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FOR THE NEW YORK CITY SCHOOL DISTRICT

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February 18, 2014

Hon. Carmen Fariña
Chancellor
New York City Public Schools
Department of Education
52 Chambers Street, Room 314
New York, NY 10007

Re: Marcella Sills
Tonya West
SCI Case # 2014-0189

Dear Chancellor Fariña:

An investigation conducted by this office has substantiated that Marcella Sills, a principal assigned to PS 106 in Queens, was frequently late or absent from work, but received her full salary without any time being deducted.¹

During the course of the investigation, SCI discovered that PS 106 Assistant Principal Tonya West did not keep records and supplied recently created timecards when asked to produce documentation of her time and attendance.²

In January 2014, following the publication of an article in the New York Post which cited various allegations of misconduct against Sills, including that she was a frequent "no-show" at work, the Office of the Special Commissioner of Investigation for the New York City School District ("SCI") opened an investigation which mainly focused on Sill's time and attendance.³ Other allegations reported in the newspaper article were handled by the Chancellor's Office and the Department of Education ("DOE") Division of School Facilities.

¹ Sills was not reassigned as a result of this investigation.

² SCI investigators were informed that West resigned from her position with the Department of Education ("DOE") effective February 3, 2014. She remains eligible for employment with the DOE.

³ One of the allegations published in the New York Post was that Sills forced the families of graduating 5th Graders to pay for an end of the year party where they were required to dress up as bride and grooms. Several individuals, including Sills, were questioned briefly about this practice. Although an end of year event took place on an annual basis, SCI investigators did not find evidence of misconduct and did not substantiate this allegation.

SCI investigators responded to PS 106 and attempted to meet with staff members. Most, including Sills and West, requested union representation before submitting to an interview.⁴ School Aide Lalita Singh initially agreed to speak with SCI investigators and answered several questions before requesting representation. Singh subsequently was interviewed in the presence of her union representative. Singh said that she arrived at work at approximately 7:30 a.m. every day. Her initial assignment was in the main office located on the 2nd floor of the school. At about 8:00 a.m., Singh reported to the cafeteria for breakfast duty, and then returned to the main office between 8:30 a.m. and 8:40 a.m. Singh added that one of the responsibilities of her morning assignment in the main office was answering calls from staff members who were going to be late or absent. Singh wrote the name of the staff member on a piece of paper which she turned over to Assistant Principal West who then documented the absence on the staff member's timecard.⁵ Singh remained in the main office until about 11:00 a.m., when she went back to the cafeteria for lunch duty. At approximately 1:35 p.m., Singh returned to the main office where she worked until 2:00 p.m., the end of her workday.

Singh told investigators that, when she arrived for work, School Aide Amparo Agosto, Handyman Samuel Ordonez, School Safety Agent ("SSA") Kevin Dawes, and SSA Bonita Holmes were present. Singh said that Principal Sills was "rarely in the building at 7:55 a.m." Singh added that she did not see Sills at the breakfast program, at the morning line up, or in the main office during the early morning hours. Singh reported that West normally arrived at the school at 8:30 a.m.

According to Singh, "when [Sills was] here she [made] her presence known." Singh explained that Sills frequently used the public announcement ("PA") system to communicate, but not during the early morning hours – "it was usually between 10:00 a.m. to 12:00 p.m." Singh said that, during the morning hours when Sills "call[ed] to speak with West," it usually was around 9:30 a.m. to 10:00 a.m., and came from an outside telephone line. Singh knew the call was from an outside line because, when the call originated from within the building, the word "principal" appeared on Caller ID. Singh said that, when Sills was first assigned to PS 106, she would see her all the time, but that was no longer the case. At the conclusion of the interview, Singh added that "everyone [was] nervous to speak, they [were] worried about being pushed out."

