

October 24, 2005

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

Re: Shirley Walcott
SCI Case #2005-1874

Dear Chancellor Klein:

An investigation conducted by this office has substantiated that Shirley Walcott, a payroll secretary assigned to PS 91 in Brooklyn, abused her leave time.¹ From 1995 through 2005, Walcott applied for line of duty injury (“LODI”) status on numerous occasions. In fact, Walcott has 67 unresolved LODI matters spanning that 10-year time period, because she has failed to file the required paperwork. Moreover, Walcott improperly handled even those which were resolved. When her LODI applications were denied, Walcott failed to adjust her accumulated leave balance accordingly.

The investigation also found that, while out on sick leave in 2002 and 2003, and on sabbatical in 2004, Walcott traveled to Trinidad when Carnival was occurring.

This investigation began in July 2005 when a confidential source contacted this office and reported Walcott’s misconduct.

Principal Solomon Long provided relevant information. Long explained that, until about a year ago, Shirley Walcott was the only payroll secretary at the school and was responsible for making computer entries to deduct leave time from the school’s employees, including herself. Long promised to obtain records for investigators.

In a second meeting with Long, he explained that he instructed Walcott to come to the school and remove the documents needed for this investigation from a locked cabinet to which only she held the key. He added that, on several occasions over the years, he had instructed Walcott to provide him with a copy of the cabinet key, but she had not complied. According to Long, Walcott asked him: “What is this all about?” and “Is this about me?”

¹ Walcott was not reassigned during this investigation.

The principal responded that he did not know. Long allowed Walcott to remove the records from the cabinet and acknowledged that he did not watch her the entire time that she did so. When he turned over the documents to investigators, he noted that some records for about 10 employees, including Walcott, were missing from the cabinet.

The same day that Long turned over the first batch of records – which was the day after Walcott had removed them from the cabinet at his direction – the assigned investigator received a communication from an attorney representing Walcott advising that all contact with the secretary should be through the lawyer.

In a third meeting with Long, investigators obtained more records, but not those relating to Walcott. The principal explained that he had the locks cut off of 2 additional cabinets to which only Walcott had access. Although the missing records for several employees were recovered, Walcott's continued to be unaccounted for. Long informed investigators that he telephoned Walcott to determine the location of her records and she claimed to have given them to him with the documents she removed from the first cabinet.

Brenda Barton, Payroll Support Specialist at Region 6, provided relevant information. She explained that the Medical Division approved or denied a LODI claim. When approved, the LODI absences would not be charged to the employee's leave balance. When denied, the Medical Division would instruct the employee's payroll secretary about the number of days to be deducted from the employee's leave balance. The employee would be allowed to use accumulated sick time or actually repay the Department of Education ("DOE") for salary received during the LODI claim period.

Richard Benvisto, Director of Pedagogic Payroll, informed the assigned investigator that there were no adjustments made to Walcott's payroll account from 1999 to the present. Benvisto confirmed that there were LODI denials relating to Walcott in the system, but deductions for those days had not been made. Benvisto explained that his office had identified 23 days when LODI status for absences had been denied and that he planned to deduct them from Walcott's accumulate time in order to correct her leave balance. Moreover, Benvisto forwarded information from the Medical Division that showed additional LODI applications by Walcott, which continued to be unresolved. However, according to Benvisto, his requests to the Medical Division for more details had not been answered and no determination could be made about deducting the time from her leave balance.

Ester Greats, a Secretary at the DOE Medical Division, informed the assigned investigator that Walcott had 67 LODI matters pending. She added that, in every instance, Walcott had failed to file the paperwork necessary to evaluate her claims.

Investigators reviewed some of the LODI paperwork which was filed by Walcott. The secretary claimed that, on September 27, 2004, as she attempted to retrieve an employee's timecard in the main office, she tripped over some water bottles while avoiding a parent's outstretched foot and hurt her back. Walcott was absent on September 28 and 29, as well as, October 5, 6, 7, 8, 12, 13, 14, and 15, 2004. The Medical Division denied her LODI claim and a grievance upheld that decision.

