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THE SPECIAL COMMISSIONER OF INVESTIGATION
FOR THE NEW YORK CITY SCHOOL DISTRICT

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**TAKING THEIR TIME:
An Investigation into Board of
Education Custodial Employee
Time Abuse**

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INTRODUCTION

In April 1995, the New York City Comptroller's office notified the Special Commissioner that a significant percentage of New York City's approximately 6,200 school custodial employees reportedly worked extraordinarily long hours; in 1994, 337 of those employees, or 5%, recorded more than 3,000 hours of work, averaging 60 hours a week. Some were paid for an average of 90 hours or more per week. These numbers would have been alarming even without additional information.

But this office did have further information. In November 1992 the Special Commissioner issued a report entitled *A System Like No Other: Fraud and Misconduct by New York City School Custodians* which examined several different areas of wrongdoing, primarily on the part of school custodians. The report also exposed misconduct on the part of custodians' employees, sometimes known as "helpers." As described in the report, helpers at two separate Board facilities engaged in regular time abuse and time clock manipulation. *A System Like No Other* helped pave the way for major reform. The most significant was a new labor contract with the custodians, negotiated in 1994 by Mayor Rudolph Giuliani and then Labor Commissioner Randy Levine. The contract implemented virtually all of the recommendations we made in our 1992 report and gave the Board the tools to eliminate the abuses the report highlighted. It remains the Board of Education's responsibility to adequately supervise the custodians, however, and the Comptroller's data raised troubling concerns that this supervision was still lacking.

Our investigation ultimately focused on two schools. Custodial helpers employed at those schools were on the Comptroller's list of significant overtime earners and were also the subjects of independent allegations made to this office. We discovered that at both schools substantial amounts of overtime were being stolen, not earned.

In the first case, employee **Ronald Dingman** regularly manipulated the time clock at **P.S. 105** to inflate his daily earnings. Our investigation showed, and Dingman admitted, that he would arrive at

P.S. 105 at least one hour after his assigned start time, change the time on the clock to one hour earlier, and punch his card in order to gain an additional hour of pay. Dingman held a second custodial helper job at J.H.S. 117. Occasionally, Dingman failed to complete his work shift, sometimes at P.S. 105 and sometimes at J.H.S. 117. His time cards on those occasions reflect his scheduled departure time even though, in fact, he left work early. These schemes enabled Dingman to inflate his earnings by about \$5,000 per year. Dingman generously shared his ability to manufacture income with his brother, **Peter Dingman**, by creating a time card showing Peter to be working at the school at the same time that other records showed Peter to be driving a private bus. Ronald would simply punch his brother in and out on days when Peter did not work in the school, and Peter would sign his time card and receive a paycheck.

In the second case, the issue was not whether several custodial employees worked for every hour that they were paid by the Board; rather, it was determining whose work they were doing for the paychecks they received. Our investigation revealed that, at the request of former **Bronx High School of Science** custodian **Matthew Donohue**, his employees regularly worked on Donohue's private projects while "on the clock" at the school. They stripped, sanded, stained, and refinished old classroom doors and windows taken from a different school, and repaired and replaced the doors' glass panels. They also stripped, sanded, and refinished old moldings. These employees even built a trailer that Donohue used to transport the school's tractor to the site of the home he was building in Southampton. Although we do not know the fate of all of the renovated items, we do know that none was ever installed on Donohue's projects exceeded \$5,000, an amount that could better have benefitted the public school children of New York City. But instead of paying for this work out of his own pocket, which by all appearances would not have been difficult for him, Donohue stole valuable hours of labor from the

Board's ever-shrinking coffers.

We also looked at the hours worked and the work performed by the ten custodial employees whose time records indicate the most hours worked during 1994. The pitiful explanations offered by these helpers for the enormous overtime they received, taken together with the abuses uncovered in the Dingman and Donohue cases, confirm the worst concerns raised by Comptroller Hevesi's audit: inadequate management and supervision of custodians opened the door to theft of many thousands of overtime dollars from the Board of Education.

RONALD DINGMAN

THE ADJUSTABLE TIME CLOCK

A confidential informant reported to this office that Ronald Dingman, a custodial fireman at P.S. 105 in the Bronx, engaged in corruption and fraud by manipulating the time clock in order to falsify his time card record. We later learned from the Comptroller that Dingman recorded an average of 70 hours of work a week in 1994, and was thus among the highest custodial employee earners for that year.

Board of Education records show that Dingman began his employment with the Board as a seasonal cleaner in December 1985 at P.S. 65 in the Bronx. There, in violation of the Board's anti-nepotism regulations, he was employed by his father-in-law, Frank Ciminello.¹ In March 1988, Dingman followed Ciminello to Ciminello's new school, P.S. 57 in the Bronx, still working as a part-time cleaner. Ciminello currently works at that school.

¹The Board's anti-nepotism regulation is contained in a Chancellor's Regulation dated September 6, 1983, entitled Conflicts of Interest. (C-110, section 3.5).