SCI investigators interviewed School Aide Agosto in the presence of her union representative. Agosto told investigators that, upon her arrival at work at 7:30 a.m., she punched her timecard in the main office, and then went downstairs to assist with

⁴ The district representative from the Council of Supervisors and Administrators, the union representing Sills, was present with Sills, but declined to participate in an interview at that time.

⁵ Singh said that West also used a marble notebook to enter the absences, but the notebook had been missing since the 2012-2013 school year.

the breakfast program. At approximately 8:30 a.m., Agosto returned to the main office where she remained until she went to perform lunchroom duty at about 10:45 a.m. At 1:35 p.m., Agosto once again returned to the main office where she worked until 2:00 p.m., the end of her workday. Agosto informed investigators that, when she arrived at PS 106 in the morning, Handyman Ordonez was present at the school and had opened the gates and the front door. When Agosto returned to the main office at 8:30 a.m., after the breakfast program concluded, Assistant Principal West was there and SSA Holmes was seated at the security desk at the main entrance to the school.

Agosto added that, on five or six occasions since January 2013, at around 10:45 a.m., when she was in the cafeteria for lunch duty, she observed Sills enter the building using the side door. Agosto did not know who let her in the building or whether Ordonez met her outside.

SCI investigators met with Custodial Employee Ordonez who provided additional relevant information. Ordonez said that he arrived at work at approximately 6:00 a.m. each morning and Sills was late for work "three weeks out of four." According to Ordonez, Sills never arrived at the school at the same time and never was present in the building at 8:00 a.m. Ordonez added that Assistant Principal West was at the school in the morning to greet the students.

Ordonez told investigators that Sills typically arrived at PS 106 any time from 9:15 a.m. to 12:00 p.m.⁶ Ordonez said that Sills normally called his personal cell phone from her cell phone when she either was "very close by" or was waiting outside the school building.⁷ Ordonez explained that after Sills parked her BMW in the driveway on the side of the school building, he locked the gate, and assisted Sills with her bags. Sills and Ordonez then entered the school building through a side door near the lunchroom and walked upstairs to her office located on the 3rd floor.

A review of records relating to Sills's cell phone, for the time period from January 23, 2013 to January 14, 2014, revealed almost daily calls from Sills's cell phone to Ordonez's cell phone. The majority of these calls occurred after 9:00 a.m.

SCI investigators spoke with SSA Dawes who said that his workday began at 7:30 a.m. and concluded at 4:00 p.m. From 8:00 a.m. to 10:00 a.m., SSA Dawes was assigned

⁶ Ordonez was interviewed by investigators on two occasions. In his initial interview, Ordonez claimed that he did not know what time Sills arrived. Ordonez subsequently confided that he was nervous during his first interview because he "did not want to upset Ms. Sills because [he had] to work at the school."

⁷ Ordonez told investigators that, on the rare occasion when she would not reach him on his cell phone, Sills contacted the main office and he would be paged over the intercom. Ordonez then would be instructed to call Sill on her cell phone.

to a desk located at the rear entrance to the school. After 10:00 a.m. SSA Dawes either walked around the building or relieved SSA Holmes from her post. SSA Dawes told investigators that, on the occasions when he saw Sills arrive in the morning, it was after 10:00 a.m., and she did not use the main entrance at the front of the building.⁸ SSA Dawes explained that Sills used an entrance near the cafeteria/gym area which usually was locked from the outside. SSA Dawes confirmed that Ordonez routinely went outside to meet Sills, opened the gate so Sills could park her vehicle, and then assisted Sills with carrying her bags to her office. According to SSA Dawes, Sills never parked in the street and she was the "only person who parked in the driveway." Dawes added that Ordonez told him that Sills called him when she was on the way to school so that he could meet her outside the building.

SSA Holmes told SCI investigators that she worked from 7:00 a.m. until 3:30 p.m. and her post was at the main entrance of the school. SSA Holmes said that Sills never used the main door; she used the side door, usually between 10:00 a.m. and 11:00 a.m. SSA Holmes added: "Sam [Ordonez] always [went] out for [Sills]; I assume he [got] a call." According to SSA Holmes, Sills was "late more often than not."