A review of Walcott's leave history in computer records revealed that, despite the denial of her LODI claim, the 10 days she was absent were not charged to the secretary's accumulated balance. A review of payroll records showed that she did not repay the DOE through salary deductions. These days have been included in the deductions being made by Benvisto's office to correct her accumulated time.

Documentation obtained from the Medical Division showed additional LODI claims by Walcott, for the 2001-2002 school year, which had been denied. Specifically, she was instructed to charge her accumulated leave for absences taken on October 23 and 24, 2001, as well as, March 13, April 19 and 20, 2002, but did not do so. Walcott claimed these absences based on an accident which occurred on March 27, 2001, when she slipped on an apple skin and hurt her knee, hand, and back, but the Medical Division found they were unrelated. These 5 days will also be deducted by Benvisto's office.

Information from the confidential source indicated that Walcott traveled with the "Sesame Flyers" a steel drum band that participated at Carnival in Trinidad. A review of her time and attendance history revealed that Walcott was on sick leave during the Carnival festival in Trinidad and Tobago in 2003 and 2002. In 2003, Carnival in Trinidad and Tobago occurred on March 3rd and 4th. Walcott used 8 self-treated sick days between February 24 and March 5, 2003. Information from the U.S. Bureau of Immigration and Customs Enforcement disclosed that Walcott left New York City from JFK Airport and landed at Piarco in Trinidad on February 21, 2003. She returned from Trinidad to JFK on March 6, 2003.

Carnival was held in Trinidad and Tobago on February 11 and 12, 2002. An examination of Walcott's time and attendance history showed that she used 2 personal days and 3 self-treated sick days between February 8 and February 15, 2002. The U.S. Bureau of Immigration and Customs Enforcement could not provide information about her departure from New York; however, she returned from an unknown international destination to JFK on February 18, 2002.

During the 2003-2004 school year, Walcott was on sabbatical.² In 2004, Carnival was held in Trinidad and Tobago on February 23rd and 24th. Information from the U.S. Bureau of Immigration and Customs Enforcement revealed that she left New York City from JFK Airport and arrived in Piarco in Trinidad on February 11, 2004. Walcott returned from Trinidad to JFK on February 27, 2004.

Through her attorney, Shirley Walcott declined the opportunity to be interviewed by investigators from this office.

By deliberately failing to deduct absences from her time and leave balance and asserting ridiculous LODI claims, Shirley Walcott stole thousands of dollars from the DOE. We are referring our findings to Kings County District Attorney Charles J. Hynes for whatever action he deems appropriate.

² According to Hubert Guscott of the Leave Unit, after a thorough search, Walcott's sabbatical paperwork could not be located.

It is the recommendation of this office that Shirley Walcott's employment be terminated and that this matter be considered should she apply for any position with the New York City school system in the future. Moreover, before receiving her final DOE paycheck, a complete audit of her accumulated time must be made and should include determinations of pending LODI applications, some of which go back as far as 1995. Walcott should not be paid for any time to which she is not entitled.

Indeed, because Walcott exhibited such autonomy over school records, we also recommend that the DOE audit the time and leave accounts of all PS 91 employees.

In addition, we note that it makes no sense to allow the school secretary to have sole access to DOE records, including her own. It is the recommendation of this office that school administrators be advised to control and manage the access to important information, such as records relating to time, attendance, per session, payroll, and expenditures.

We further recommend that LODI applications be reviewed expeditiously. Should the claim linger because the employee has failed to follow the required procedure, then it should be denied, and the absences deducted. Moreover, chronic LODI applicants, like Walcott, must be monitored and their applications should be given particular scrutiny.

We are forwarding a copy of this letter and of our report concerning this investigation to the Office of Legal Services. We also are sending our findings to the State Education Department for whatever action it deems appropriate. Should you have any inquiries regarding the above, please contact First Deputy Commissioner Regina Loughran, the attorney assigned to the case. She can be reached at (212) 510-1426. Please notify First Deputy Commissioner Loughran within thirty days of receipt of this letter of what, if any, action has been taken or is contemplated regarding Shirley Walcott. 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:gm

c: Michael Best, Esq.
Theresa Europe, Esq.