



**OFFICE OF INSPECTOR GENERAL**  
**City of Albuquerque**

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**REPORT OF INVESTIGATION**

**FILE NO:** 18-0002-I

**DATE:** February 28, 2018

**SUBJECT:** MS-1 (Transit Maintenance Supervisor)  
TD-1 (Transit Employee)

**SCHEME:** Alleged Misuse of Employee Resources

**STATUS:** Closed

**INVESTIGATORS:** Peter Pacheco and JoVonne O'Connell

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## **Executive Summary**

The Office of the Inspector General (OIG), City of Albuquerque (City), NM, conducted an investigation based on information received from the City's Legal Department. According to the allegation, a Transit Department (TD) supervisor received a complaint regarding employees going to work at a personal residence of a Transit Department supervisor during working hours.

The investigation disclosed that a TD maintenance supervisor directed one of the TD employees to perform finishing concrete work at his personal residence during the employee's working hours. The maintenance supervisor was off duty that day. No evidence was found to substantiate that other employees had gone to the maintenance supervisor's personal residence.

The TD employee admitted that he went to the maintenance supervisor's personal residence during working hours to perform finishing concrete work, at the direction of the supervisor. Specifically, he explained he accompanied the supervisor to the supervisor's residence and that the supervisor said he should "not to worry about leaving work." He was at the supervisor's residence for about an hour. The TD employee stated that the supervisor was intimidating and often yelled at him and told him that he can be replaced or fired; therefore, he was afraid to object to accompanying his supervisor to his supervisor's residence.

Department employees collectively expressed concern regarding the treatment of employees by the maintenance supervisor. During interviews, TD employees stated that prior to the investigation, employees met with Human Resources (HR) to discuss the maintenance supervisor's treatment and attitude towards employees. HR confirmed that employees had met with them regarding the maintenance supervisor. HR did not move forward with the complaint as the City's Legal Department had opened an investigation.

There is evidence that the maintenance supervisor improperly used his authority to convince a TD employee to leave during working hours to perform work at the maintenance supervisor's residence.

## **Introduction:**

The Office of Inspector General (OIG) received a complaint regarding alleged misuse of employee resources at the City of Albuquerque's (City) Transit Department (TD). The complainant stated that during work hours, an employee went with his off-duty supervisor to work at the supervisor's residence. The City's Legal Department referred the complaint to the OIG.

## **Background:**

According to the complainant, the maintenance supervisor (MS-1) was allegedly using Transit Department (TD) employees to work at his residence during working hours. A TD employee (TD-1) who is a direct-report to MS-1, relayed the complaint information to the materials manager (MM-2) who referred it to the maintenance manager (MM-1).

## **Scope and Methodology:**

The scope of the investigation focused on alleged misuse of City resources by a TD supervisor who allegedly instructed TD employees to perform work at his personal residence. The methodology consisted of reviewing relevant documents and interviewing witnesses who could provide information regarding the allegation.

The following activities were conducted as part of the investigation process:

- Interviews of TD personnel
- Review of HR Documents

## **Interviews of Transit Department Personnel:**

### **MM-1 Interview:**

On October 24, 2017, MM-1 was interviewed and provided the following information:

MM-1 was stationed at the Daytona Transit Facility (DTF), Albuquerque, NM. He stated that MM-2 came into his office in mid-June 2017, with concerns about an incident regarding employees working on MS-1's residence during working hours. MM-1 stated that he did not know anything about the situation prior to being informed of it in June 2017. The next morning, MM-1 went to the TD Director and told him what MM-2 had stated. MM-1 did not know the names of the employees, but stated that MM-2 should know more information.

### **MM-2 Interview:**

On October 27, 2017, MM-2 was interviewed and provided the following information:

MM-2 was stationed at the DTF. MM-2 stated that TD-1 told him that he went to MS-1's residence to do some work. TD-1 came to MM-2 and told him that he was being "picked on" by MS-1, because previously he went to the Alvarado Transportation Center (ATC) and said that he needed TD-1 to go with him to work at his residence. According to MM-2, TD-1 stated he couldn't do that and MS-1 said "no one is going to know, I need you to come with me." TD-1

did not mention dates or times, but stated that it was “concrete work.” TD-1 told MM-2 that MS-1 was now “picking on” him because MS-1 wanted him to do it again. Since MS-1 was TD-1’s supervisor. TD-1 went to MM-2 to report the complaint.