SCI investigators met with Teacher Robert Trager, the United Federation of Teachers Chapter Chair at the school, who had been assigned to PS 106 for approximately three years. Trager arrived at work at about 8:00 a.m. every morning and did not see Sills in the building very often at that time of day. Trager told investigators that Sills normally was late to school and typically arrived anywhere between 10:00 a.m. and 12:00 p.m.⁹ Trager explained that, when Sills arrived at the school, she parked in a gated area located on the side of the school building. According to Trager: "The custodian open[ed] the gate and close[d] the gate for her, and help[ed] carry packages for her." Trager added that Assistant Principal West was leaving at the end of January and he felt there may be a problem because Sills "[could not] make it to school on time."

SCI investigators interviewed School Aide Anna Pappas in the presence of her union representative. Pappas's work hours were from 9:30 a.m. until 3:30 p.m. Upon her arrival at work, Pappas reported to the main office where she performed administrative duties, such as answering the phones and "duplicating." Pappas said that, from 10:50 a.m. until 1:25 p.m., she was assigned to lunch duty in the cafeteria located on the 1st floor of the building.¹⁰ When she finished her shift in the lunchroom, Pappas returned to the main office where she remained until the end of her workday.

⁸ Sills claimed that SSA Dawes would not see her when she arrived at school because she arrived at the building before he began his assignment and he was stationed at the rear entrance which she did not use.

⁹ Trager said that Sills also was absent "15 to 20 days during the school year," although he had no documentation regarding Sills's attendance. Trager acknowledged that this information was based on his personal observations.

¹⁰ Pappas told investigators that while in the lunchroom at about 10:50 a.m., she had seen Ordonez walk outside the door and re-enter with Sills. When asked how many times she has seen that since January 2013, Pappas replied, "I've seen that quite a number of times."

Pappas said that, previously, former School Secretary Madeline Stack had been responsible for the staff timecards and their time and attendance.¹¹ After Stack left her position at the school, from September 2012 to December 2013, Pappas had been responsible for collecting the staff timecards and securing them in a locked closet until Lynn Pomerantz Antwork, the Payroll and Procurement Liaison from Children First Network (“CFN”) 531, visited the school to handle the time and attendance. Pappas explained that, after collecting the timecards for the previous month, she prepared new monthly timecards for each staff member; she wrote the name of the individual, the current month, and the year on the timecard. Pappas then placed the new monthly timecard in the timecard holder in the main office. Pappas noted that, from September 2012 through December 2013, she did not prepare any timecards for either Sills or West, and they did not ask her to do so until after the publication of the New York Post article in January 2014.¹²

Pappas explained that, around the time when the New York Post article appeared, Sills said: “Ms. Pappas, I cannot find my timecards. Could you make some up from September 2012 to present?”¹³ Pappas told investigators that she prepared the timecards for Sills writing only her name, the month, and the year on the timecard – she made no other notations. After she created the timecards, Pappas put them in an envelope, sealed it, and brought it to Sills.

Pappas continued that, sometime after SCI investigators visited PS 106, West also approached Pappas regarding her timecards. According to Pappas, West asked her to “fill out the name and date on some timecards from September 2012 to present.” Pappas prepared the timecards, placed them in an envelope, and gave it to West. Again, other than writing West’s name, the month, and the year, Pappas made no other notations on the timecards.

SCI investigators met with CFN 531 Payroll and Procurement Liaison Pomerantz Antwork who said that, after Stack left PS 106, no one was entering payroll time and attendance for staff at the school. Consequently, Sills contacted Pomerantz Antwork because she needed assistance with payroll and Pomerantz Antwork offered to help.

¹¹ The Employee Information System (“EIS”) indicated that Stack’s F-status employment with the DOE was terminated in July 2012.