Dingman began working full-time in 1990 at P.S. 106, and at J.H.S. 113 where he remained until 1993. In that year he was hired by custodian Michael Dellacava as a fireman at P.S. 105. Dingman is currently employed at that school. In February 1993, Dingman took on a second custodial job in the evenings as a cleaner at Junior High School 117. Dingman held this second job until November 1995. His mother-in-law has been employed at J.H.S. 117 as the custodian's payroll secretary since January 1993. Until November 1994, Dingman's friend, Joseph Dellacava, Michael Dellacava's son, also worked at J.H.S. 117 with Dingman.

Michael Dellacava left P.S. 105 in January 1995. Between that month and June 1995, P.S. 105 was under the "temporary care" of five separate custodians, each of whom was responsible for the school for a short time. These temporary care custodians each had full-time responsibility for other Board facilities, and managed the custodial services at P.S. 105 on a part-time basis. A permanent custodian was assigned in June 1995.

The informant referred to above suspected that Dingman had regularly manipulated the time clock at P.S. 105 over a three-year period to falsely indicate that he worked hours when he was not even at the school. The informant also reported that Dingman used a second time card, in someone else's name, to create additional fraudulent income. According to the informant, each custodial employee at the school is assigned a specific time card, which is used for a four-week period. The employee's name is entered at the top of the card. The informant suspected that on April 13, 1995 Dingman inserted a blank time card, which did not bear any name or other entry on it, into the time clock. Six days later the informant surreptitiously examined the time card. He observed that the name *Peter Dingman* now appeared on the card, as well as time clock entries recording several hours of work, ostensibly performed by Peter Dingman on April 13, 1995. Peter Dingman is Ronald Dingman's

brother. The informant was certain that Peter, who occasionally worked at P.S. 105, had not appeared at the school on April 13th.

Our investigators installed a covert camera in the general office at P.S. 105 on April 17, 1995 that videotaped the time clock for the following three days. Investigators simultaneously conducted surveillance on Dingman to observe the exact time he arrived at the school on those days and on the day after the camera was removed. Dingman's time cards were also retrieved and examined to determine whether the arrival times entered on the cards were consistent with the video surveillance and the observations of the investigators. They were not.

The chart below compares Dingman's actual arrival time at the school on three consecutive days, as recorded on the video camera or observed by investigators, with the arrival times entered on Dingman's time card. On each of these three days, Dingman's actual arrival time is approximately one hour later than the arrival time indicated on the time card. The videotape shows conclusively that, on April 19 and April 20, 1995, Dingman removed the cover of the time clock, adjusted the mechanism, and punched two cards. Dingman's departure time on one date, April 19th, is also noted, and compared with his arrival time, that same date, at his evening job.

Ronald Dingman's Arrival Times at P.S. 105

Date	Actual Arrival Time	Time on Card
April 19, 1995*	6:01 AM	5:03 AM
April 20, 1995	6:30 AM	5:33 AM

April 21, 1995	6:20 AM	5:28 AM
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***April 19, 1995**

P.S. 105 Recorded Departure Time	J.H.S. 117 Arrival Time
4:00 PM	3:50 PM

Dingman's time card for April 19, 1995 suggests that, miraculously, he arrived at his second job ten minutes before he left his first job. In fact, on that date, investigators saw Ronald Dingman leave his first job at P.S. 105 at 3:37 PM -- 23 minutes earlier than his punch-out time -- and saw him arrive at J.H.S. 117 at 3:50 PM.

Ronald Dingman was interviewed by investigators from the Special Commissioner's office in October 1995 and again in February 1996. He stated that his rate of pay is \$15.39 for straight time and \$23.09 (time-and-a-half) for overtime. His work schedule as of October 1995 was 5:30 AM to 3:30 PM daily, which included one hour of overtime every day except during the summer months. Dingman said that he had followed this schedule since he was hired by Dellacava in March 1993. He also stated that, at the discretion of the custodian, he regularly worked on Saturdays and occasionally worked on Sundays, at overtime rates, during the cold months (referred to by custodial staff as the "heating season").

With the extra work Dingman performed at J.H.S. 117 (4:00 PM - 8:30 PM at regular pay) and all of the overtime he earned at P.S. 105, Dingman said he was able to earn almost double his base salary. His bi-weekly paycheck regularly included wages for at least 18 hours of overtime, providing

him with bi-weekly average earnings of \$2,357. His total gross earnings in 1994 and 1995 were \$62,475 and \$60,104 respectively.

Before viewing himself on the video recorded by the hidden camera, Dingman stated that he left his house daily at 4:40 or 4:45 AM and arrived at P.S. 105 at approximately 5:30 AM. It was his usual practice, Dingman added, to complete his shift at that school at approximately 3:30 PM, at which point he went to J.H.S. 117, a five to ten minute drive away. He worked at the junior high school for approximately four hours every weekday.

