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March 15, 2013

Thomas J. Madison, Jr.
Executive Director
New York State Thruway Authority
200 Southern Boulevard
Albany, New York 12209

RE: NYS IG 255-014-2011

Dear Mr. Madison:

On April 10, 2011, the New York State Inspector General received an allegation that a New York State Department of Motor Vehicles ("DMV") employee was utilizing state resources in furtherance of her outside employment with a travel agency. While investigating that allegation, the Inspector General obtained evidence indicating that [REDACTED] a New York State Thruway Authority Assistant Purchasing Agent, engaged in similar misconduct regarding the same travel agency. I am writing to advise you of the results of our investigation of [REDACTED] activities.

Thruway Authority policy relating to outside employment is contained in the Thruway Authority's Executive Instruction 2009-12 (Outside Activities and Honoraria), which states in pertinent part:

Employees . . . may not engage in any outside activity that conflicts with hours of work normally spent performing Authority/Corporation duties, or involves the use of Authority/Corporation resources, personnel, equipment, materials or time.

The instruction further provides that employees need only file a request for approval of outside activity "if an employee believes that an outside activity might interfere with or conflict with the proper discharge of the employee's official Authority/Corporation duties"

[REDACTED] who works at the Thruway Authority headquarters in Albany, provided testimony to the Inspector General during this investigation in which she acknowledged her awareness of

Thruway Authority policy on outside employment. According to the Thruway Authority, [REDACTED] has not filed a request for approval of outside activity or employment. [REDACTED] testified that she was the owner of [REDACTED] a home-based travel agency, from 1999 until January 2012, when she sold the business to a DMV employee, and thereafter became an agent of that corporation. [REDACTED] stated that she receives payment in the form of commissions for the bookings she arranges.

The Inspector General's investigation found that [REDACTED] used the Thruway Authority e-mail system and Internet access during the workday for purposes related to her outside employment on a number of occasions in 2011. Specifically, the Inspector General identified e-mails sent by [REDACTED] which referred to the [REDACTED] agency and which reflected the booking of travel arrangements for clients. Although she was aware of the restrictions barring the use of state resources for her personal business, [REDACTED] admitted to misuse of the Thruway Authority e-mail system and Internet access in furtherance of her private business.

The Inspector General recommends that the Thruway Authority reviews [REDACTED] conduct, and take appropriate action.

The Inspector General has developed and recently disseminated to all agencies under our jurisdiction uniform guidelines relating to outside activity by state employees. The guidelines include the following provisions:

Every agency must have a policy on outside activity, which is defined as an activity, secondary employment, volunteer work, etc., outside of regular employment.

The policy must be distributed annually and require acknowledgement by employees.

Employees must annually file a request to engage in outside activity.

Management approval/denial of the request is to be documented.

Supervisors are to be trained on the policy.

Supervisors should monitor/check outside activity to ensure there is no interference with state employment.

The Thruway Authority should review its policy on outside employment/activity and implement revisions necessary to ensure conformity with the guidelines described above. The Inspector General further recommends that on an annual basis all Thruway Authority staff be provided with copies of authority policies on computer, Internet, and e-mail use, and that staff annually file with authority administration signed acknowledgments of their receipt, review and understanding of these policies.

Within 45 days of the date of this letter, please provide information concerning the Thruway Authority's review and actions, including copies of any revised policies. If you have any questions regarding either Thruway Authority's implementation of the Inspector General's recommendations or Thruway Authority's response to this letter, you can contact me at (518) 474-1010.

Sincerely,



Catherine Leahy Scott
Acting State Inspector General