



THE SCHOOL DISTRICT OF
PALM BEACH COUNTY, FLORIDA

OFFICE OF INSPECTOR GENERAL
3318 FOREST HILL BLVD., C-306.
WEST PALM BEACH, FL 33406
(561) 434-7335 FAX: (561) 434-8652
www.palmbeachschools.org
Hotline: (855) 561-1010

LUNG CHIU, CIG, CPA
INSPECTOR GENERAL

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MEMORANDUM

TO: Honorable Chair and Members of the School Board
Dr. Donald E. Fennoy, Superintendent
Chair and Members of the Audit Committee

FROM: ^{LLC} Lung Chiu, Inspector General

DATE: 2/4/2019

SUBJECT: Transmittal of Final Investigative Report
Case #19-814
Title: Theft of Time

In accordance with School Board Policy 1.092 we hereby transmit the above-referenced final report.

The report addresses the allegations of Theft of Time by Alternative Education department staff members Mark C. Williams, Shelia Harvey-Lawrence, Dr. Kim Joseph, Timothy Abrams and Sandy Forbes-Edwards. The individuals allegedly used vacation days, but did not adjust their leave time to accurately reflect the hours taken.

The allegations are unsubstantiated.

The report is finalized and will be posted on the Inspector General's website; www.palmbeachschools.org/inspectorgeneral.



Donald E. Fennoy II
Superintendent

SCHOOL DISTRICT OF PALM BEACH COUNTY OFFICE OF INSPECTOR GENERAL



K. Lung Chiu
Inspector General

INVESTIGATIVE REPORT

Case Number:
19-814

Date of Complaint:
7/30/2018

Complainant:
Anonymous

Subjects:
Timothy Abrams, Principal
Shelia Harvey-Lawrence, Assistant Principal
Sandy Forbes-Edwards, Exceptional Student Education (ESE) Coordinator
Dr. Kim Joseph, Student Advocate Specialist
Mark C. Williams, Exceptional Student Education (ESE) Teacher

Witnesses:
Timothy Abrams, Principal
Shelia Harvey-Lawrence, Assistant Principal, Alternative Education
John (Jack) Nealy, Assistant Principal, Alternative Education

Type of Report:
FINAL

AUTHORITY

School Board Policy 1.092 provides for the Inspector General to receive and consider complaints, and conduct, supervise, or coordinate such inquiries, investigations, or reviews, as the Inspector General deems appropriate.

This investigative report was conducted by Investigator Tanya Lawson, in compliance with the *Quality Standards for Investigations, Principles and Standards for Offices of Inspector General*, promulgated by the Association of Inspectors General.

INTRODUCTION

On July 30, 2018, the OIG received an anonymous complaint which alleged that Alternative Education Teacher Mark C. Williams is not accounting for his leave time.

BACKGROUND

The Department of Educational Alternatives programs are governed by School Board Policy 8.13. Programs may be offered at alternative sites, general education school campuses, or any other

locations approved by the School Board as a school center. Programs may be offered full-time or part-time.

ALLEGATIONS¹

1. Alternative Education Teacher Mark C. Williams used vacation days, but did not adjust his leave time to accurately reflect the hours taken. *Unsubstantiated.*
2. Dr. Kim Joseph, Timothy Abrams, Sandy Forbes-Edwards and Shelia Harvey-Lawrence used vacation days, but did not adjust their leave time to accurately reflect the hours taken. *Unsubstantiated.*

GOVERNING DIRECTIVES

- Florida State Statute § 1001.42
- School Board Policy 8.13
- The Department of Educational Alternatives Juvenile Justice/Youth Services Programs Manual
- PBSB Form #0032-Temporary Duty Elsewhere (TDE)

ALLEGATION 1: EVIDENCE & TESTIMONY

Allegation: Alternative Education Teacher Mark C. Williams used vacation days, but did not adjust his leave time to accurately reflect the hours taken. Unsubstantiated.

Testimony of Assistant Principal John (Jack) Nealy, Jr.