After viewing the video Dingman admitted to investigators that he removed the cover of the time clock in order to "fix the clock," setting it one hour back to indicate on his time card that he had arrived at school by 5:30 AM. Dingman further admitted that since January 1995, and possibly earlier, he had been "fixing" the clock because "he may have overslept and arrived at the school late." He claimed this usually occurred during the winter months, when it was particularly hard to get up in the morning. He admitted that he "more often than not play[s] with the clock" by removing the cover, adjusting the time mechanism, punching in a blank test card to ensure he had successfully altered the time, and then punching in his own card. Afterwards, with a single push of a lever, he returned the clock to its correct time. Dingman also said that, occasionally, at the end of his work shift, one colleague at P.S. 105 would punch out the other employees' time cards, saving them the trip to the time clock. He admitted that there may have been times when that co-worker did not punch them all out immediately. As noted above, investigators observed that on April 19, 1995, Dingman left the school 23 minutes before the time entered on his card.

Dingman confessed to investigators that on weekends he sometimes punched in, manipulated the time clock to advance it by several hours, and then punched out, all at the same time. He claimed he

worked the full shift recorded on his time cards, but that he wanted to avoid another trip to the clock on the second floor at the conclusion of his work schedule. At J.H.S. 117 he "sometimes" left fifteen minutes to one hour early and had someone punch his card at the end of the day for him.

Surveillance, undercover video, and Dingman's own statements prove that he has been manipulating the time clock habitually for about ten months, reporting hours that he did not work and for which he was paid overtime. For much of that period the school was under temporary care, meaning that no custodian had full-time responsibility for the facility or for the custodial staff. If he stole one hour of time every morning from January 1995 until October 1995, the Board paid him approximately \$4,502 for custodial services never performed at P.S. 105. If, during the same period, he also stole one half-hour at the end of one shift each week, either at J.H.S. 117 or at P.S. 105, then the Board paid for an additional \$300 in labor, the benefits of which were never enjoyed by the students at the school. The total in stolen time, conservatively estimated, is almost \$5,000. By his own estimation, Dingman's theft totaled between \$5,000 and \$6,000. Dingman offered to make restitution to the Board.

SHARING THE WEALTH

Dingman found more than one way to cheat the Board. In addition to stealing time and money for himself, he enabled his brother, Peter Dingman, to be paid for work Peter never did. Peter Dingman occasionally worked at P.S. 105 as a part-time custodial employee, filling in for other employees who were on vacation or who called in sick. Peter also worked full-time as a driver for Liberty Bus Lines in Westchester County.

A review of Peter Dingman's time records at P.S. 105 and at Liberty Bus Lines revealed that on

at least three occasions Peter Dingman appears to have worked in two places at once. On April 13, 1995, Peter Dingman's time card at P.S. 105 was punched in at 2:54 PM and shows a departure time of 8:59 PM. In fact, from 6:04 AM to 5:40 PM on that day, Liberty Bus Lines records show that Peter Dingman was driving a bus in Westchester. On May 15, 1995, Peter Dingman's time card at P.S. 105 shows that he worked from 7:07 AM to 12:09 PM, but Liberty Bus Lines records put Peter Dingman driving a bus from 6:04 AM to 5:40 PM. In another instance, on May 26, 1995, Dingman's P.S. 105 time card shows his arrival time as 7:12 AM and his departure time as 10:56 AM. According to Liberty Bus Lines records, however, Dingman was working for them from 5:35 AM to 2:36 PM that day.

Peter Dingman was interviewed by investigators from the Special Commissioner's office. He admitted that on all three occasions he was not at the school during the hours reported. He said that he had not punched his own time card, that he knew he would be paid for work he did not do when he signed the time card, and that his brother, Ronald, had orchestrated the theft. On April 13, one of the days for which Peter acknowledged falsifying records, Ronald Dingman's time card was punched out exactly one minute before Peter's was punched in. Peter offered to make restitution to the Board for the money he had earned illegally, a total of approximately \$184.

RONALD DINGMAN'S CRIMINAL RECORD

Ronald Dingman was hired full-time by the Board shortly after he was convicted of a federal offense. This conviction arose out of his employment with the United States Postal Service, where he was employed as a mail carrier from October 1982 through February 1990. According to his federal probation officer, Reginald Michael, on February 21, 1990, the Postmaster responded to complaints of

undelivered mail from customers on Dingman's route by addressing a videotape and a blank check to one of those individuals. As predicted, those items never reached their destination and Dingman was arrested after postal officials found the videotape in Dingman's car and the blank check in his pocket. In addition, he confessed to stealing mail for the five months prior to his arrest. Four months later, he pleaded guilty to the federal misdemeanor offense of Obstruction of Mail (18 USC 1701). He was sentenced to one year of probation and fined \$250.

Dingman was hired as a full-time custodial employee at P.S. 106 in March 1990, about one month after his arrest. Two months after his June 1990 plea to a federal crime, a Personnel Review Panel (PRP), comprised of three Board employees, conducted an interview (#26,924) with Dingman to address the matter of his prior conviction. The individuals conducting the panel were: Dolores Watson Rabouine, representing the Board's Office of Personnel Security; William Nagle, representing the Division of School Facilities; and Michael Romeo, representing the Division of School Safety. Romeo is no longer a Board employee.

