spent time away from the common area creating a real risk that they were present in the room when they were supposed to be working and engaged in conduct not permitted during work hours. Therefore, they engaged in a course of conduct that would raise suspicion that they acted in violation of the public trust.

## IV. FINDINGS

1. A safety risk was created when the managers of the employees who had access to the storage room were not aware that the storage room existed and did not know which employees had keys to the storage room.
2. The MNR Security Department has no formal method to track complaints referred from the MNR President's Office or the progress of the related investigations. As a result, the MNR Security Department failed to investigate a complaint referred to it and represented that it had to the MNR President's Office.
3. GCT Administration failed to adequately investigate a specific allegation of an unauthorized breakroom.

4. The Wireman, Electrical Foreman, Carpenter Foreman, and Supervisor failed to cooperate with the OIG's investigation of the Unauthorized Breakroom in violation of the MTA All Agency Code of Ethics § 1.07.
5. The Wireman, Electrical Foreman, and Carpenter Foreman misappropriated MNR property for their personal use in violation of the MTA All Agency Code of Ethics §§ 4.02 and 8.04.

## **V. RECOMMENDATIONS**

1. The GCT Administration Department should accurately identify, record, and track the location of the rooms and access to these rooms by its employees.
2. The MNR Security Department should formalize how it tracks complaints referred from the MNR President's Office.
3. The Wireman, the Electrical Foreman, and Carpenter Foreman should be disciplined, as MNR deems appropriate, up to and including termination.
4. The Supervisor should be disciplined, as the MNR deems appropriate.

As always, we appreciate your continued courtesy and cooperation. Please advise our office within thirty (30) days of any action you intend to take and the result of any action taken. In addition, please indicate your acceptance or rejection of each recommendation and the proposed quarter in the calendar year that the recommendation will be implemented. Should you have any questions, or need additional information, please contact Executive Deputy Inspector General for Legal Pei- Pei Cheng-de Castro at (212) 878-0072.

Very truly yours,

/S/

Carolyn Pokorny

cc: Susan Sarch, Acting General Counsel, MNR  
Andrew J. Paul, Vice President Labor Relations, MNR

EXHIBIT A















8/8/19, 9:20 PM



























**Carolyn Pokorny**  
**MTA Inspector General**

**Office of the Inspector General**  
**Metropolitan Transportation Authority**  
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212-878-0000

**Agency Response**  
**to**  
**MTA/OIG #2020-23**

**Safety Risk at Grand Central Terminal and Failure to Investigate and Stop Unauthorized Use of MTA Property**

On September 3, 2020, Metro-North Railroad (MNR) responded to the Office of the MTA Inspector General (OIG)'s investigation and report. First, MNR is developing a plan to accurately identify, record, and track the location of Grand Central Terminal (GCT) rooms and access to those rooms with the goal of acquiring a complete inventory of rooms. That inventory will document the rooms that are used, which department is responsible for each room, the type of door and lock for each room, permitted access to rooms, and the value of items stored in rooms. Second, MNR will also formalize the Security Department's complaint tracking process and evaluate options for improvement. Third, the 3 employees who used the unauthorized breakroom were served with disciplinary charges and suspended without pay pending resolution of each of their disciplinary matters. Finally, MNR has requested MTA NYC Transit's Special Investigations and Review Unit to conduct additional interviews of all relevant management employees to determine whether additional discipline is necessary.

Since its September 3<sup>rd</sup> response, MNR has begun scheduling and planning the survey to locate all rooms within GCT and access to these rooms. MNR Security will be using a GIS system to electronically capture and memorialize the data generated from this survey. Further, MNR Security has already begun using an electronic tracking system for tracking complaints received from the MNR President's office. Finally, NYCT's Special Investigations and Review Unit has begun its independent review. MNR is continuing to work to resolve the issues raised in the report.