On August 29, 2018, the OIG conducted an interview with Jack Nealy. Mr. Nealy stated that he was the assistant principal with Support Services (formerly called Education Alternatives) from January 2016 until March 2018. Mr. Nealy stated during that time, he did not have any issues with Mr. Williams' time, and any leave that Mr. Williams took was documented by having a Temporary Duty Elsewhere (TDE) completed.

Mr. Nealy stated he would go to the Alternative Education site located at the Palm Beach County Sheriff's Office (jail)² on a daily basis. Mr. Nealy stated District employees located at the jail would be signed in by an employee of the Palm Beach County Sheriff's Office. Mr. Nealy stated if a teacher were out, he would have immediately been notified by his contact person at the jail, Alternative Education teacher Jacquelyne Hooper.

Mr. Nealy stated the schedule for the majority of the Alternative Education teachers is that they alternate locations on a day one, day two rotation. Mr. Williams would work between the Detention Center, and the Palm Beach County Sheriff's Office (jail).

¹ The OIG findings were determined using the standards that appear on the signature page at the end of this report.

² See Table 1 for facility names, locations and the supervisors at each location.

Mr. Nealy stated due to the tight security at the jail, he doubts that a teacher would have been able to leave the facility unnoticed.

Testimony of Assistant Principal Shelia Harvey-Lawrence

On September 5, 2018, the OIG conducted an interview with Shelia Harvey-Lawrence. Mrs. Lawrence stated Mr. Williams is a science teacher with the Support Services Department. Mrs. Lawrence stated Mr. Williams requested leave when he expected to be out, and she has never had an issue with his time, or leaving the facility and not returning. Mrs. Lawrence stated Mr. Williams has never abused his leave time and has never been paid regular pay when he was out on leave. Mrs. Lawrence stated she is only in charge of approving Mr. Williams' time at 1100 45th Street Detention Center location.

Mrs. Lawrence stated the District is not in charge of maintaining the sign-in/out sheets at the Detention Center, it is the agency that house the students that are the keepers of record³. Mrs. Lawrence stated as of September 2018, the new director of Support Services (Mrs. Elaine Hubbard-Williams) has directed the department to maintain a sign-in/out log that will be kept by designated staff.

Mrs. Lawrence stated between the hours of 11:30 AM and 12:15 PM, the teachers are allowed to go off site for their lunch breaks. After 12:15 PM, is considered teachers planning time since the students are not due back until 1:00 PM. Mrs. Lawrence stated if Mr. Williams did not return to the Detention Center, she would have been notified by her contact person at the Detention Center, Ms. LaToya Collins.

Testimony of Principal Timothy Abrams

On October 15, 2018, the OIG conducted a phone interview with Principal Timothy Abrams. Mr. Abrams stated he became principal in July 2018. Mr. Abrams stated he supervises staff at two locations, Palm Beach Juvenile Correction Facility, and PBSO (jail). Mr. Abrams stated since he has been the principal, he has not had any issues with Mr. Williams. Mr. Abrams stated he approved Mr. Williams' leave requests. Mr. Abrams stated he has not had any issues with Mr. Williams leaving the facility and not returning.

Testimony of Alternative Education Science Teacher Mark C. Williams

On September 7, 2018, the OIG conducted an interview with Mark C. Williams. Mr. Williams stated he has never taken leave without the approval of his supervisors. Mr. Williams stated he has never had an issue with his time at either alternative education location. Mr. Williams stated for lunch, he usually sits in his car (at both facilities), and does not leave the site.

Mr. Williams stated when he is at the jail, he arrives to work around 7:30 AM and leaves for the day around 3:00 PM. Mr. Williams stated he has never left the facility and not returned. Mr.

³ Sequel Youth and Family Services is a privately owned company that develops and operates programs for people with behavioral, emotional, or physical challenges.

Williams stated he has never misused leave and gets approval from his supervisors prior to taking leave. Mr. Williams stated he has never received regular pay while being out on annual or sick leave.