PRPs were regularly convened when a Board or custodial employee or applicant was convicted of a crime and the matter came to the Board's attention. The purpose of the panel was to investigate the applicant or employee to determine whether the individual concerned should continue as a Board employee (Chancellor's Regulation C-105, December 1981). The Board's process for investigating applicants or employees with criminal records changed significantly in March 1992 (Chancellor's Regulation C-105, March 1992). Personnel Review Panels, of the sort used to investigate Dingman's conviction, are no longer convened.² Instead, these matters are now assigned to investigators with the

²The personnel review process was criticized in the Special Commissioner's report, issued October 1991, entitled *An Investigation into the Sex Crime Conviction of Former Personnel Administrator Jerry Olshaker and the Concealment of the Conviction by the Division of Personnel*. In that report, this office recommended a

Board's Office of Personnel Investigation. That office can approve an applicant with a criminal record. A decision to deny such an application is made by the Executive Director of the Division of Human Resources.

The audio tape of the Personnel Review Panel concerning Dingman indicates that the entire hearing, which took place on August 31, 1990, lasted less than four minutes. The actual question-and-answer period lasted under three minutes. When asked his reasons for leaving his job as a mail carrier, he said, "I had done something very stupid. I had thrown away some circulars and a box and inside the box was a videotape and a cassette tape and when I did that I got in trouble with my supervisor and [inaudible] and that is why I have this problem." Later, he said, "I resigned instead of returning with a bad record." He added that the circulars were outdated.

Although Dingman pleaded guilty to a federal crime, the panel did not challenge his characterization of his wrongdoing as "stupid," rather than criminal. Nor did the panel speak with Probation Officer Reginald Michael. Five years after Dingman's panel decided that he was fit to continue his Board employment, this office had no trouble reaching Officer Michael. Not surprisingly, his account of the facts resulting in Dingman's federal conviction, summarized above, differ from the version offered by Dingman himself.

In their recommendation, dated December 1990, the Personnel Review Panel members who interviewed Dingman on August 31, 1990 deemed his offense "not of a serious nature" and recommended that Dingman be retained by the Board of Education.

Dingman also lied repeatedly on official documents. On at least six applications for

complete revision of the personnel review process, including a requirement that panel members verify with official sources the employee's account of the facts resulting in his or her criminal conviction.

employment, which Dingman submitted to custodians between 1990 and 1995, he consistently checked "no" in response to the question: "Do you have a Criminal Record of Convictions?" On one form, Dingman even wrote "Personal Disagreement" as his reason for leaving his job as a postal carrier.

Ronald Dingman resigned from his evening position at J.H.S. 117 while under investigation by this office.

MATTHEW DONOHUE

Unlike Ronald Dingman, who took advantage of his unobservant bosses, including a series of temporary care custodians, the employees at the Bronx High School of Science were actually doing their boss's bidding when they engaged in time abuse. The custodian of Bronx Science was Matthew Donohue, a Board of Education employee for 31 years, who cheated the students of Bronx Science out of valuable labor. Donohue, who earned \$101,772 in 1994³, had assets in excess of one million dollars, including a \$400,000 home in Hastings-on-Hudson, a beachfront plot of land in Southampton purchased in 1994 for \$300,000 cash (upon which a large home is now being built), and two other homes in Southampton. Despite these assets, Donohue was cheap and dishonest enough to use Board money rather than his own to pay for the labor necessary to renovate doors, windows, and moldings, to build a trailer, and to use the school's tractor for his own personal gain.

This investigation found that he directed at least three of his employees over the course of approximately two years to work on his personal home improvement projects, while the employees were on the clock at the high school. Two of these employees engaged in this work both in the school

³Donohue's base salary in 1994 was \$92,743. He supplemented that income with an additional \$10,000 from two temporary care assignments.

and at Donohue's home, giving priority to Donohue's projects at the high school's expense. They also regularly worked extra hours at the school on these projects, at overtime rates.

Donohue apparently viewed the helpers in his employ as his personal work staff who were paid, conveniently, by taxpayers rather than by him. He severely abused his position of authority, usurping Board resources for personal gain and creating an environment where employees were encouraged to place his whims before the school's needs. His wife, Adelaide Donohue, the custodial payroll secretary at the school, took advantage of her position as the custodian's wife by requiring a member of the cleaning staff to bring lunch to her each day.⁴

DOORS, WINDOWS, AND MOLDINGS

Between May 1993 and December 1994, Donohue's employees spent hundreds of hours refurbishing doors, windows, and moldings, and building a trailer for their boss's personal use. Donohue's first project was renovating a half dozen old, wooden, classroom doors with broken glass panels. Dominick Novielli is a custodial fireman at Bronx Science whose name also appears on the Comptroller's list of the top 337 wage earners of 1994. According to Novielli, the old doors were stored in the basement fan room at Bronx Science, a room which appears to have been converted into Donohue's own workshop. It was Novielli's belief that the original site of the doors had been Taft High School, Donohue's custodial assignment before transferring to Bronx Science.

