

June 29, 2004

Hon. Joel I. Klein
Chancellor
New York City Public Schools
Department of Education
52 Chambers Street; Room 314
New York, NY 10007

Re: Susan Brown, Doris Collins,
Andrea Cottman, Judith Grebin,
Ketty Levantrosser
SCI Case# 2004-0169

Dear Chancellor Klein:

An investigation conducted by this office has substantiated time abuse by five assistant principals who were repeatedly absent without leave from their temporary assignments to the Division of Personnel Office for Region 9 in Manhattan.¹ In particular, four of these individuals knowingly falsified attendance sheet entries on at least seven occasions, resulting in a misappropriation of salary for hours they did not work. The fifth individual did not even fill out an attendance sheet but was paid her full salary despite her repeated failure to work full days.

¹ Susan Brown was on temporary reassignment between December 2003 and February 2004. She is currently assigned to the High School for Humanities in Manhattan. Doris Collins has been on temporary reassignment in Region 9 since August 2003. Andrea Cottman was on temporary reassignment between September 2003 and February 2004. She is currently assigned to Roberto Clemente JHS in Manhattan. Judith Grebin was on temporary reassignment between September 2003 and March 2004. She is currently assigned to the High School for Humanities in Manhattan. Ketty Levantrosser was on temporary reassignment between December 2003 and February 2004. She voluntarily returned to a teaching position and is currently assigned to the High School for Leadership in Manhattan.

This investigation began in January 2004 when this office received information that, since September 2003, Assistant Principals Susan Brown, Andrea Cottman, Judith Grebin, and Ketty Levantrosser frequently had worked fewer hours than reflected in their attendance sheets. During the course of the investigation, observations of Assistant Principal Doris Collins indicated a similar pattern of activity.

The Personnel Manager for Region 9, Judith Rivera, explained to investigators the nature of the assignments given to the five assistant principals ("AP"). In September 2003, following the restructuring of the Department of Education ("DOE") into regions, these APs had no specific assignments and were temporarily directed to report to a satellite office ("the office") of the Region 9 Personnel Office located at 22 East 28th Street.² Consistent with their contract, the APs were expected to work a 7 hour and 40 minute work schedule, five days a week. Each AP, except Doris Collins, voluntarily signed an acknowledgement that she would adhere to that schedule and record her time at work on an attendance sheet each day. Collins refused to sign the acknowledgement or fill out the attendance sheet each day. Rivera also stated that the APs were offered the opportunity to assist in the daily assignment work but each declined to take part.³ Thus, it appears that the most significant responsibility assigned to each AP during their temporary reassignment was to show up on workdays. However, there was no on-site supervisor to oversee their attendance.

Between January and March 2004, surveillance by investigators, along with reliable information provided by a confidential source, revealed a pattern in which the APs frequently were not present at the office for several hours a day and yet were paid their full salary. On various days and times the assistant principals were observed conducting personal business during their "work" hours.⁴ Investigators followed as they strolled the neighborhood or rode the subway and watched as they entered the Waldorf Astoria, arrived at Lincoln Center to buy ballet tickets, and went shopping at Lord & Taylor, Macy's, Barnes & Noble, Pier One, and K-Mart. The dates and times supported by the evidence are indicated below:

² Rivera added that all non-supervisory employees who had been deemed "excess" for payroll purposes and employees facing discipline also were assigned to that location. However, those employees were assigned to a different area of the office and faced some degree of oversight by Human Resources employees. During the first week of March 2003, Collins and Grebin were reassigned to the Region 9 Operations Center because the satellite office was closed. Brown, Cottman, and Levantrosser had previously been assigned to permanent schools.

³ According to Daniel McCray, Counsel to the DOE Labor Relations Office, under their contract, APs could only be assigned duties consistent with their position.

⁴ Payroll records indicate that each AP was credited with having worked a full shift on each of the days in question.

- **Susan Brown:**

<u>Date</u>	<u>Attendance Sheet</u> ⁵	<u>Time in Attendance</u> ⁶	<u>Discrepancy</u>
1/27/04	8:30am-4:20pm	10:55am-Unknown	2 hours, 25 minutes
1/29/04	8:30am-4:30pm	11:10am-3:30pm	3 hours, 40minutes
1/30/04	8:30am-4:30pm	11:00am-1:25pm	4 hours, 35 minutes
2/03/04	8:30am-4:30pm	10:30am-12:55 pm	4 hours, 35 minutes
2/05/04	8:30am-4:30pm	10:23am-1:27pm	3 hours, 56 minutes
2/06/04	8:30am-4:30pm	Unknown-12:30pm	4 hours
2/12/04	10:30am-4:30pm	10:45am-2:31pm	2 hours, 14 minutes
2/13/04	8:30am-4:30pm	10:10am-12:48pm	4 hours, 22 minutes