¹² SCI investigators met with an individual from the school who wished to remain confidential. This confidential source (“CS”) confirmed that the timecards for the staff always were displayed in the timecard holder in the main office. The CS noted, however, that she did not see timecards for Sills or West in the timecard holder until the week of January 14, 2014.

¹³ Coincidentally, Pappas had created a timecard for Sills and West for January 2014. Pappas told investigators that “just this January, I thought ‘they do not have timecards,’ so I put one there for each of them.” When asked by investigators whether she did this as the result of the New York Post article, Pappas responded that she could not recall.

Pomerantz Antwork recalled that, in October 2012, she visited the school and asked for timecards. Pomerantz Antwork subsequently "backtracked" and completed the time and attendance for the staff members whose timecards she was given. However, upon further review, Pomerantz Antwork realized there were no timecards for Sills or West. On a subsequent visit to the school, Pomerantz Antwork requested the timecards for both Sills and West. According to Pomerantz Antwork, Sills replied that she "submit[ed] her timecards to Ms. Lloyd-Bey" and that she "had no absences for 2012."¹⁴ When Pomerantz Antwork asked West for her timecards, West responded: "I have no absences." Pomerantz Antwork said that she never asked again.¹⁵

Pomerantz Antwork added that, at PS 106 on or about January 6, 2014, West informed her that she was resigning from the DOE. West then asked Pomerantz Antwork for an Application for Termination Pay for Pedagogues, known as an "OP-44," in order to calculate her time. Pomerantz Antwork explained that, upon leaving the DOE, an employee was paid for half of the days in the employee's Cumulative Absence Reserve ("CAR"). Pomerantz Antwork informed West that she could not calculate her time because West had not submitted timecards. Pomerantz Antwork requested West's timecards for the period from 2012 through 2013.

However, by fax, West provided timecards only for the period from September 2013 through December 2013. Upon reviewing the documents faxed to her, Pomerantz Antwork sent an e-mail message informing West that the last attendance entry for her in the Employee Information System ("EIS") was on November 23, 2011. Pomerantz Antwork explained to investigators that, in order to complete and sign off on the OP-44, she needed timecards from West for the period from September 1, 2012 through June 30, 2013.¹⁶ On or about January 31, 2014, West advised Pomerantz Antwork that she did not have timecards for this time period. Instead, she provided West with a copy of her calendar book for September 2012 through June 2013.

A review of the documents West provided to Pomerantz Antwork, for the time period from September 2012 through December 2013, revealed one absence in December

¹⁴ Michele Lloyd-Bey is the Superintendent of District 27. She is Sills's supervisor.

¹⁵ Pomerantz Antwork told investigators that whenever she went to PS 106 to complete the time and attendance for the employees, the timecards were in a stack, secured by a rubber band, placed on a desk in the main office. Timecards for Sills and West never were included in the packet.

¹⁶ This was the time frame when Pomerantz Antwork was responsible for completing the time and attendance for the staff at PS 106.

2012, two absences in February 2013, three absences in October 2013, and five absences in December 2013.¹⁷

In an interview with investigators from this office, conducted in the presence of her union representative, Tonya West said that she had been an assistant principal at PS 106 for five years and had known Sills for approximately 10 years. West informed investigators that she normally arrived at work at about 8:15 a.m., to greet the students, and left the building between 4:00 p.m. and 4:30 p.m. When she arrived at the school, Ordonez already was present in the school. From 8:30 a.m. until about 9:30 a.m., West remained in the main office and, thereafter, she visited classrooms throughout the school.

West added that Principal Sills should be present at the school by 8:00 a.m., when the students arrived for the breakfast program. West told investigators that Sills often was not at the school when West arrived at 8:15 a.m., and acknowledged that Sills rarely was at work on time. However, West could not give a set time when Sills usually arrived at the school. West confirmed that, when Sills arrived at school, she parked her car in the gated driveway on the side of the building, and entered through the side door. West learned from Ordonez that he met Sills outside each day, opened and closed the gate, and let the principal in the side door. According to West, when Sills was going to be absent, she contacted West on her cell phone.¹⁸ West added that Sills "sometimes call[ed] when she [was] going to be late." West did not document Sills's absences or latenesses, nor did any other staff member. West asserted that she did not know who recorded Sills's time and attendance. According to West, Sills rarely left school early but, when she did, she informed West of her departure.