In the fan room, Novielli estimated, Bronx Science's custodial employees spent approximately

⁴Donohue hired his wife prior to 1977, the year that a regulation barring nepotism was enacted by the Board. The Board did not require custodians to fire relatives who were already in their employment at the time the regulation went into effect. Rather, the regulation prevented the subsequent hiring of relatives. Therefore, Donohue was not in violation of any rule in continuing to employ his wife as his payroll secretary. Nonetheless, Adelaide Donohue's abuse of her position demonstrates the wisdom of stringent nepotism regulations, and the need to strictly enforce them.

one hundred hours -- paid by the Board -- stripping, sanding, staining, and refinishing the doors, and replacing the glass panels. Novielli and other employees worked on these doors at the Board's expense during the daytime as well as during some evenings and on Saturdays. The doors were not installed at Bronx Science.

Bronx Science, one of the largest Board of Education facilities, is frequently used after regular school hours, both during evenings and on weekends. Custodial staff is required at the school whenever it is in use, and those assigned to work after-school hours are generally paid at overtime rates. In order to earn that overtime, Donohue's employees had to work on the old doors and other personal projects assigned by Donohue while they covered the after-school activities.

Matthew Donohue additionally instructed Novielli to complete work on approximately ten to fifteen windows, which Novielli believed were also taken from Taft High School. Novielli estimated that he spent six to eight hours on at least two Saturdays in 1994 working on the windows, for which he was paid by the Board at overtime rates. The windows required stripping, glass repair, re-staining, and refinishing.

Donohue later told Novielli to "put Jeff on it," meaning he wanted the renovation of the windows assigned exclusively to Jeff Coaker, a temporary full-time employee who joined the Bronx Science custodial staff in July 1994. Coaker told investigators from this office that he worked on the windows, although he was unsure how many hours he spent on them. His estimates ranged from 9 to 20 hours total. Coaker renovated the windows during his regular work schedule and also on Saturdays at overtime rates. Novielli estimated that Coaker worked on the windows for at least 20 hours. Although the installation site of the renovated windows is not known, it is clear they were not installed at Bronx Science. In addition to renovating doors and windows, Novielli said he stripped and refinished a

number of moldings for Matthew Donohue during school hours.

On two occasions in the spring or summer of 1994 Donohue instructed Novielli to perform personal tasks for him at Donohue's home in Hastings-on-Hudson during his work shift. On one such occasion, Novielli spent two hours hanging one of the wooden doors that he and other staff members had refurbished in the basement of the school. On the other occasion he spent two hours repairing the roof of Donohue's home. Novielli recalled that on both occasions he left the school at approximately 3:00 PM, instead of his usual 5:00 PM departure, but he was certain that his regular paycheck reflected no deductions for the time spent in Hastings-on-Hudson.

Because Novielli could not pinpoint the exact dates of this work, investigators were unable to determine how Donohue accounted to the Board for the total of approximately four hours that Novielli spent at Donohue's home. The uncertainty surrounding the exact dates on which Novielli left school early to work at Donohue's home was but one of several problems facing the auditors analyzing Donohue's payroll. Even if auditors had known precisely on which dates to focus, the inconsistent manner in which Mr. Donohue's secretary, his wife, calculated the payroll prohibited auditors from concluding with certainty whether Mr. Donohue had misrepresented Novielli's work hours to the Board.

Mrs. Donohue was interviewed by this office and asked to explain some of the idiosyncracies of her bookkeeping system. Mrs. Donohue, who was hired by her husband as a custodial handyman, and who earned \$41,241 in 1995, has acted as his payroll secretary for the past twenty years.⁵ She has neither a bookkeeping nor an accounting degree. She stated that she does use a "scrap" sheet to assist

⁵Individuals performing secretarial duties for custodians are paid at handyman's wages because there is no custodian secretarial position.

her in preparing the "PO1," the custodial payroll sheet that is submitted to the Board, but that she always throws it away. She could not explain why, on several occasions, entries on employee time cards failed to correspond with entries on PO1s, upon which the Board relies as justification of a custodian's payroll expenditures. For example, the time card which includes July 14, 1994, indicates that on that date Novielli punched in but did not punch out. He was nonetheless paid for a total of ten hours work, two hours at overtime rates. Mrs. Donohue could not explain how she arrived at that figure other than to say, "I don't know what happened here. He must have forgotten to punch out." No written justification exists, however, to support her supposition that he worked at the school for ten hours that day. Similarly, the next day, July 15, 1994, Novielli's time card reflects three minutes of work. He was paid, though, for three hours of work, at overtime rates. When asked to explain this discrepancy Mrs. Donohue simply remarked "I really don't know...it must have just slipped through."

