



Written by [Michael Tennant](#) on February 14, 2023

Fingerprints of NYC Teachers Fired Under Vaccine Mandate Sent to FBI, Personnel Files Flagged

The New York City Department of Education (DOE) placed “problem codes” in the personnel files of employees who were fired for refusing Covid-19 vaccines and forwarded the employees’ fingerprints to the Federal Bureau of Investigation (FBI), potentially preventing the former employees from obtaining new jobs, attorneys for the ex-employees alleged.



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“When the city puts these problem codes on employees who have been terminated because of their unconstitutional policies, not only do they have this flag in their files, but their fingerprints are sent with that flag to the FBI and the New York Criminal Justice Services, so it impacts their ongoing ability to get employment at other places,” Alliance Defending Freedom (ADF) senior counsel John Bursch said last Wednesday during oral arguments in *New Yorkers for Religious Liberty v. City of New York*, a case being heard by the Second U.S. Circuit Court of Appeals.

A [signed affidavit](#) from Betsy Combier, a paralegal who has represented many DOE employees in their dealings with the department’s Office of Personnel Investigation (OPI), corroborated Bursch’s claims.

“I know of many former DOE employees who have problem codes in their personnel files because they declined to be vaccinated in violation of the DOE’s mandate and were not granted a religious or medical exemption,” she declared. “The DOE places a problem code on the employee’s personnel file immediately upon getting information that the employee did not submit proof of vaccination. As soon as the employee gets the vaccination and submits proof, the code is removed from his or her file.”

This allegation was confirmed by an email from a DOE employee stating that a “problem code was added to all employees who were placed on ... vaccine mandate leave.”

Combier also claimed that when an employee’s record is flagged with a problem code, the employee’s fingerprints are flagged with the FBI and New York Criminal Justice Services. This, she averred, has prevented some of her clients from getting teaching jobs elsewhere, even outside of New York City, because prospective employers learned of their problem codes.

It could also present problems for fired teachers looking to be rehired now that New York City Mayor Eric Adams has lifted the vaccine mandate. Adams said the former employees could reapply for employment with the DOE, but that’s “just not true in every case,” Bursch told the [Daily Caller](#).



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“Even for those who are eligible for reinstatement, when they apply they’ve all got so-called ‘problem codes’ in their personal [*sic*] file because they purportedly failed to fulfill a contractual condition, which was to get vaccinated,” he explained. Getting rehired with such a black mark may prove difficult, if not impossible.

Rachelle Garcia, who taught school in Brooklyn for 15 years before being fired after her religious-exemption request was denied, told [Fox & Friends First](#) Tuesday the situation is “infuriating” and “an invasion of privacy.”

“This is both outrageous and infuriating because my first question to the government or whatever, is basically, what did I do? What kind of criminal activity did I participate besides denying something that I felt that was right for me?” Garcia asked. “Religiously, mentally, I just didn’t want anything experimental on my body, so what criminal activity does that persist?”

“This is an invasion of privacy,” she said. “We have to stop them in their tracks now.”

Teachers for Choice founder Michael Kane, one of the plaintiffs in the case, previously sued the city over in-school Covid-19 testing. In the course of that lawsuit, it emerged that the company performing the tests, Fulgent Genetics, “reserved the right to utilize DNA samples obtained from Covid testing and catalogue it in proprietary libraries the company owned,” [wrote Kane](#). “Also turned out Fulgent had close ties to the Chinese government.”

Kane is now demanding an investigation into the problem-code and fingerprint allegations. Thus far, though, the city has neither addressed the allegations nor responded to Combier’s affidavit.

“This has now been stated in open court,” Kane told Fox. “It’s been viewed millions of times around the world. Now, we’ve heard nothing come out of New York City. So ... put up or shut up. Tell us what’s going on. Otherwise, we have to assume this is true and investigate.”



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