



NEW YORK CITY COUNCIL FINANCE DIVISION  
Latonia R. McKinney, Director

## NOTE ON THE FISCAL 2022 EXECUTIVE BUDGET FOR THE SPECIAL COMMISSIONER OF INVESTIGATION

Regina Poreda Ryan, Deputy Director  
Nathan Toth, Deputy Director  
Paul Scimone, Deputy Director

Eisha Wright, Unit Head  
Jack Kern, Financial Analyst

The City's Executive Budget for Fiscal 2022 totals \$98.6 billion. The Executive Budget for the Special Commissioner of Investigation (SCI or the Office) is \$6.4 million. This Note provides a summary of the changes in the Executive Financial Plan for the SCI. Topics covered include changes to the Office's Expense Budget, staffing and headcount, metrics and outcomes, and agency concerns.

### Special Commissioner of Investigation Overview

The Special Commissioner of Investigation for the New York City School District serves as the Inspector General of the City's public schools, ensuring integrity in the Department of Education (DOE) the Teachers Retirement System, and the Board of Education Retirement System. The DOE serves more than 1.1 million students throughout its 1,800 schools, employing 145,000 staff members as well as vendors working within a \$31 billion Fiscal 2022 budget. The Office of the Special Commissioner investigates allegations of corruption, fraud, and conflicts of interest as well as those of corporal punishment and sexual misconduct within the New York City public school system. According to Executive Order 11, of the City of New York, the Department of Investigation (DOI) is obligated to provide whatever assistance the Special Commissioner of Investigation deems necessary and appropriate to enable it to carry out its duties.<sup>1</sup> SCI also reviews, investigates, and makes determinations on all alleged violations of whistleblower protection affecting the DOE employees and vendors under both the NYC Charter and the corresponding Board of Education (BOE) Whistleblower resolution. The Office also serves as the Inspector General for both the Teachers Retirement System and the Board of Education Retirement System.

### Fiscal 2022 Executive Budget Highlights

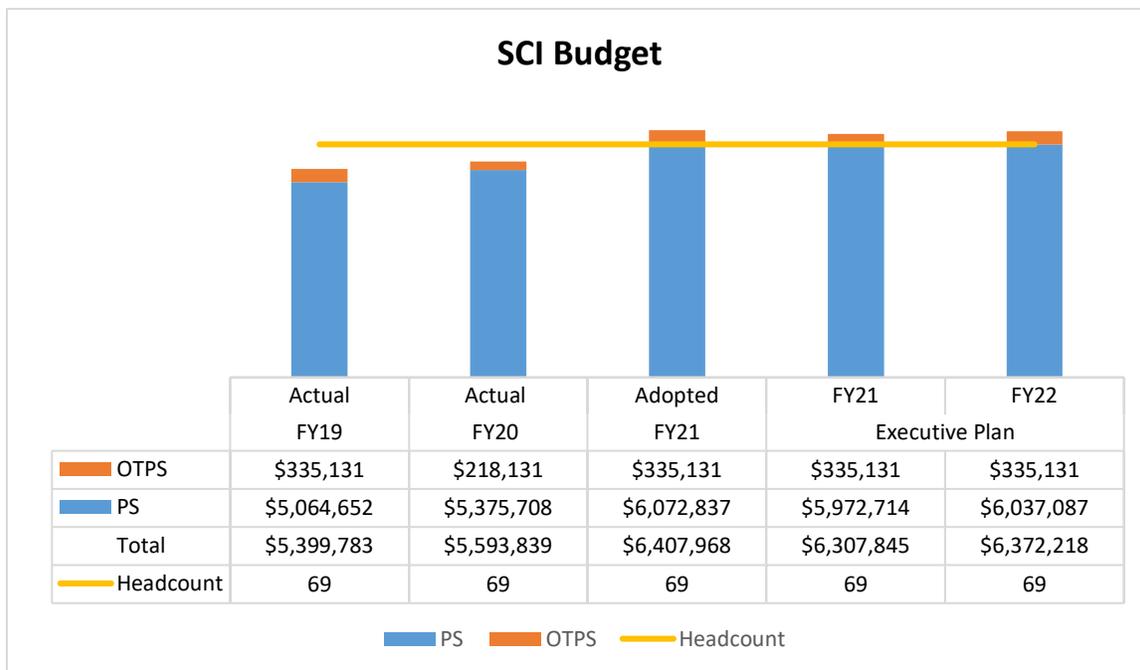
SCI's budget is included in the New York City's DOE budget. The Office's projected Fiscal 2022 Budget of \$6.4 million is 0.02 percent of DOE's \$31 billion Fiscal 2022 Executive Budget. SCI's budget is broken down into seven line items, five of which are personal services (PS), supporting, 95 percent of the Office's budget with \$6.07 million for 69 positions. The remaining two budget lines are dedicated toward other than personal services (OTPS), with \$355,131 or five percent of the SCI budget. With this funding, in 2020, SCI completed 433 investigations, made 56 Policy and Procedure Recommendations, substantiated 206 violations of criminal statutes, DOE Chancellor