For many unexplained discrepancies, where employees were compensated for more hours than they worked, Mrs. Donohue simply stated that "Mr. Donohue must have told [her] that the employee worked his lunch." Mrs. Donohue was also asked to explain why, if an employee showed 7 hours and 33 minutes on his time card, he was paid for a full eight hours. Mrs. Donohue stated that it was her routine practice, and that of Mr. Donohue, to "round up" because it was "just too confusing" to do it any other way. Sometimes the "rounding up" was done at overtime rates.

Another custodial employee spoke to investigators about Matthew Donohue's conduct. Richard Moran, a custodial fireman, corroborated Novielli's allegations against Donohue concerning the personal work Donohue urged his employees to perform. Moran stated that he was asked to strip and stain moldings, fix machines, renovate doors and windows, help to build a trailer, and repair a clam rake -- all for Matthew Donohue, but on school time. Moran estimates he spent about fifty hours working

on the moldings at nights and on Saturdays; approximately 25 hours on the windows; approximately 16 hours on the doors, and a couple of hours on a trailer, described more fully below. He drew the line at the clam rake.

Novielli was accompanied by Matthew Donohue each time Novielli performed work on Donohue's home in Hastings-on-Hudson, meaning that Donohue, too, was leaving work about two hours earlier than his scheduled departure time. According to Novielli, Donohue frequently chose not to complete his 8:00 AM to 5:00 PM work shift. From approximately June 1994 until December 1994, on at least two days each week, Donohue was usually gone by 1:00 PM or 2:00 PM and never returned to the school that day. Between October and December of 1994 Donohue had a temporary care assignment at another school and some of his absences during this period may be attributable to his responsibilities there. In any event, according to Novielli, this pattern of early departures ceased after investigators from this office visited Bronx Science in December 1994, and Donohue learned that he and his staff were under scrutiny. Novielli is certain of Donohue's absences, because when Donohue was gone Novielli was given charge of the school and the fifteen custodial employees.

Employees told investigators they knew their overtime and even their jobs were at stake if they refused to perform these tasks. Novielli was increasingly frustrated by the amount of work left undone around the school; Donohue's growing list of personal, time consuming tasks, put a strain on the work force at Bronx Science.

THE TRAILER AND THE TRACTOR

In December 1994, a confidential informant contacted this office to report that Matthew Donohue had ordered his custodial staff to construct a trailer in the school, on Board time. The trailer

was subsequently used to transport the school's snow-removal tractor to a Long Island site owned by Donohue, where he was building a home. Novielli estimates that between 40 and 80 hours were spent by custodial employees building the trailer. Again, Jeff Coaker was primarily assigned to the task. The trailer was completed in the fall of 1994 and was used during the spring and summer of 1995 to bring the school's tractor back and forth from Long Island.

The tractor and trailer travelled between Donohue's Long Island property and Bronx Science during this period, frequently remaining as long as two weeks at a time on Donohue's construction site. Investigators videotaped the tractor on May 6, 1995 while it was parked on excavated ground on the side of the beach-front house Donohue was building. It was returned to the school three days before Donohue retired in August 1995. On the day Donohue retired, the tractor, along with other items he had accumulated during his tenure at the Board of Education, including snow blowers, plow blades, floor machines, power tools, a lawnmower, lights, walkie-talkies, and any remaining doors, windows, and moldings, all permanently left the school with Donohue.

Equipment purchased by custodians with Board money for use at a school are recorded on a form filed by custodians with the Board, known as "PO2s." On October 26, 1995 investigators found a stack of fliers in the custodian's office at Bronx Science advertising the sale of many items by Donohue. A review of the PO2s filed by Donohue indicated that much of the equipment listed on the fliers was identical in description to the equipment listed on the PO2s as purchased for the school. Included among the many items offered for sale on the fliers were the following: a grout hog (\$750); a walkie-talkie system (\$1,475); a leaf blower (\$400); and an extra large, professional weed eater (\$375). All of these items, and more, appear on PO2s as purchased with Board money for use at Bronx Science. The fliers bear Donohue's name and home phone number.

Remarkably, the labor contract in effect at the time this equipment was purchased by Donohue with thousands of Board dollars gave him the right to take the items upon his retirement. The contract which is now in effect does not allow this practice.⁶

Donohue did violate Board rules, however, when he took the tractor during the summer of 1995. In 1992, Donohue purchased the tractor, with \$23,000 in Board funds, for Bronx Science. Under the terms of the now expired union contract, Donohue owned the tractor 39 months after the purchase date, a period which ended in October 1995.⁷ Until that time, however, that tractor was the property of the Board and was for use only on school grounds. The daily rental rate of a similar John Deere tractor ranges from \$300 to \$650. This includes the cost of an operator that a rental company would have required Donohue to hire. If Donohue used the tractor on Long Island for a total of approximately 42 days, as estimated by his employees, then the amount he saved in rental fees, at the Board's expense, was between \$12,600 and \$27,300.

