

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

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In the Matter of the Claim of ALAMELDIN
ABDELRAHIM,

Petitioner,

- Against -

**REPLY AFFIRMATION OF
MALLORY O. SULLIVAN
IN FURTHER SUPPORT OF
RESPONDENT'S
CROSS MOTION TO
DISMISS**

NYC DEPARTMENT OF EDUCATION,

Index No. 514560/18

Respondent.
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STATE OF NEW YORK)

: ss.:

COUNTY OF NEW YORK)

MALLORY O. SULLIVAN, being duly sworn, deposes and says:

1. I am the Deputy Director of the Office of Employee Relations for the Board of Education of the City School District of the City of New York ("BOE") (also known as the "Department of Education of the City of New York"), and I have held this position since November 2014. Prior to serving in my current position, I was an Agency Attorney with the Office of the General Counsel for the BOE for approximately four years.

2. I oversee the BOE's Office of Personnel Investigation ("OPI"), which is responsible for, among other things, screening and conducting background checks for all staff hired to work for the BOE or under a contract held by a BOE contracted vendor.

3. This affidavit is based on my personal knowledge, a review of the books and records of the BOE, and conversations with BOE employees. As such, I am familiar with the facts pertaining to Petitioner's arrest, subsequent termination, and BOE's application and

hiring process. I submit this affidavit in further support of Respondent's Cross-Motion to Dismiss in this proceeding.

4. While Petitioner's termination letter stated, "[b]e advised that there will be a problem code associated with your name, barring you from any future work within the schools of the NYC Department of Education and its affiliates," no person is ever indefinitely barred from applying for a position within the BOE, or with a BOE contracted vendor.

5. Petitioner is eligible to reapply for a job and go through the necessary steps to determine whether or not he is eligible to be hired.

6. Chancellor's Regulation C-105 requires that all job candidates, including those seeking employment with a BOE contracted vendor, be subject to a background investigation to determine whether security clearance can be granted for the position sought before employment can begin with the BOE or its respective vendors. OPI is responsible for investigating any criminal history, employment history, employment eligibility, military service, and other information related to conduct and background discovered as a result of an application.

7. Each applicant, as part of the nomination and background investigation process, is fingerprinted, and completes a background questionnaire.

8. Once the applicant is fingerprinted, the images are sent to the New York State Division of Criminal Justice Services ("DCJS") and the Federal Bureau of Investigation ("FBI") to ascertain the results, if any. BOE receives notification of new arrests from DCJS for any individual whose fingerprints remain on file with BOE.

9. The BOE Background Questionnaire is an online form that includes questions pertaining to any prior convictions for felonies or misdemeanors, and any prior adverse

work history. Applicants are able to provide a written explanation for each question answered in the affirmative.

10. After a background investigation is initiated, the applicant is able to meet with an assigned investigator to further explain any issues that arise during the course of the background investigation and to submit additional documentation to support their application.

11. If security clearance cannot be granted at that time for the position sought, the applicant is issued a determination letter detailing the reasons for the BOE's denial of security clearance. The letter also advises the applicant that they may reapply after twelve months, as per Chancellor's Regulation C-105.

Dated: New York, New York
October 16, 2018



MALLORY O. SULLIVAN