West admitted that she never kept timecards. West confirmed that she recently decided to leave the DOE and learned she would be compensated for half the days in her CAR. West subsequently contacted Pomerantz Antwork and inquired about the process for leaving, as well as her time and attendance. West acknowledged that Pomerantz Antwork advised that, as a result of her failure to submit timecards since September 2012, Pomerantz Antwork could not account for her time unless she faxed the timecards. West subsequently spoke with Sills and explained that she needed timecards to submit to

¹⁷ On January 13, 2014, Pomerantz Antwork received the faxed copies of West's timecards for the period from September 2013 through December 2013. On January 16, 2014, Pomerantz Antwork was at PS 106 and West provided her with the "original" timecards for this time period for her to examine. Upon review, Pomerantz Antwork discovered that, on the timecard dated December 2013, another absence appeared next to December 20, 2013. This absence, however, was not recorded on the purported copy of the December 2013 timecard which West previously had faxed to Pomerantz Antwork. Pomerantz Antwork did not advise West about her discovery.

¹⁸ West said that Sills had been absent about five days since September 2013. West reported that Sills's mother had been ill recently and, on occasion, Sills had to go to the hospital.

Pomerantz Antwork. According to West, Sills replied: "You keep a record of your time." Sills instructed West to obtain blank timecards, fill them in, and Sills would approve them. West examined her calendar book for the period from September 2013 to December 2013, and claimed that any absences noted in her book were entered on the recently created timecards. West faxed copies of the timecards to Pomerantz Antwork during the week of January 13, 2014. West subsequently was asked to provide SCI investigators with the original timecards which matched the faxed copies of the timecards, from September 2013 through December 2013, supplied to Pomerantz Antwork. West complied.

A review of the December 2013 timecard revealed a "personal day" entry made next to December 20, 2013. A comparison of that timecard with the copy of the December 2013 timecard which had been faxed to Pomerantz Antwork revealed a discrepancy. The faxed document Pomerantz Antwork received did not have any absence noted for December 20, 2013.¹⁹ When presented with this discrepancy, West admitted that the December 2013 timecard which she provided to SCI investigators during her interview was not the same timecard she previously had created and faxed to Pomerantz Antwork. West told investigators: "I could not find that one so I made up a new one."

West added that, after being asked to bring her timecards to the interview, West approached Sills and explained that she "needed timecards for the SCI investigators." According to West, Sills again instructed her to make them up and note her absences using her calendar book as a reference. West explained that she then "had Annie [Pappas] fill in the top of each timecard, name, and date, to make them look authentic and then I entered the absences." West turned over these timecards, for the period from September 2012 to June 2013, to investigators. During the interview, while examining her timecards, West said there were several instances where Sills wrote in "Abs" or "ABS" on the card and she pointed out those entries to investigators.²⁰ West added that she noted on the timecard the reason for the absence, such as personal day, graduation, or death in family ("DIF"). When investigators asked whether there was any other proof that the attendance in her calendar books was accurate, West responded that there was not.

SCI investigators met with District 27 Community Superintendent Michele Lloyd-Bey who said that she was the rating officer for 48 principals, one of whom was Principal Sills.²¹ Lloyd-Bey stated that one of her responsibilities was to evaluate principals based upon their performance reviews. Lloyd-Bey reported that she had known Sills for about 10 or 11 years and they had a good professional relationship.

¹⁹ Both items had absences recorded for December 9 through 13, 2013.

²⁰ When investigators met with Sills and presented her with West's timecards, Sills insisted that she never wrote one word on West's timecards.

²¹ Lloyd-Bey was interviewed by SCI investigators on two occasions.