Novielli recalled that immediately following our investigators' interview with Donohue in late December 1994, Donohue called in his staff one by one. Novielli said that while Donohue told him that he, Donohue, had not done anything wrong, he also instructed Novielli to deny that he, Novielli, had performed any personal work for him on Board time. Donohue also told Moran to falsely state that "when I gave you the extra overtime, you worked your lunch hour" when, in fact, Moran had not done so.

⁶The labor contract with the custodian's union that was in effect at the time Donohue purchased the equipment granted custodians ownership of certain capital purchases, such as snow blowers, 5 years after the purchase date, or at the expiration of the depreciation period, on the condition that the custodian leave the school system. The labor contract currently in effect provides that all equipment purchased by a custodian during the course of his employment belongs to the Board and must remain with the Board upon the termination of the custodian's employment.

⁷The labor contract now in effect with the custodian's union does not allow this practice.

Novielli, Coaker, and Moran estimated that they were paid with Board dollars for 88, 80, and 81 hours of work they performed, respectively, for Donohue. The approximate total paid by the Board to subsidize Donohue's home improvement endeavors was therefore about \$5,000. Coaker's hours of labor on Donohue's projects were calculated at a regular pay rate as he generally did that work during his regular shift at the school. Novielli and Moran, however, did Donohue's personal chores on overtime, while covering after-school activities at Bronx Science. Thus, their hours of work on his projects have been calculated at overtime rates.

Matthew Donohue resigned from his position as a Board of Education custodian while under investigation by this office.

THE TOP EARNERS

As of May 1995, the Board of Education employed 886 custodians. In 1994, a total of \$215 million was allotted to custodians, out of which they maintained their schools and paid their employees. The hours that a custodial employee works are recorded on time cards punched in a clock. By contract, full-time custodians and their employees must work 40 hours each week -- 2,080 hours per year -- and many work more than that, holding jobs at more than one school simultaneously. The top ten wage earners on the Comptroller's list of 337 employees worked a remarkable average of 87 hours a week, or 4,524 hours a year.⁸

Investigators set out to review the time cards of these top wage earners, only to encounter obstacles posed by current custodial practice: each custodian, no matter how short his tenure at a

⁸The top ten earners of 1994 were Salvador Ribbot, Robert Indinemo, Vincent Prendi, Donny Milazo, Ahmed Alsaqani, Alvaro Lozano, Nicholas Desimone, John Olker, William Owens, and Mark Igneri.

school, is permitted to take all custodial records created during that period with him upon leaving that school. When a school is under temporary care -- that is, lacking a permanent custodian -- a temporary custodian assumes the position for about two months and then is replaced by another temporary custodian until the position is filled permanently. Each custodian, even if he has served only for a matter of weeks, takes with him all time records completed during his tenure. In Ronald Dingman's case, investigators needed to track down seven different custodians to retrieve about one year's worth of time cards. Each of those custodians had managed P.S. 105 at some point between September 1994 and October 1995.

In another instance, investigators located the former custodian of P.S. 88, now retired, at his home only to learn that he was unable to find his former employee's time records. He told investigators that the time cards were not with him, but were still at P.S. 88. According to the current custodian of P.S. 88, though, the original time cards were not there. In another example, the original time cards of Nicholas Desimone, whose excessive hours are examined below, disappeared when the custodian, his uncle, died. Neither Desimone nor the custodian's widow knew the whereabouts of the deceased custodian's paperwork.

After retrieving and reviewing their time cards, our investigators interviewed several of the highest earning employees on the Comptroller's list. Salvador Ribbot, a custodial employee at P.S. 4 in the Bronx from 1979 to the present, earned \$87,446 in 1994. His time cards reflect an average of 92 work hours per week. Ribbot said that he had, indeed, worked all of those hours. He said his regular shift was from 6:00 AM to 3:00 PM, but stated that he usually stayed at the school until about 12:00 AM because the school hosted local YMCA meetings until 6:00 PM. Afterwards, the custodial staff cleaned until midnight. He said he accrued approximately 45 hours of overtime during every two-week

pay period in 1994. In fact, investigators calculated that Ribbot accrued approximately 94 hours of overtime per paycheck -- more than twice what Ribbot had disclosed to them. Ribbot explained to investigators that he was able to amass so much overtime because he is the only staff member capable of doing all the work and because he lives only ten minutes from the school, allowing him to get to and from the school quickly. The custodian of the school confirmed Ribbot's work habits, repeatedly stressing to investigators that he was the most dependable and skilled member of his staff and that the others were unreliable.

Investigators interviewed another employee, Mark Igneri, who, according to his time card, once worked for 41 hours straight at J.H.S. 226 in Queens, except for a single one-and-a-half hour break. Despite his commute from Staten Island to Queens, Igneri said he arrived at 5:00 AM each day to open the school and worked until 4:00 PM, earning three hours of overtime every day. He told investigators that he works through his lunch hour, for which he earns overtime, and that he works on Saturdays when the school hosts a community program, for which he also earns overtime.