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<sup>1</sup> <https://nycsci.org/wp-content/uploads/2018/History/Executive-Order113415.pdf>

Regulations, or other administrative regulations. The Fiscal 2022 Executive Budget is just \$550 more than the Fiscal 2021 Adopted Budget of \$6.4 million.

The Fiscal 2022 budget growth includes a planned increase in the PS budget only, for a wage increase for clerical workers. The Executive Plan included just one change to SCI’s budget, an other adjustment which increased the PS budget by \$77 in Fiscal 2022 and the outyears. The chart below demonstrates actual expenditures for Fiscal 2019 and Fiscal 2020, the Adopted Fiscal 2021 Budget, and projected Fiscal 2022 Budget as of the Executive Plan. Details of the change to SCI’s budget is outlined below.



- Collective Bargaining – Clericals.** The Executive Budget introduced a baseline increase to the Office’s budget of \$77 beginning in Fiscal 2021. This funding will support wage increases for Clerical workers as a result of collective bargaining.

### Furlough Savings

The November 2020 Financial Plan included savings of \$4.4 million in Fiscal 2021 for the entire DOE through furloughs because of the Mayor’s Personnel Order No. 2020/2 released on September 30, 2020. The Special Commissioner’s portion of the savings was \$99,900 in Fiscal 2021 only, or two percent of the entire DOE’s furlough savings. The order required a furlough for up to five workdays without pay between October 1, 2020 and March 31, 2021. Nearly all of the Office’s staff were subject to the furlough.

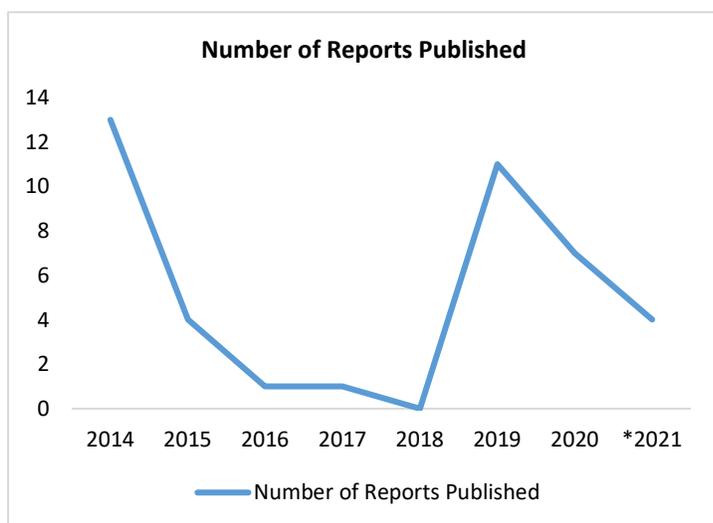
### Headcount

As of May 18, 2021, the Office has nine vacancies and 60 actively filled positions. The Office has been operating in accordance with the citywide hiring policies, including the hiring freeze. SCI has

adhered to the policy that required positions to be vacated before new positions are filled, both the three to one, and two to one. With these policies in place, the Office has not filled any vacancies in Fiscal 2021, and is looking to fill its existing nine vacancies, including the addition of two attorneys and four confidential investigators. In December 2019, SCI requested 24 new positions from OMB, a total cost of \$2 million. Since this request was so close to the COVID-19 pandemic and the subsequent hiring freeze took effect, the request has been tabled.

