



The City of New York
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DOI ISSUES REPORT ON AWOL FIREFIGHTER

-- Report includes recommendations for changing policies governing Light Duty --

ROSE GILL HEARN, Commissioner of the New York City Department of Investigation (DOI), announced today that a probe into the employment status of New York City firefighter JOHN MAYO revealed that MAYO had been Absent Without Leave (AWOL) when he should have been on Light Duty performing administrative duties for the FDNY from April until June 2006. The DOI Report also showed that MAYO's misconduct was facilitated by inadequate regulations and oversight regarding personnel placed on Light Duty. As a result, MAYO manipulated the lack of regulations and was paid for approximately nine weeks when he did not show up for work.

Commissioner Gill Hearn said, "This firefighter exploited a gaping hole in the FDNY's policy and procedures governing personnel on Light Duty. I am pleased that the FDNY has moved to fill this hole so that this type of misconduct cannot reoccur. That said, these new regulations will not adversely affect the majority of firefighters on Light Duty who do not manipulate a system designed to help and protect them."

DOI's investigation began when the FDNY reported that MAYO, 38, of Manhattan, who earns \$63,309 a year, had been AWOL. MAYO, a firefighter since 1999 whose home assignment was at Ladder 50 in the Bronx, had been placed on Light Duty in December 2005 due to a medical condition. After being put on Light Duty, a status that is reserved for firefighters who have become disabled due to an injury or illness but can still perform general administrative duties, MAYO was assigned to Division 7 where he did administrative work. At the end of January 2006, MAYO went on vacation with the intention of using up his vacation time and returning to work in April.

During the relevant time period, Mayo's home station, Ladder 50, was in charge of tracking MAYO's status, assignments and hours - including his Light Duty hours - by submitting his Time Keeping and Payroll Reports (TPRs) to FDNY headquarters. DOI found that MAYO's TPRs from April through June 2006 did not reflect any Light Duty. Instead, the TPRs submitted for MAYO erroneously suggested that MAYO had been working regularly scheduled tours from April through June, even though he was not reporting to work at all during that time. All of the officers who would have been responsible for signing off on MAYO's TPRs denied filling them out, but also admitted that MAYO had not been physically in the firehouse from April to June 2006. Thus, this investigation exposed that the manner in which Light Duty is tracked is deficient.

In June 2006, Lieutenant Matthew Donachie, who was in charge of managing Division 7's approximately 100 Light Duty personnel, suspected that MAYO might be AWOL when Donachie discovered a discrepancy between his Division's records and the list of Light Duty personnel distributed by headquarters. Lt. Donachie told DOI that he eventually located MAYO in Atlanta, Georgia and told the firefighter to report for work.

MAYO explained his absence to DOI thusly: He took an approved, extended vacation but did not return to work because he thought he was on Medical Leave, which is a status granted to a firefighter who has been found unable to perform either regular or Light Duty due to a medical condition or injury. In fact, MAYO had visited doctors at FDNY's Bureau of Health Services six times between December 1, 2005 and June 29, 2006 and was told verbally and in writing that he was not being put on Medical Leave but rather was kept on Light Duty after every examination. MAYO told DOI that in his view he "should have been on" Medical Leave and therefore he maintained that he was on Medical Leave during the time he was AWOL. MAYO is currently on Light Duty.

In its report, DOI recommended that MAYO be disciplined for failing to show up for work and required to repay any monies he was paid during the time he was AWOL. The report also stated that there is virtually no accountability for members assigned to Light Duty status within the FDNY. Currently, there are no rules and regulations, other than a brief memo distributed to all borough commands that is very general. Furthermore, due to large number (900) of FDNY members on Light Duty, it is difficult to assess whether or not other firefighters are similarly exploiting their status. To be sure, the majority of members on Light Duty are not manipulating their Light Duty status. The report suggests a written regulation is needed to better manage members on Light Duty. Specifically, the FDNY should strengthen communication among the Bureau of Health Services, which assigns Light Duty Status, the Light Duty Desk, which makes assignments, and the commands where members are assigned to achieve maximum accountability. Further, officers responsible for Light Duty members must be held accountable for Light Duty members' whereabouts. In the Mayo matter, until Lt. Donachie noticed Mayo's absence, all of the other officers failed to notice that MAYO had been missing from work for an extended period of time. The report also recommends that TPRs be filled out accurately and honestly, (if not upgraded altogether with technology), with only the appropriate personnel codes indicating whether or not someone is present, sick, or on vacation, etc.

To its credit, after receiving preliminary findings, the FDNY has implemented a new, first of its kind, Light Duty policy to improve both the utilization and tracking of Light Duty personnel. These new accountability measures are aimed at eliminating errors, deliberate or not, in a firefighter's TPR, as well as provide for random, surprise audits of Light Duty work locations to confirm the assigned member's presence. The new policy also requires Officers and other supervisors to contact the Light Duty Desk if a member on Light Duty fails to report for work.

DOI is one of the oldest law-enforcement agencies in the country. The agency investigates and refers for prosecution City employees and contractors engaged in corrupt or fraudulent activities or unethical conduct. Investigations may involve any agency, officer, elected official or employee of the City, as well as those who do business with or receive benefits from the City.

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