

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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MICHAEL KANE, et al., :
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 : Plaintiffs, :
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 : - against - : Case No. 21-cv-7863 (VEC) (Lead)
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 : DE BLASIO et al., :
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 : Defendants. :
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MATTHEW KEIL, et al. :
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 : Plaintiffs, :
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 : - against - : Case No. 21-cv-8773 (VEC)
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 : THE CITY OF NEW YORK et al., :
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 : Defendants. :
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DECLARATION OF BETSY COMBIER

Betsy Combiere declares as follows, pursuant to 28 U.S.C. § 1746:

1. My name is Betsy Combiere and I am the President and lead paralegal of Advocatz, a paralegal consulting business for people who need a partner as they go through the Courts, grievances, or life problems.
2. I respectfully submit this Declaration in support of Plaintiffs' Motion for a Preliminary Injunction.
3. I know the facts stated herein to be true based upon my personal knowledge and based upon my review of the files of hundreds of my clients whom I have represented in proceedings with the New York City Department of Education ("DOE"), except

for statements which are made on information and belief and, as to those, I verily believe them.

4. I have a degree in Child Psychology from Northwestern University, an MA Certificate from the Johns Hopkins' School for Advanced International Studies where my specialization was the Soviet Military Industrial Complex, an MPS in Interactive Telecommunications from New York University, and a Certificate in Art and Drama Therapy from The New School.
5. I am an advocate who has successfully assisted parents, children, and caregivers with the educational needs of their children, and I have been advocating for the due process rights of Union members—in particular, members of the AFL-CIO, United Federation of Teachers and Local 32 B&J—for 19 years.
6. I am the Editor of the website Parentadvocates.org, and several blogs including NYC Rubber Room Reporter, National Public Voice, and NY Courts – New York Court Corruption. I am also the President/Director of Theater Kids, Inc. and President of The E-Accountability Foundation, a 501(c)(3) not-for-profit company which funds exposure of public corruption, fraud and misconduct by public servants and judges.
7. I visited the DOE's teacher re-assignment centers, or "rubber rooms," every week from 2003-2007 as an interested member of the public. From 2007-2010, I worked as Special Representative to the United Federation of Teachers ("UFT") where my job was to oversee the eight re-assignment centers in the NYC DOE, first in all boroughs, and then at the Manhattan, Brooklyn, and Bronx locations.

8. I am very familiar with the 3020-a arbitration hearing process, set forth in New York Education Law §3020-a, having assisted teachers in approximately 300 3020-a arbitration hearings (including research, writing closing arguments, and developing questions for testimony) since 2003.
9. I am currently providing support to many DOE employees whose religious exemption requests from the DOE's vaccination mandate were both denied and granted.
10. I am also very familiar with "problem codes"—the flag the DOE puts in the personnel file of employees to indicate that they should not be hired due to unexplained misconduct of some kind. Employees can be flagged for everything from receiving an unsatisfactory or ineffective rating to engaging in egregious criminal acts. During the three years I worked at the UFT headquarters, I received countless calls every week asking me if there was a problem code on the personnel file. I would ask the person next door to my office, a Special Representative for the UFT similar to my position, whether she could check her computer, and she would tell me "yes" or "no" within a minute.
11. When the DOE puts a problem code in the employee's personnel file, it also places a flag on the employee's fingerprints, which is then sent to the national databases at both the Federal Bureau of Investigation and the State Division of Criminal Justice Services.
12. I have represented more than 15 DOE employees before the DOE's Office of Personnel Investigation in proceedings in which they requested the removal of their problem codes. The flag has several names, such as "problem code"; "pr" code; "pc


code; “no hire/inquiry” code, however all refer to the salary block, whatever title it is given.

13. I have helped approximately 20 DOE employees have their problem codes removed from their personnel files.
14. I know of many former DOE employees who have problem codes in their personnel file because they declined to be vaccinated in violation of the DOE’s mandate and were not granted a religious or medical exemption. The NYC DOE places a problem code on an employee’s personnel file immediately upon getting information that the employee did not submit proof of vaccination. There is no waiting period for an Appeal, review or consideration of an exemption. As soon as the employee gets the vaccination and submits proof, the code is removed from their file.
15. I am aware that non-DOE schools located in counties outside New York City receive funds from the NYC DOE for certain teaching positions. These may include, for example, special education or STEM teachers.
16. The DOE pays the salaries for these positions using the same system it uses to pay traditional DOE employees, which is called Galaxy. Galaxy indicates whether the employee has a problem code in his or her file and blocks payment to the employee with this flag/code if viewed in the personnel file.
17. Many of my clients with problem codes in Galaxy have looked for other teaching jobs outside the NYC DOE while their problem code appeals were ongoing.

18. At least 15 of my clients with problem codes were not hired by prospective schools outside the DOE because such schools saw the problem codes in Galaxy, even though those schools were located outside New York City.
19. Such schools were able to see the codes because the position applied for was financed by the DOE and so the school used the Galaxy system and could check the prospective employee's file.
20. I also have several clients who applied to schools outside of the DOE who were not hired by their prospective employers because when the prospective employers reached out to the DOE to verify my clients' previous employment, the DOE representative told them about the problem codes in my clients' files.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: New York, New York
June 2, 2022


By: Betsy Combier