- **Doris Collins:**

<u>Date</u>	<u>Attendance Sheet</u>	<u>Time in Attendance</u>	<u>Discrepancy</u>
1/27/04	Never signed in/out	9:20am-12:00pm	5 hours, 10 minutes
1/29/04	Never signed in/out	10:45am-3:30pm	3 hours, 5 minutes
2/03/04	Never signed in/out	10:30am-12:52pm	5 hours, 28 minutes
2/05/04	Never signed in/out	10:43am-12:38pm	5 hours, 55 minutes
2/12/04	Never signed in/out	10:19am-12:30pm	5 hours, 39 minutes
2/13/04	Never signed in/out	10:38am-12:07pm	6 hours, 21 minutes
3/12/04	Never signed in/out	10:12am-3:00pm	3 hours, 2 minutes

- **Andrea Cottman:**

<u>Date</u>	<u>Attendance Sheet</u>	<u>Time in Attendance</u>	<u>Discrepancy</u>
1/27/04	Signature but no times	9:20am-12:00pm	5 hours, 10 minutes
1/29/04	8:30am-3:40pm	9:06am-3:30pm	46 minutes
1/30/04	8:30am-3:30pm	9:00am-12:00pm	4 hours
2/03/04	8:55am-3:50pm	9:00am-12:52pm	3 hours, 3 minutes
2/05/04	8:30am-3:50pm	8:45am-12:38pm	3 hours, 27 minutes
2/12/04	8:15am-No time	8:38am-1:54pm	2 hours, 34 minutes
2/13/04	8:30am-3:50pm	9:00am-12:07pm	4 hours, 13 minutes

⁵ Unless otherwise noted, each attendance sheet entry includes the purported signature of the appropriate AP.

⁶ Times in attendance are approximated based on surveillance observations or information from the confidential source. If the time of arrival/departure is unknown the time reflected on the attendance sheet is assumed to be accurate. While the APs were allotted 40 minutes for lunch, they did not reflect when that time was taken on their attendance sheet, although they had been directed to do so by Rivera. In several instances, investigators observed an AP entering and remaining inside a food establishment for up to an hour and a half and then returning to the office. Such absences from the office were reflected as time in attendance and not held against the AP.

- **Judith Grebin:**

<u>Date</u>	<u>Attendance Sheet</u>	<u>Time in Attendance</u>	<u>Discrepancy</u>
1/27/04	8:30am-4:20pm	11:30am-Unknown	3 hours
1/29/04	8:30am-4:20pm	11:10am-2:30pm	4 hours, 30 minutes
1/30/04	8:30am-4:50pm	10:25am-11:50am	6 hours, 55 minutes
2/03/04	8:30am-4:20pm	10:30am-12:55pm	5 hours, 25 minutes
2/04/04	8:30am-4:20pm	9:40am-10:20am	7 hours, 10 minutes
2/05/04	8:30am-4:20pm	10:30am-1:27pm	4 hours, 53 minutes
2/06/04	8:30am-4:20pm	Unknown-12:00pm	4 hours, 20 minutes
2/12/04	8:30am-4:20pm	10:19am-Unknown	1 hours, 49 minutes
2/13/04	8:30am-4:20pm	10:16am-12:48pm	5 hours, 18 minutes
3/11/04	8:25am-No time	8:27am-10:12am	6 hours, 10 minutes

- **Ketty Levantrosser:**

<u>Date</u>	<u>Attendance Sheet</u> ⁷	<u>Time in Attendance</u>	<u>Discrepancy</u>
1/27/04	Signature but no times ⁸	10:55am-Unknown	2 hours, 25 minutes
1/29/04	8:05am-No time ⁹	10:00am-1:00pm	4 hours, 20 minutes
1/30/04	8:30am-No time	9:50am-1:00pm	4 hours, 10 minutes
2/03/04	Signature but no times ¹⁰	9:15am-2:30pm	2 hours, 35minutes
2/04/04	Signature but no times ¹¹	8:40am-3:20pm	1 hours, 10 minutes
2/05/04	8:10am-No time	Unknown-3:07pm	1 hours, 13 minutes
2/06/04	8:00am-3:20pm	Unknown-2:45pm	35 minutes
2/13/04	8:00am-2:40pm	8:27am-12:48pm	3 hours, 59 minutes

Even when the attendance sheets reflected less than a full day of work, the APs were always paid as though they were present the entire day. Rivera explained that the

⁷ The times reflected below are taken from the AP attendance sheet. In addition, on some occasions, Levantrosser appears to have written her attendance times on both the AP attendance sheet and the "excess" teacher attendance sheet. On a few occasions, the AP submitted her time only on the teacher attendance sheet. Discrepancies in these times are highlighted in footnotes.

⁸ The teacher attendance sheet reflects a sign-in time of 9:30am, with no sign-out time.

