

Mayor criticizes moonlighting by injured Buffalo police officers

Second jobs are worked as officers get sick pay

By Brian Meyer NEWS STAFF REPORTER

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Several Buffalo police officers who have been out sick because of on-duty injuries are working second jobs, City Hall has been told, and the Brown administration wants them to know they're being watched.

Mayor Byron W. Brown called the situation "unconscionable" and noted that officers who have been injured on duty continue to receive their full salaries and benefits.

"Then they have the nerve to request [permission] to work a second job," Brown said.

The Buffalo News has learned that one case focuses on an officer who is out with a job-related injury but who has been noticed performing security chores at a suburban business.

State law isn't as specific as city legal experts would like in prohibiting police from working second jobs if they're out with work-related injuries.

Some interpret state law to mean that municipalities can require only home confinement for injured-on-duty officers during their work shifts, city Benefits Manager Tracy A. Healy said. In other words, an officer who works an overnight shift could argue that he has the right to work a day job, even if he's not working at his city job.

"Who the heck invented this stuff?" city Finance Commissioner Janet E. Penksa said in reference to the legal provision.

Regardless of ambiguity in state law, Police Department policies make it clear that even officers who return to perform light duty cannot hold second jobs, city Corporation Counsel Alisa A. Lukaszewicz said.

What's more, she said, every officer — including those who are not out with injuries — must obtain permission before taking a second job.

Police administrators have routinely denied permission to injured-on-duty employees who expressed a desire to moonlight, Healy said. But she said a "handful" of officers have ignored their edict.

The city intends to force the issue. Healy said she will be talking with the Police Department's Professional Standards Division, the unit that conducts internal investigations into possible wrongdoing. She made it clear that the problem is not widespread within the police force.

"There's a handful [of officers], and I need to make an example of some of them," Healy told Brown and other members of Buffalo's CitiStat accountability panel Friday.

The mayor encouraged her to take swift action, saying there should be a "pretty harsh penalty" for officers who work second jobs while insisting that they're too injured to return to the city payroll. City officials hinted that dismissal might be one of the possible outcomes.

Brown also raised concerns that some physicians might be "cheating" by providing diagnoses that help employees remain out of work. Cases where "phantom pain" is alleged can be difficult to challenge, Healy said. But she told the mayor that there are a number of cases where the city is becoming "very aggressive."

"I'm not playing anymore," she said.

Police union President Robert P. Meegan Jr. said he's not aware of any officers who are out on injuries but moonlighting at other jobs.

Still, Meegan and other police union leaders said they don't believe injured officers would be breaking any laws if they worked second jobs, as long as they remained at home during their assigned city work shifts.

Injured-on-duty employees in the Police and Fire departments have contributed to high overtime costs, according to city officials and members of the state control board that oversees Buffalo's finances. Efforts have been under way for a couple of years to try to contain these costs.

Brown administration officials also have met with administrators from the Fire Department to discuss overtime and sick leave issues. Fire Commissioner Michael S. Lombardo pointed out that while overtime costs are up, his department's budget has actually declined by \$3 million since 2001.

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