Based on the testimony and TDE's obtained during this investigation, the OIG has determined that the allegation that Mark C. Williams used vacation days, but did not adjust his leave time to accurately reflect the hours taken is *Unsubstantiated*.

ALLEGATION 2: EVIDENCE & TESTIMONY

Allegation: Dr. Kim Joseph, Timothy Abrams, Sandy Forbes-Edwards and Shelia Harvey-Lawrence used vacation days, but did not adjust their leave time to accurately reflect the hours taken. Unsubstantiated.

Testimony of Principal Timothy Abrams

On October 17, 2018, the OIG conducted an interview with Timothy Abrams. Mr. Abrams stated he supervises staff at two locations, Palm Beach Juvenile Correction Facility and Palm Beach Sheriff's Office (jail). Mr. Abrams alternates days and the time of day that he goes to the sites. Mr. Abrams stated he has never left the facility without prior authorization and stated he shares his calendar with his direct supervisor, Director Elaine Hubbard-Williams, and Mrs. Hubbard-Williams' secretary, "Maggie" so that it is known where he will be located.

Mr. Abrams stated he uses his badge to check in at the Palm Beach County Sheriff's Office, however, until recently, the department did not have a dedicated sign in/out sheet for staff. Director Hubbard-Williams has established sign in/out sheets at all Alternative Education sites.

Mr. Abrams stated since there is no lunch provided at the Juvenile Correction Facility, he has to leave to get lunch. Mr. Abrams stated his lunch time varies depending on what is going on at the facility. Mr. Abrams stated when he is at the jail, he takes lunch in the cafeteria, and does not leave the site. Mr. Abrams stated he has to sign in/out at the Palm Beach Juvenile Correction Facility (PBJ) to get the keys to the classroom, but the sign in/out records are kept by Sequel Youth and Family Services, a private entity for juvenile services.

Testimony of Student Advocacy Specialist Dr. Kim Joseph

On October 19, 2018, the OIG conducted an interview with Dr. Kim Joseph. Dr. Joseph stated she is located at Turning Points Academy. Dr. Joseph stated she has not been to the Detention Center since 2012.

Dr. Joseph stated during the summer of 2018, she worked ten-hour days and her supervisor was Ms. Shanda Garvin-Shaw. Dr. Joseph stated she has never left the facility and not returned from her lunch break. Dr. Joseph stated her vacation time was approved by Ms. Garvin-Shaw. Dr. Joseph stated she has never received regular pay while being out.

Testimony of Assistant Principal Shelia Harvey-Lawrence

On October 19, 2018, the OIG conducted an interview with Mrs. Lawrence who stated she oversees the following sites: Highridge, Kelly Center, PACE Center for Girls, Palm Beach Regional Juvenile Detention Center and Lincoln Elementary (**Table 1**). Mrs. Lawrence stated she typically conducts site visits prior to reaching her office in the morning, therefore, her times getting to the office, will vary. Mrs. Lawrence stated depending on what may be happening at each location, she may have to change where she goes during the day. Mrs. Lawrence stated she is usually at Palm Beach Regional Juvenile Detention Center because it has more students with behavioral issues. Mrs. Lawrence stated she typically works late in the evening organizing and getting caught up on paper work. Mrs. Lawrence stated she usually gets her lunch on her way back to the office after conducting site visits. Mrs. Lawrence also stated occasionally, she has had an individual from the office get lunch for her.

Mrs. Lawrence stated she has never left the site and not come back. Mrs. Lawrence stated she used annual leave for the last three weeks in June 2018. Mrs. Lawrence stated there has never been an issue with her time, and has never been paid regular pay for unapproved leave.

Testimony of ESE Coordinator/Teacher Sandy Forbes-Edwards

On November 6, 2018, the OIG conducted a telephone interview with Mrs. Edwards. Mrs. Edwards stated she is located at Turning Points Academy, and her direct supervisor is Mrs. Garvin-Shaw. Mrs. Edwards stated her position is an ESE Coordinator. Mrs. Edwards stated as an ESE Coordinator, she has to travel to different Alternative Education sites. Mrs. Edwards stated her lunch break depends on which site she has to travel to, and the times of her lunch breaks vary.