Lloyd-Bey's policy required principals assigned to her district to send an e-mail message to her when they were going to be late or absent. In the message, the principal needed to include the name of the individual in charge during the principal's absence and a copy of the message was to be sent to Linda Curattalo, Lloyd-Bey's administrative assistant. Lloyd-Bey explained that the purpose behind this requirement was to maintain a "daily accounting" of who was late or absent in order to ensure that the buildings under her supervision were covered by an administrator and were safe at all times.

Lloyd-Bey named the principal's payroll secretary as the person responsible for maintaining the time and attendance for a principal of a school. According to Lloyd-Bey, the payroll secretary was responsible for collecting medical excuses, handling timecards, and documenting the time and attendance of the staff at the school, which included the principal and the assistant principal.²² Lloyd-Bey insisted that "no one could possibly rely on [the superintendent] to do their time and attendance" or to enter any information into EIS or an employee's CAR. Lloyd-Bey explained that, the only instance when she would handle a timecard for a principal would be to approve per session hours; upon approval, the timecard would be returned to the principal. Lloyd-Bey told investigators that she never had a conversation with Sills about Lloyd-Bey "keeping [Sills] time and attendance." Lloyd-Bey added that she did not record the time and attendance for any of the 48 principals whom she supervised and the e-mail messages she required from a principal who was absent from his or her building was for "Lloyd-Bey and Lloyd-Bey alone."

Lloyd-Bey recalled that, approximately two or three years ago, she had a conversation with Sills concerning arriving late for work. Lloyd-Bey said that "people started to talk about it" and, as a result, Lloyd-Bey contacted Sills and instructed her to advise Lloyd-Bey when she was going to be late. Recently, after the New York Post article, Lloyd-Bey had a disciplinary conference with Sills concerning her time and attendance. Sills now was required to punch a timecard on a daily basis.

In an interview with investigators from this office, conducted in the presence of her attorney, Marcella Sills said that she had been the principal assigned to PS 106 since 2004. Sills reported that the school day began at 8:30 a.m., but claimed that she usually arrived at school between 7:00 a.m. and 7:30 a.m. Although she was required to work only a seven hour day, Sills maintained that she "pretty much live[d] in [her] building." Sills asserted that, when she arrived at the school, she did not check in with anyone in the main office. Sills added that West arrived at the school at 8:30 a.m., but Sills did not see her in the morning; rather, she conferred with her during the day. Sills said that, when she was going to arrive late, she contacted West. Sills claimed that, since January 2013,

²² Lloyd-Bey said that, when a school did not have a payroll secretary, the principal should consult the Network for assistance.

the only issue which would cause her to arrive late was her mother's illness.²³ Sills insisted that she arrived at work on time on a regular basis.

Sills told investigators that she usually saw Ordonez when she arrived at the school, because he was the handyman who arrived in the building by 7:00 a.m. Sills asserted that she was permitted to park anywhere in the area around the school building, but often parked in the gated carport. Sills explained that, when she arrived during the early morning hours, the gate to the carport was open. Sills said that she parked her car, removed her keys, cellular phone, and little pocketbook, and then entered the building.²⁴ Sills added that she subsequently contacted Ordonez to lock the gate to the carport.²⁵ According to Sills, later in the day, she often contacted Ordonez to open the gate so she could smoke a cigarette in her car because she did not want to smoke in plain view. Sills maintained that, on many mornings when she reached the school, she initially parked her car in the back of the building where she would have a cigarette in her car before entering the school. Sills asserted that she would not leave her car at that location all day and, at some point during her daily cigarette break, she drove to the carport to park there. Once again, she contacted Ordonez to lock the gate after she parked.