Nicholas Desimone, Jr., another top wage earner, worked two full-time jobs for two custodians -- his father, Nicholas Desimone, Sr., and his uncle, Andrew Desimone. Desimone was hired by these custodians in violation of the Board's anti-nepotism regulations described above. Nicholas Desimone, Sr. has since retired. Andrew Desimone is deceased. Nicholas Desimone, Jr. was asked by investigators to explain he told investigators that it "could not have happened," "it was impossible," and that they "must be wrong."

Investigators calculated that if Desimone actually worked the hours claimed, between July 12 and August 26, 1994, he would have been left with no more than three-and-a-half hours each day, five days a week when he was not at work or commuting. On some of those days, he had only two-and-a-

half hours of free time. He told investigators that he had an approximately 30-minute commute from his home to his night job at the Board's Bureau of Supplies. He worked there from 11 PM to 7 AM, then traveled to his day job at Martin Van Buren High School, where he worked from 8 AM to 6 PM. He said he returned home by 7 PM. Desimone acknowledged that he often napped on the job in order to maintain this schedule.

The appearance of impropriety and wrongdoing suggested by the excessive overtime described in this section is overwhelming. Some employees defended their time records by telling investigators they are used to working long hours and that they need little sleep, while others claimed to be indispensable to their custodians. These absurd explanations are incredible. Moreover, these abuses illustrate the dire need to implement the reforms set forth by this office four years ago as well as those advised below.

RECOMMENDATIONS

The current custodial payroll system continues to frustrate and discourage investigations into possible fraud and misconduct. The fact that the only source of these documents is the custodian himself compounds the problem. Moreover, since custodians pay their employees with Board of Education dollars they can afford to be lax about time abuse or excessive overtime on the part of their staff.

I. To reduce the incidence of time abuse and to make it easier to detect that abuse when it does occur, we recommend:

1. That there be uniformity in the custodial payroll calculations, including a work-sheet that

would reconcile custodial employee time cards with PO1s. It is imperative that the same method of calculating the payroll be used by all custodians. Moreover, the work-sheet should be submitted with the time cards and PO1s to the Board. The custodian should designate the hours worked by an employee at regular wages, and those hours worked at overtime wages, and should also include a written justification for more than nominal overtime. The overtime designation and justification could be included on the work sheet or on the PO1 itself.

2. That all original documents, work sheets, time cards, PO1s, and employee personnel files, which are the property of the Board of Education, remain the Board's property upon the termination of a custodian's employment. It is imperative that those records remain in the Board's custody after a custodian concludes his employment with the Board. When a custodian moves to another school, his employees' records should not be taken by the custodian to his new assignment, as is the current practice.

3. That the integrity of the time clock be protected. At the very least, the clock should be kept locked, and access to the key should not be permitted to anyone who uses the time clock to record his or her own time.

4. That custodial supervisors, known as "plant managers," do their jobs. As long as custodians know they are unsupervised, they will continue to commit the corruption and theft described above. Monitoring, and not constant investigation, is the only means of curbing their behavior. During the course of unannounced visits to Board facilities, plant managers should determine exactly which custodial employees are present. Plant managers should also compare time card entries with their own observations of attendance at the time of the visit. Frequent unannounced visits around the time that employees change shifts, and on weekends, should help deter the sort of time abuse this office

observed.

5. That the Board specifically review the performance of the plant managers charged with supervising custodial services during the periods discussed in this report at Bronx Science, P.S. 105, and the facilities at which the top ten overtime earners of 1994 were employed.

6. That the Board review its practice of assigning schools to custodians on a temporary care basis. In the case of Ronald Dingman, this practice enabled Dingman to regularly abuse time.

II. In order to prevent custodians from illegally hiring family members, we recommend:

7. That the Board aggressively enforce its regulations prohibiting nepotism within the custodial work force as set forth in the Chancellor's regulation dated September 6, 1983. (Chancellor's Regulations C-110, section 3.5: "Employment and Supervision of Relatives.")

III. The following recommendations concern individuals discussed in this report:

Ronald Dingman's and **Peter Dingman's** employment with the Board should be terminated and they should be barred from future employment as Board or custodial employees. Additionally, the Board should seek restitution from the Dingmans based upon the findings in this report.

Matthew Donohue, now retired, should be barred from future employment as a Board or custodial employee and should be required to make restitution to the Board based upon the findings in this report.

Adelaide Donohue should be strongly disciplined, which could appropriately include termination. Regardless of what disciplinary action is taken, she should be relieved of any responsibilities concerning bookkeeping, payroll, or finance.

Frank Ciminello, the custodian at P.S. 57, should be disciplined for violating the Board's anti-nepotism regulations in hiring Ronald Dingman, his son-in-law, as a custodial employee.

Dolores Watson (formerly Dolores Rabouine) and **William Nagle**, the two members of the Dingman Personnel Review Panel who are still employed by the Board of Education, should be disciplined.