



# NEWS

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## **Crane Operators Improperly Certified, Inspector General Concludes**

A report released today by State Inspector General Kristine Hamann revealed that a Department of Labor employee's misconduct resulted in the improper certification of more than 200 unqualified crane operators.

Inspector General Hamann stated: "It is vitally important that crane operators working in the state are properly tested and certified. As a result of our investigation, the DOL is taking action to bring greater fairness and integrity to the testing process."

Most crane operators in New York State are required to obtain DOL certification by passing a Civil Service written test and a hands-on practical exam administered by the Crane Operating Examining Board. Board members are appointed by the Commissioner of Labor. New York City has its own licensing process for crane operators who work in the city.

The Inspector General began the investigation when a test-taker complained he was treated unfairly on the crane operator practical exam. As a result of the investigation, the Inspector General's found:

- Crane operator certificates were issued to more than 200 people who failed the practical exam between 1985 and 2000. All the improper certifications were issued by or under the direction of DOL employee and Crane Board member Frank Fazio, who wielded undue influence over the process and even granted himself an improper crane certification.

- DOL officials were notified in 2004 of the improper issuance of 42 certificates, but failed to act.
- DOL lacks sufficient administrative controls over the testing process. Specifically, tests are graded inconsistently and the same board members who grade tests also decide appeals of their own decisions.

The Inspector General noted that the Commissioner of Labor promptly responded to preliminary investigative findings, suspending 197 crane operators' certifications in November 2007. As of today, 75 of the suspended operators have re-taken the test; 38 have passed.

The Inspector General recommended that DOL immediately draft policies to govern administration of the practical exam. The Labor Commissioner also should re-evaluate the composition of the Crane Board. In response, DOL stated it will issue written policies and procedures for improved standards, administration, and oversight of the practical examination.

DOL also stated it will take appropriate action concerning the improper conduct of Fazio, who was removed from the Crane Board in response to the Inspector General's preliminary findings. A Safety and Health Program Manager earning \$82,117, Fazio, 60, has worked for the department since 1970.

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