The Office has recently returned to in-person work in accordance with the Mayor’s direction. SCI is utilizing a flexible schedule that allows individuals to come to the office on a rotating basis. Employees alternate working in the office three days one week, and two days the following week, allowing for five days in the office every two weeks.

## Reports



In 2020, the Office published seven reports, four fewer than the 11 published in 2019, but a significant increase from zero reports in 2018. One of these reports is the Office’s annual report. In 2020, the Office completed 433 investigations, made 56 Policy and Procedure Recommendations (PPRs). SCI’s recommendations resulted in 31 employment terminations, 136 disciplinary conferences, 106 official admonishment letters to employees’ personnel files, 46 orders of financial restitution, and 80 problem codes (recommendations that possibly bar

\*2021 is as of May 18, 2021

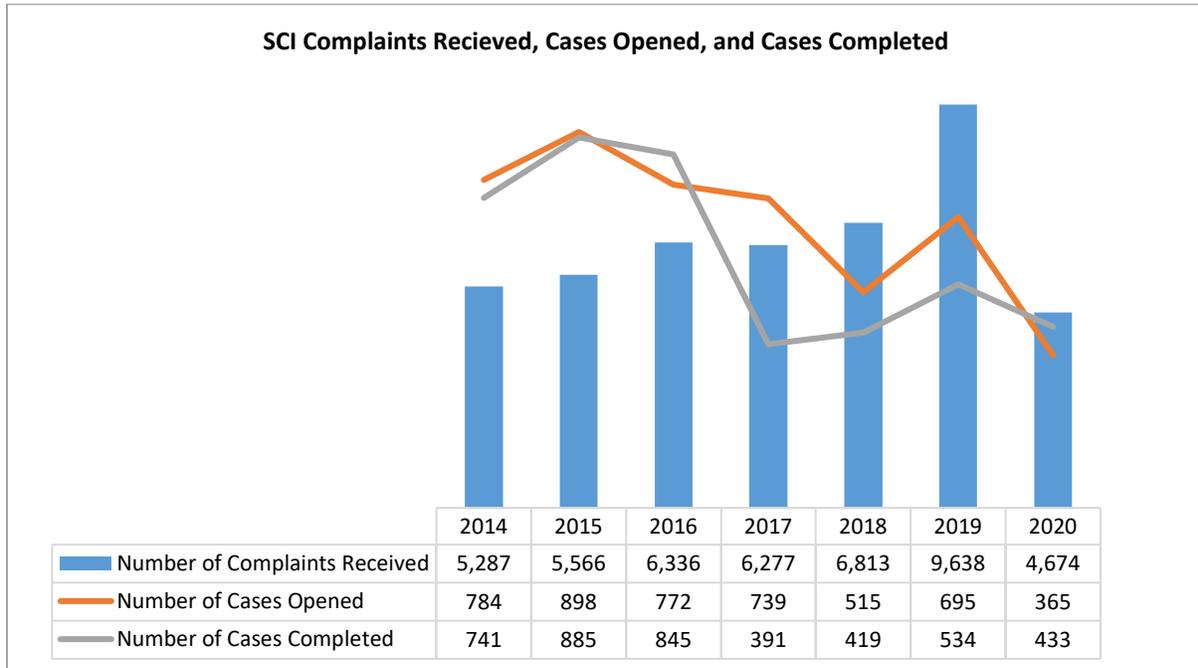
future employment or contracts).<sup>2</sup> Thus far in 2021, the Office has published four reports, including its annual report. As most of the calendar year has not occurred, that figure is likely to change.