SCI investigators advised Sills that, according to accounts from several people, she regularly arrived at work between 9:00 a.m. and 12:00 p.m. and contacted Ordonez upon her arrival. Sills insisted that such information was "inaccurate." Sills maintained that she contacted Ordonez during the workday when she needed access to her car to smoke a cigarette; this could occur at "9:30 a.m., 10:00 a.m., or 12:00 p.m." Sills asserted that, after smoking a cigarette, she usually asked Ordonez to help her with her bags. Sills said that she contacted Ordonez on the phone all the time for school related purposes. Sills acknowledged that she had Ordonez's cell phone number saved in her phone and added that she had contact numbers for most of the PS 106 staff stored on her phone. At the request of investigators, Sills supplied Ordonez's cell phone number, as well as her cell phone number.

Sills then reviewed records from her cell phone use for the period from January 23, 2013 through January 14, 2014. The records revealed daily calls to Ordonez, many occurring between 9:00 a.m. and 11:30 a.m. Sills disputed Ordonez's account, that Sills contacted him upon her arrival at PS 106, and insisted that she always was present at the school by 7:30 a.m. Investigators directed Sills's attention to the fact that, in the days immediately following the publication of the New York Post article on January 12, 2014,

²³ During the interview, Sills presented documentation indicating that there was a time period when Sills had requested permission to arrive late to work because of her mother's illness. According to Sills, this occurred from January 2012 through May 2012, and she would arrive to work no later than 8:45 a.m.

²⁴ Sills claimed that she did not carry in bags or packages when she arrived early in the morning.

²⁵ Sills said that she contacted Ordonez using the school phone, the PA system, or her cell phone.

Sills's cell phone calls to Ordonez now occurred at around 7:30 a.m.²⁶ In response, Sills claimed that those calls to Ordonez occurred because she could not get into the building as a result of the media attention which followed the appearance of the newspaper article.

During the interview, SCI investigators questioned Sills about her time and attendance records. Sills maintained that she kept track of her time and attendance through her supervisor, Superintendent Lloyd-Bey. Sills said that, when she was absent from school, she sent an e-mail message to Lloyd-Bey, as required. Sills added that she did not document her absences on timecards; instead, her e-mail transmissions were her records.²⁷ Sills told investigators that she had been a principal for 11 years and that was how she always kept her attendance.

Sills confirmed that School Secretary Madeline Stack had maintained the time and attendance for the staff but, after she left, there was no one to complete this task. According to Sills, Stack kept track of Sills's time and attendance by contacting Lloyd-Bey.²⁸ Sills said that Assistant Principal West currently supervised the time and attendance for the staff at PS 106. Sills explained that West marked the timecards when someone was absent and also kept a marble notebook to record attendance. Sills added that she recently found out the notebook was missing. Sills recalled that, sometime after Stack's departure, she asked CFN 531 for assistance and Pomerantz Antwork visited the school to handle employee attendance. However, Sills advised Pomerantz Antwork that she could not complete her time and attendance because Sills's superintendent had to do it. Sills insisted that she provided Pomerantz Antwork with West's information.

According to Sills, she properly documented all of West's timecards on a regular basis. Sills said that, when West was absent or late, she pulled her timecard and made the appropriate notation. Sills disputed West's account of a recent conversation with Sills about producing timecards for SCI investigators; Sills denied the conversation occurred. Sills maintained that she did not know about Pappas creating timecards for West and claimed that she did not advise West to obtain blank timecards and fill out the information based on West's own records. Sills examined the timecards recently submitted by West and emphatically responded "absolutely not" in response to questions about her involvement with or knowledge of these timecards.

Asked about her timecards for September 2012 to the present, Sills responded that her "timecards [were] gone." According to Sills, "everyone else's was there, but [hers] were gone." Sills said that she had asked Pappas for her timecards, but Pappas could not

²⁶ Records revealed that, on January 13, 2014, Sills contacted Ordonez at 7:21 a.m., 7:22 a.m., 7:24 a.m., and 7:38 a.m. On January 14, 2014, Sills called Ordonez at 6:39 a.m. Before those two days, there was only one occasion when Sills had contacted Ordonez before 7:30 a.m.

