



STATE OF NEW YORK
OFFICE OF THE STATE INSPECTOR GENERAL
Final Report
December 9, 2008

Thruway Mechanics Take Tools Home Against Authority Policy

SUMMARY OF FINDINGS/RECOMMENDATIONS

An investigation by the New York State Inspector General found that employees of the New York State Thruway Authority's Albany vehicle maintenance garage routinely used Thruway Authority equipment for non-business purposes in violation of Thruway policy, and that supervisors were aware of this conduct, but failed to prevent it.

ALLEGATION

An anonymous complainant alleged that a New York State Thruway Authority Construction Equipment Mechanic in the Albany Division engaged in misconduct by using state equipment and resources to perform repairs unrelated to his official duties. In addition, the complainant alleged that the mechanic is "a connected individual" and that is the reason why supervisors do not address these situations.

SUMMARY OF INVESTIGATION

Thruway Authority Executive Instruction 2007-16, Use of Authority/Corporation Property/Resources states that, "the use (including borrowing) of Authority/Corporation property and resources, including, but not limited to, materials, equipments, tools, official stationary, and personnel for purposes not in the interest of Authority/Corporation functions or business is strictly prohibited and may result in disciplinary action up to and including dismissal."

The Inspector General interviewed Motor Equipment Maintenance Supervisor 3 Thomas Ryan, who supervises Thruway Authority maintenance facilities in the Albany area including the vehicle maintenance garage at Exit 23. Ryan acknowledged that, contrary to policy, Thruway Authority mechanics traditionally have been allowed to use state-owned tools and machinery to work on small personal projects in the garage during lunch or break time. Ryan stated that the Thruway Authority requires motor equipment mechanics to provide their own tools for use in the workplace. The required tools, according to information provided to the Inspector General by the Thruway Authority,

include hammers, screwdrivers, chisels, pliers, wrenches, socket sets and numerous others.

Motor Equipment Maintenance Supervisor 1 Frank Devane, Jr. supervises six mechanics in the Albany garage who maintain most of the cars and small trucks assigned to the Thruway Authority's Albany Division. Devane testified that during the 27 years he has been employed by the Thruway Authority it has been common practice for mechanics to use Thruway Authority equipment for personal projects, even though the practice is prohibited by policy. Devane testified that while he does not explicitly give permission for this conduct, he knows it is occurring and does not intervene. Devane stated that he makes sure that the personal projects do not interfere with mechanics completing their assigned Thruway Authority work.

Motor Equipment Maintenance Supervisor 1 Thomas Behan supervises seven mechanics in the garage's truck shop. A Thruway Authority employee since 1986, Behan also testified that, in his experience, mechanics have always used Thruway Authority equipment for personal projects during lunchtime and have been allowed to take equipment home overnight. Despite unambiguous Thruway policy prohibiting personal use of state equipment, Behan stated that he viewed this practice as reasonable given that mechanics are required to provide their personally owned tools to use on Thruway Authority work. Behan testified:

If they're gonna bring in some of their specialty equipment, that they own, to work on Thruway [Authority] equipment . . . I don't see, I can't deny them the use overnight of a [state owned] specialty tool on their own vehicle . . . [I'm] not trying to justify it; I'm just saying you get a better employee, work-wise, if he helps you out and you can help him out . . . I'm looking to get the job done . . . I'm not trying to steal stuff or something like that . . . I try to help the guys out . . . I get more back, more production.

Behan testified that in the past mechanics took equipment home for a week at a time, but that since he became a supervisor in 1993 he has limited the practice to overnight. Contrary to formal Thruway policy, which "strictly prohibits" personal use or borrowing of state equipment, Behan has imposed his own policy under which he allows mechanics to borrow tools if they notify him, and then advise him the following morning when the tool is returned. Behan testified that no one ever failed to return a tool the following morning and that no tools have been returned broken.

One Albany garage mechanic testified that he has worked at the garage for approximately 25 years, but is unaware of any policy prohibiting use of Thruway Authority for personal projects. The mechanic testified that overnight borrowing of tools has diminished in recent years.

Another garage mechanic testified that he is aware of policy prohibiting the use of Thruway Authority equipment for personal purposes, but that many employees, including him, do so. He testified, "Generally there's a common practice of using Thruway

[Authority] equipment for your personal use.” He testified that supervisors knew of the practice but overlooked it.

FINDINGS AND RECOMMENDATIONS

The Inspector General found that in violation of policy, mechanics in the Thruway Authority’s Albany vehicle maintenance garage routinely use Thruway Authority equipment for personal projects, and that supervisors are aware of this practice but do not stop it and, in fact, facilitate it.

The Inspector General recommended that the Thruway Authority review the conduct of supervisors and mechanics in the Albany garage and take appropriate action. It was also recommended that the Thruway Authority take steps to ensure that all employees are aware of, and comply with, policies regarding equipment use.

In response to the Inspector General’s recommendations, Thruway Authority Executive Director Michael Fleischer advised that policy prohibiting the borrowing of agency tools will be re-issued to all employees and that supervisors will be instructed to clearly explain to employees that violation of the policy may result in disciplinary action.

Fleischer also advised that the conduct of supervisors identified in the Inspector General’s investigation will be reviewed to determine if disciplinary action will be taken.