⁹ The teacher attendance sheet reflects a sign-in time of 9:00am, with no sign-out time.

¹⁰ The teacher attendance sheet reflects a sign-in time of 8:30am, with no sign-out time.

¹¹ The teacher attendance sheet reflects a sign-in time of 8:30am, with a sign-out time of 3:15pm.

payroll secretary at the school where each AP had previously been assigned remained responsible for any attendance modifications in the payroll system. Unless an entry was made into the payroll system to reflect time off on a particular day, the AP automatically would be paid for a full day. According to Rivera, the AP attendance sheets were intended solely to keep an in-house record of attendance as Region 9 was formulating policy with respect to the excess positions created by the DOE restructuring. The documents were not intended for payroll purposes and thus, they were not forwarded to the respective payroll secretaries.

Moreover, documents filed with Rivera's office appear to indicate that Grebin and Cottman took additional time off while reassigned but were still paid as though they were present for duty. According to Rivera, the APs were directed to file any absentee forms with both the region and the payroll secretaries at their former schools. Included in the region office's file on both APs were Excuse of Absence forms and supporting documentation apparently reflecting certain dates of absence by these APs. However, the respective payroll secretaries stated that such forms were never filed with their offices and even had they been, the secretaries would not have entered the information in the system because they did not contain additional signatures from supervisors approving the requests.¹² Thus, payroll records reflect that the APs were paid as though they were present for duty on the days described below.

- **Grebin:**

Excuse of Absence form signed by the AP on 10/17/03 reflecting expected attendance at a seminar on 10/21/03.

Document from a doctor's office dated 3/11/04 reflecting an appearance at that office the same day. No Excuse of Absence form in the file.

- **Cottman:**

Excuse of Absence form signed by the AP on 11/05/03 reflecting attendance at a doctor's appointment on 11/04/03. Document from a doctor's office dated 11/04/03 reflecting an appearance at that doctor's office the same day.

Excuse of Absence form signed by the AP on 11/12/03 reflecting expected attendance at an out of state conference from 11/19/03-11/21/03.

Excuse of Absence form signed by the AP on 1/15/04 reflecting attendance at a workman's compensation hearing on 1/14/04.

¹² The payroll secretaries agreed that the APs may not have been charged the days for some outside functions, such as DOE related seminars, if approved by their supervisors.

Assistant Principal Susan Brown, in the presence of a union representative, claimed that all of the times indicated on her attendance sheets were accurate. She added that she never left her assigned office during the workday, even for lunch.¹³

Through their union representatives, Doris Collins, Andrea Cottman, Judith Grebin, and Ketty Levantrosser declined to be interviewed by investigators.

The credible evidence in this case clearly indicates that four of the APs, not including Collins, frequently falsified attendance sheet entries claiming to have worked several hours in which they were absent without leave. In addition, Collins, who made no entries on the attendance sheets, took advantage of a lack of oversight by receiving her full salary for the days in question despite being absent without leave for several hours. Such misconduct must not be tolerated by the Department of Education. Therefore, it is the recommendation of this office that Susan Brown, Doris Collins, Andrea Cottman, Judith Grebin, and Ketty Levantrosser face strong disciplinary action, which could appropriately include imposition of a fine, suspension without pay, or dismissal, and that each be required to make restitution with interest to the DOE for the amount of their unjust enrichment. It is further recommended that the district office review the circumstances surrounding the absentee forms filed with that office by Grebin and Cottman to determine whether adjustments should be made to the payroll system. Since the conduct by these individuals could also constitute criminal activity, we are referring the matter to the New York County District Attorney's Office.

Moreover, the lack of oversight by the region created an environment in which the APs easily were able to exploit the DOE. It is reasonable to conclude that such failings may be systemic throughout the DOE. Therefore, it is further recommended that the DOE devise a consistent oversight policy regarding the temporary reassignment of personnel. In particular, the DOE should direct that any office charged with direct oversight of employees be responsible for developing reliable attendance-keeping and payroll procedures.

¹³ However, on multiple dates, investigators followed Brown as she left the office early, got on a subway, and did not return to work.

We are forwarding a copy of this letter and our final report to the Office of Legal Services. We are also forwarding our findings to the State Education Department for whatever action it deems appropriate. Should you have any inquiries regarding the above, please contact Special Counsel Tim Zirkel, the attorney assigned to the case. He can be reached at (212) 510-1418. Please notify Mr. Zirkel within thirty days of the receipt of this letter as to what, if any, action has been taken or is contemplated regarding the recommendations made here. Thank you for your attention to this matter.

Sincerely,

RICHARD J. CONDON
Special Commissioner
of Investigation for the
New York City School District

By:

Regina A. Loughran
First Deputy Commissioner

RJC:RAL:TZZ:gm

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