## Cases

SCI tracks the number of DOE related complaints, cases opened, and cases completed. From 2014 to 2019, cases grew annually, but in 2020 the number of complaints that the Office received was more than halved compared to 2019, from 9,638 to 4,674. While the decrease in number of complaints received is the largest drop-off, the number of cases opened and cases completed also decreased. The Special Commissioner’s Annual Report states the decrease for complaints such as physical contact between teachers and students; drugs, weapons and other contraband within schools and other complaints were not occurring, as remote learning was more prominent during the pandemic. However, an entirely new category of cases arose as a result, including

<sup>2</sup> <https://nycsci.org/wp-content/uploads/2018/Reports/2020-Annual-Report.pdf>

complaints related to online media, inappropriate internet conduct, remote learning, theft of Personal Protective Equipment (PPE), and cases where DOE employees worked a second job while also working remotely for the DOE. According to SCI, this quick shift in case type came with the additional challenge of conducting investigations remotely, including completing interviews remotely. The chart below shows the decrease in metrics in 2020.



## Issues and Concerns

**School Safety Agents.** As a part of the Fiscal 2021 Adopted Budget, there was an agreement to move the School Safety Agents from the Police Department to the DOE. School Safety Agents have approximately 5,300 civilian personnel. When the agents are shifted to the DOE it will increase the DOE’s headcount significantly, and SCI will have the responsibility of oversight. Without additional SCI staff, the increase in oversight will need to be fulfilled with the existing 69 budgeted positions. This could create a problem with the capacity of the Office, with only 69 individuals investigating 150,000 staff across a \$31 billion budget.

**Gas Card.** The DOE recently informed the Office that it would no longer reimburse for gas cards. SCI uses gas cards in its approximately 40 vehicles to travel around the City and visit various locations relevant to its mission. The Department currently has \$7,131 in the Fiscal 2021 Budget allocated toward motor vehicles.

## Appendix A

<b>Special Commissioner of Investigation</b>						
<i>Dollars in Thousands</i>						
	<b>FY19</b>	<b>FY20</b>	<b>FY21</b>	<b>Executive Plan</b>		<b>*Difference</b>
	<b>Actual</b>	<b>Actual</b>	<b>Adopted</b>	<b>FY21</b>	<b>FY22</b>	<b>FY21-FY22</b>
<b>Spending</b>						
<b>Personal Services</b>						
Full-Time Salaried	\$4,816,572	\$5,329,999	\$6,047,155	\$5,947,332	\$6,047,705	\$550
Overtime	0	0	5,000	5,000	5,000	0
Terminal Leave	67,222	41,933	3,686	3,686	3,686	0
Longevity Differential	6,004	3,776	16,071	16,071	16,071	0
Backpay - Prior Years	(1,066)	0	625	625	625	0
<b>Subtotal</b>	<b>\$4,888,731</b>	<b>\$5,375,708</b>	<b>\$6,072,537</b>	<b>\$5,972,714</b>	<b>\$6,073,087</b>	<b>\$550</b>
<b>Other Than Personal Services</b>						
Contractual Services	\$335,131	\$190,131	\$335,131	\$328,000	\$335,131	0
Maintenance and Repair Motor Vehicle Equipment	0	28,000	0	0	0	0
Motor Vehicle Fuel	0	0	0	7,131	0	0
<b>Subtotal</b>	<b>\$335,131</b>	<b>\$218,131</b>	<b>\$335,131</b>	<b>\$335,131</b>	<b>\$335,131</b>	<b>\$0</b>
<b>TOTAL</b>	<b>\$5,223,862</b>	<b>\$5,593,839</b>	<b>\$6,407,668</b>	<b>\$6,307,845</b>	<b>\$6,408,218</b>	<b>\$550</b>
<b>Budgeted Headcount</b>						
Full-Time Positions - Civilian	69	69	69	69	69	0
<b>TOTAL</b>	<b>69</b>	<b>69</b>	<b>69</b>	<b>69</b>	<b>69</b>	<b>0</b>

*\*The difference of Fiscal 2021 Adopted Budget compared to Fiscal 2022 Executive Budget.*