Mrs. Edwards stated she has never taken a lunch break and not returned to work. Mrs. Edwards denied ever taking time off without approval or leaving an Alternative Education site and not returning to work or receiving regular pay for unapproved leave.

Documentation Reviewed

The OIG reviewed the testimony received from both Jack Nealy and Shelia Harvey-Lawrence relating to allegation number one, and found that both were consistent.

The OIG reviewed the sign in/out sheets provided by Mrs. Lawrence during the course of this investigation, and they were found to be incomplete. Mrs. Lawrence acknowledged that the department did not maintain a sign in/out sheet. The logs previously provided by her, are for all visitors to the site, and not necessarily the teachers. The logs are maintained by Sequel Youth and Family Services, a private company.

The OIG reviewed email records for Mr. Williams that included the TDE's that were given final approval for his leave. According to email records, the TDE's that were given final approval were for June 29, 2018, July 5, 2018, July 6, 2018, July 9, 2018 and July 19, 2018. All dates are

accounted for as utilizing annual leave except July 19, 2018. This date does not appear on the PeopleSoft Time Summary Report, and appears as a regular workday, no leave utilized.

The OIG contacted Support Services Administrative Assistant Cheletia Morgan. Ms. Morgan stated she was in charge of submitting payroll, and did the final approval for Mr. Williams. Ms. Morgan stated that July 19, 2018 was initially approved prior to her going on leave July 27, 2018, but Timothy Abrams should have submitted a payroll correction for July 19, 2018 before the payroll deadline date and prior to her taking leave. Ms. Morgan stated her records do not show Mr. Williams as being out on July 19, 2018. Ms. Morgan verified the only annual leave taken by Mr. Williams during the June and July were June 29, 2018, July 5, 2018, July 6, 2018 and July 9, 2018.

On October 10, 2018, the OIG received an email from Sr. Human Resource Analyst Lynda Garcia forwarded by Payroll Manager Teri Jensen. Ms. Garcia stated in her email that payroll does not accept TDE's when entering attendance, and there were no corrections made to the July 19, 2018 date for Mr. Williams. Mr. Williams was paid his regular pay for that date.

The OIG verified that July 19, 2018 was not utilized by Mr. Williams as annual leave. Mr. Williams was paid his regular pay for that date despite email documentation showing it was initially approved as annual leave. Although, Mr. Williams was initially approved for annual leave for July 19, 2018, he ultimately did not take annual leave, and received his regular pay.

Based on the information obtained during this investigation, the OIG has determined that the allegation that Dr. Kim Joseph, Timothy Abrams, Sandy Forbes-Edwards and Shelia Harvey-Lawrence used vacation days, but did not adjust their leave time to accurately reflect the hours taken is *Unsubstantiated*.

ADDITIONAL INFORMATION

On August 7, 2018, the OIG received an additional complaint that included Shelia Harvey-Lawrence, Sandy Forbes-Edwards, Dr. Kim Joseph and Timothy Abrams as the subjects. In addition, on October 15, 2018, a third complaint was filed with the Florida Department of Education regarding the same matter. The complaint alleged that the individuals abuse their leave and do not report their time away from the job.

After reviewing TDE's, email documentation, verification from the payroll department, and interviews conducted, annual leave has been verified and documented as legitimate time away from the job for Mark C. Williams, Shelia Harvey-Lawrence, Dr. Kim Joseph, Timothy Abrams and Sandy Forbes-Edwards. There has not been a violation of District policy relating to the allegations for the subjects.

During the OIG's investigation, Mrs. Lawrence acknowledged that the department did not have a sign in/out procedure that was specific for the department. New procedures have been established by the new Director of Support Services.

