
In the Matter of the Claim of

UNITED FEDERATION OF TEACHERS,
LOCAL 2, AMERICAN FEDERATION
OF TEACHERS, AFL-CIO, by its President
MICHAEL MULGREW,

VERIFIED
NOTICE OF CLAIM

Claimant,

- against -

BOARD OF EDUCATION OF THE CITY SCHOOL
DISTRICT OF THE CITY OF NEW YORK, and
DAVID C. BANKS, in his official capacity as
CHANCELLOR of the CITY SCHOOL DISTRICT OF
THE CITY OF NEW YORK,

Respondents.

(Pursuant to Education Law § 3813)

TO: BOARD OF EDUCATION OF THE CITY SCHOOL
DISTRICT OF THE CITY OF NEW YORK
c/o Office of the Corporation Counsel of the City of New York
100 Church Street
New York, New York 10007

DAVID C. BANKS, in his official capacity as
CHANCELLOR of the CITY SCHOOL DISTRICT OF
THE CITY OF NEW YORK
c/o Office of the Corporation Counsel of the City of New York
100 Church Street
New York, New York 10007

PLEASE TAKE NOTICE that, pursuant to Education Law § 3813, the UNITED FEDERATION OF TEACHERS, LOCAL 2, AMERICAN FEDERATION OF TEACHERS, AFL-CIO, by its President MICHAEL MULGREW (the “Claimant” or “UFT”) hereby makes claim against the Board of Education of the City School District of the City of New York (“Board of Education”), and David C. Banks, in his official capacity as Chancellor of the City School District of the City of New York (collectively “Respondents”) for damages sustained by UFT

members, arising from Respondents' violation of the Education Law, including Education Law §§ 2573, 3020, 3020-a, and 3031, and the collective bargaining agreements between the UFT and Board of Education, in suspending UFT members without pay.

1. The name and address of the Claimant is:

UNITED FEDERATION OF TEACHERS, LOCAL 2,
AMERICAN FEDERATION OF TEACHERS, AFL-CIO, by its
President MICHAEL MULGREW
52 Broadway, 14th Floor
New York, New York 10004

2. The name and address of the Claimant's attorney is:

ROBERT T. REILLY (Keith J. Gross, Of Counsel)
52 Broadway, 9th Floor
New York, New York 10004

3. For tenured pedagogues, the nature of the claim is that at the time Respondents suspended UFT members without pay, said UFT members had acquired tenure and could not have been lawfully suspended without pay by Respondents without a due process hearing held pursuant to Education Law §§ 3020 and 3020-a.

4. For probationary pedagogues, the nature of the claim is that Respondents wrongfully suspended those UFT members without pay without compliance with the Education Law, including Education Law §§ 2573 and 3031.

5. For paraprofessionals, the nature of the claim is that Respondents improperly suspended those UFT members without pay in violation of the due process procedures set forth in the collective bargaining agreement between the UFT and Board of Education.

6. The UFT is the exclusive bargaining representative for a variety of educators employed by Respondent Board of Education, including but not limited to teachers, school psychologists, school social workers, school secretaries, and paraprofessionals.

7. The UFT and Respondent Board of Education are parties to collective bargaining agreements covering Board of Education employees, including but not limited to teachers, school psychologists, school social workers, school secretaries, and paraprofessionals.

8. This notice of claim is submitted on behalf of approximately eighty-two (82) UFT members employed by Respondent Board of Education, including teachers, school psychologists, school social workers, school secretaries, and paraprofessionals.

9. Upon information and belief, on or about April 19, 2022, Respondent Board of Education sent emails to approximately eighty-two (82) UFT members accusing them of submitting fraudulent proof of COVID-19 vaccination.

10. Upon information and belief, in the emails Respondent Board of Education informed UFT members that effective April 25, 2022, they would be placed on leave without pay with benefits until further notice and should not report to work.

11. Upon information and belief, at the time tenured pedagogues were notified by the Board of Education that they would be removed from the payroll as of April 25, 2022, these UFT members had previously acquired tenure and could not have been lawfully suspended without pay by Respondents without a due process hearing held pursuant to Education Law §§ 3020 and 3020-a.

12. Under Education Law §§ 3020 and 3020-a, a tenured pedagogue may not be terminated, suspended without pay, or otherwise disciplined without being afforded due process.

13. Upon information and belief, at the time probationary pedagogues were notified by the Board of Education that they would be removed from the payroll as of April 25, 2022, these UFT members could not be suspended without pay by Respondents without compliance with the procedures set forth in Education Law §§ 2573 and 3031.

14. Upon information and belief, at the time paraprofessionals were notified by the Board of Education that they would be removed from the payroll as of April 25, 2022, these UFT members were entitled to a contractual disciplinary process and could not be lawfully suspended without pay by Respondents without resort to those due process procedures.


15. Respondents' suspension of UFT members without pay was arbitrary, capricious, an abuse of discretion, affected by an error of law, and violated a duty enjoined upon Respondents by law.

16. This claim is for all relief to which UFT members are entitled, including but not limited to: (a) a declaration that Respondents acted in violation of the Education Law and collective bargaining agreements; (b) an order immediately enjoining Respondents' unlawful conduct and requiring compliance with all laws, regulations, and agreements applicable to UFT members; (c) an order directing that UFT members be reinstated, *nunc pro tunc*, as of April 25, 2022, and awarded full back pay, seniority, and all other benefits and emoluments of employment, together with interest thereon, along with the costs, attorney's fees, and disbursements of any potential proceedings to litigate these claims; and (d) for such other, further, and different relief as a Court may deem just and proper.

Dated: New York, New York
April 22, 2022

ROBERT T. REILLY
Attorney for Claimant
52 Broadway, 9th Floor
New York, New York 10004
Cell: (516) 330-3548

By:



KEITH J. GROSS
Of Counsel

ATTORNEY'S VERIFICATION

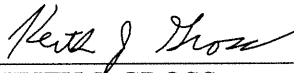
STATE OF NEW YORK)
 : ss.
COUNTY OF NEW YORK)

KEITH J. GROSS, being duly sworn, deposes and says:

Deponent is an attorney admitted to practice in the courts of the State of New York and is associated with Robert T. Reilly, Esq., the attorney of record for the UNITED FEDERATION OF TEACHERS, LOCAL 2, AMERICAN FEDERATION OF TEACHERS, AFL-CIO, by its President MICHAEL MULGREW, the Claimant herein; deponent has read the foregoing Notice of Claim and knows the contents thereof; that the same is true to deponent's own knowledge, except as to matters therein stated to be alleged upon information and belief; and that as to those matters deponent believes them to be true.

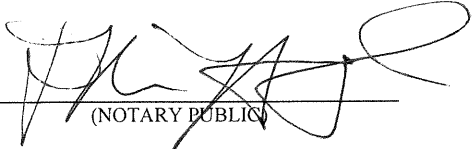
This verification is made by deponent and not by the Claimant because the Claimant resides in another county than the location of deponent's office.

The grounds of deponent's belief as to all matters not stated upon deponent's knowledge are as follows: Communications with the Claimant and a review of relevant documents and correspondence.



KEITH J. GROSS

Sworn to before me this
22nd day of April, 2022



(NOTARY PUBLIC)

DARON HAYWOOD
NOTARY PUBLIC, State of New York
No. 01HA6400299
Qualified in Kings County
Commission Expires 11/12/ 23