**TD-1 First Interview:**

On October 31, 2017, TD-1 was interviewed and provided the following information:

TD-1 was stationed at DTF. He stated that MS-1 came to work on his day off (a Saturday) in his personal vehicle while TD-1 was working and asked him to help with “concrete work” at MS-1’s residence. TD-1 stated that MS-1 wanted him to go during his working hours. He said that he declined to go and MS-1 never brought it up again. He was not aware if anyone else went to MS-1’s residence.

TD-1 stated that MS-1 has always been a hard person to work for and TD-1 was concerned about retaliation. He said that MS-1 frequently yells and curses. Several times during the interview TD-1 said that MS-1 intimidates employees and often states how employees can be replaced. (Note: TD-1 appeared noticeably concerned when talking about retaliation.)

**Transit Department Employee (TD-2) Interview:**

On November 7, 2017, TD-2 was interviewed and provided the following information:

TD-2 was stationed at DTF. He said that TD-1 told him he had gone to MS-1’s residence on a Saturday to do some concrete work. He also said that TD-1 explained he never brought it up because he was afraid of getting fired. TD-2 stated that a lot of employees were afraid of MS-1. He didn’t provide any information about any other employees who went to MS-1’s residence to work while on duty.

**TD-1 Second Interview:**

On January 10, 2018, TD-1 was interviewed a second time because he admitted to other TD personnel that he had gone to MS-1’s residence during working hours. He provided the following information:

After being informed that information was received indicating that he had gone to MS-1’s residence during working hours, TD-1 admitted that he had gone to MS-1’s residence during working hours to do “concrete work.” He said that MS-1 told him “to go with him really quick and not to worry about it.” TD-1 admitted he helped do concrete work and added that he was there for about an hour. He then told MS-1 that he felt uncomfortable and requested a ride back to work. TD-1 stated that he was afraid to say no, and that MS-1 would always say “you can be replaced or fired.” TD-1 stated that he knew it was wrong, but did not admit going to MS-1’s personal residence during the first interview because he was afraid of getting in trouble.

**Transit Department Employee (TD-3) Interview:**

On October 31, 2017, TD-3 was interviewed and provided the following information:

TD-3 was stationed at DTF. He stated that did not know anything regarding the allegation of employee(s) going to MS-1's residence during working hours.

TD-3 stated that MS-1 is a "Bully" and often says "you can be replaced." He also said that MS-1 is a hard person to work for and some employees have left due to MS-1. TD-3 stated that he considered retiring early.

#### **Transit Department Employee (TD-4) Interview:**

On November 6, 2017, TD-4 was interviewed and provided the following information:

TD-4 is stationed at DTF. He stated that he was told by TD-1 that TD-1 was asked to go to MS-1's residence. He does not know if TD-1 went. TD-4 stated that he is not aware if anyone else went to MS-1's residence.

Regarding MS-1's behavior towards employees, TD-4 stated that MS-1 is a "Big Bully" and treats employees bad. MS-1 tells employees that they are replaceable.

#### **Transit Department Employee (TD-5) Interview:**

On November 6, 2017 TD-5 was interviewed and provided the following information:

TD-5 is stationed at DTF. He stated that he did not know anything regarding employees going to MS-1's residence during working hours.

Regarding MS-1's behavior towards employees, TD-5 stated that he heard MS-1 tell an employee, "I am your boss and I can replace you if you don't do it." He stated that MS-1 would put your job on the line if you didn't do what was told by MS-1.

#### **Transit Department Employee (TD-6) Interview:**

On November 7, 2017 TD-6 was interviewed and provided the following information.

TD-6 is stationed at DTF. He stated that he did not know of anyone going to MS-1's residence during working hours. Regarding MS-1's behavior towards employees, TD-6 stated that he has felt threatened by MS-1 at times. MS-1 would tell him that he could be suspended or fired if he didn't do what he was told. TD-6 stated that MS-1 is a "Bully."

#### **Conclusion:**

There is evidence that the maintenance supervisor improperly used his authority to convince a TD employee to leave his place of work during duty hours to perform work at the maintenance supervisor's residence, which was misappropriation of City resources. MS-1 should never have directed TD-1 to leave work during duty hours to work at the supervisor's residence.

TD employees expressed concerns during the interviews that MS-1 managed employees through intimidation and fear of losing employment. HR stated that prior to the investigation, employees met with HR to discuss MS-1's treatment of employees. HR did not initiate an investigation due to the investigation started by the City's Legal Department.