²⁷ Sills asserted that she kept a log of her time and attendance e-mail messages and submitted them to Lloyd-Bey at the end of the year.

²⁸ Lloyd-Bey told investigators that Sill's contention that Stack conferred with Lloyd-Bey regarding Sills's attendance was a "totally inaccurate statement."

find them. Investigators then requested that Sills supply SCI with timecards before September 2012.²⁹ Sills noted, however, that there was “nothing documented on the timecards, so what was the issue?” Sills repeated that she reported to Lloyd-Bey and apprised Lloyd-Bey about her attendance.

According to Sills, between September 2013 and the present, she had taken off from work on six days. Sills asserted that she did not take off any time during the 2012-2013 school year. A review of Sills’s time and attendance in EIS revealed that the last entry for her was on March 21, 2012, for DIF.³⁰

Near the conclusion of the interview with investigators, Sills was asked to name anyone from PS 106 who could support her contention that she regularly arrived at work early in the morning. In response, Sills named Paraprofessional Diane Sully, Parent Coordinator Paula Frazier, and Curriculum Specialist Wendy Boyd, whose office was located down the hall from Sills’s office. Sills told investigators that Frazier “[sat] in the cafeteria and, most mornings, [Sills] cut through the cafeteria to speak with her.”

SCI investigators spoke with both Sully and Frazier and neither could give a time when Sills arrived at work and could not say whether she was on time or late. Frazier told investigators: “I can’t tell you whether [Sills] comes in at 7:30 or 12.” When questioned by investigators Sully responded: “I can’t say she’s late, can’t say she’s on time.”

Moreover, when investigators spoke with Boyd and informed her that she was named by Sills as someone who could confirm Sills’s presence at work during the early morning hours, Boyd completely contradicted Sills’s claim. In fact, Boyd told investigators that she knew Sills was not in the building during the early morning hours because, on numerous occasions, she needed assistance and she had to consult with West, rather than Sills. Boyd explained that she arrived at work every day at about 8:30 a.m. and, when Sills was present in the building, her office door was open. When Sills was not in the school, however, her door was closed. Boyd said that, when she arrived at work each day, the door usually was closed, and Sills often was absent from the building during morning hours. Boyd added that, on average, twice a week after 9:00 a.m., she observed Ordonez helping Sills into the building by carrying her bags, entering through the carport entrance.

²⁹ To date, SCI investigators have not received any timecards from Sills.

³⁰ Lloyd-Bey’s administrative assistant, Linda Curattalo, provided investigators with Sills’s performance review documents which listed her CAR balance. Sills had 85 days for the 2010-2011 school year; she had 96 days for the 2011-2012 school year; and she had 106 days available for the 2012-2013 school year.

February 18, 2014

It is the recommendation of this office that Marcella Sills's employment be terminated, that she be made ineligible for work with the DOE, and that this matter be considered should she apply for any position in the New York City school system, with one of its vendors, or in one of its facilities, in the future.

It is further recommended that appropriate disciplinary action be taken against Tonya West, which could include making her ineligible for work in the City school system.

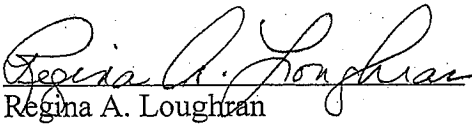
We are referring our findings to Queens County District Attorney Richard A. Brown for whatever action he deems appropriate.

We are forwarding a copy of this letter to the Office of Legal Services. We are also forwarding our findings to the New York State Education Department for whatever action it deems appropriate. Should you have any inquiries regarding the above, please contact Special Counsel Valerie A. Batista, the attorney assigned to the case. She can be reached at (212) 510-1417. Please notify Ms. Batista within 30 days of the receipt of this letter as to what, if any, action has been taken or is contemplated regarding Marcella Sills and Tonya West. 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:VAB:gm

c: Courtenaye Jackson-Chase, Esq.
Laura Brantley, Esq.
Katherine Rodi, Esq.