On January 28, 2019, the OIG contacted Sr. Human Resources Analyst Lynda Garcia to clarify discrepancies found between Mr. Abrams' TDE requests and the actual leave that should have been deducted to reflect his time taken. Ms. Garcia stated that between May 2018 and July 2018,

Support Services went through a transition period where, the Administrative Assistant Cheletia Morgan was out on leave and did not have an individual to provide back-up to process leave for staff. The requests were being submitted to be processed as required. Additionally, former Support Services Director Eddie Ruiz was preparing to leave the District. Mr. Ruiz' Executive Administrative Assistant Margarita Llanes, was in charge of the administrative staff and tried to keep up with TDE requests prior to her departure from the District during that time. Due to several transitions occurring simultaneously, including getting a new director for the department, errors occurred with processing some of the leave requests.

The OIG has determined that Timothy Abrams and Shelia Harvey-Lawrence submitted paperwork for annual leave, but their requests for leave were not properly processed. Timothy Abrams submitted TDE's for July 5, 2018, July 16-19, 2018 and August 23-27, 2018 for a total of 74 hours that were not accurately processed. Shelia Harvey-Lawrence submitted TDE's for June 25-28, 2018 that totaled 40 hours. The leave was approved by her supervisor, Tim Abrams. The TDE's were not processed by the designated time keeper (administrative assistant, or other designee). The OIG determined that Mrs. Harvey-Lawrence's other requested days off, were properly submitted and processed. The OIG did not find any processing errors with leave requests for Dr. Kim Joseph, or Sandy Forbes-Edwards, and their time accurately reflected their requested days off.

RECOMMENDATIONS

The OIG recommends that Director of Support Services Elaine Hubbard-Williams submit a correction of leave for Timothy Abrams and Shelia Harvey-Lawrence using the School District's *Payroll Time and Attendance Correction(s) Report* (PBSD 0121), and submit to the appropriate individual/department for processing.

AFFECTED PARTY NOTICE

In accordance with School Board Policy 1.092 (8)(b)(iv), on 12/21/2018, Timothy Abrams, Shelia Harvey-Lawrence, Sandy Forbes-Edwards, Dr. Kim Joseph and Mark C. Williams were notified of the investigative findings and provided with an opportunity to submit a written response to these findings. The OIG did not receive a response from any of the affected parties.

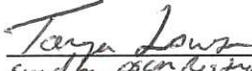
Table 1

ALTERNATIVE EDUCATION SITES

Facility	Location	Supervisor/Director
Turning Points Academy (Administrative Office)	1950 Benoist Farms Rd, West Palm Beach	Elaine Hubbard-Williams, Director
Palm Beach County Sheriff's Office (Jail)	3228 Gun Club Rd., West Palm Beach	Timothy Abrams
Palm Beach Juvenile Correction Facility (PBJ)	9680 Process Rd., West Palm Beach	Timothy Abrams
Highridge (Highridge School)	4400 N. Australian Ave, West Palm Beach	Shelia Harvey-Lawrence
Kelly Center (Alternative Program Central)	1041 45 Street, West Palm Beach	Shelia Harvey-Lawrence
<i>PACE</i> Center for Girls	1225 S. Military Trail, D West Palm Beach	Shelia Harvey-Lawrence
Palm Beach Regional Juvenile Detention Center (Detention Center)	1100 45 th St, Bldg. A., West Palm Beach	Shelia Harvey-Lawrence
Lincoln Elementary (Elementary Transition North)	1160 Avenue N, Riviera Beach	Shelia Harvey-Lawrence

Investigation Conducted by:

Tanya Lawson, CIGI


Signed by Oscar Restrepo for Ms. Lawson 2/4/19
Date

Investigation Supervised by:

Oscar Restrepo, CIGI, Director of Investigations


2/4/19
Date

Investigation Approved by:

K. Lung Chiu, CIG, Inspector General


2/4/19
Date

The evidentiary standard used by the School District of Palm Beach County OIG in determining whether the facts and claims asserted in the complaint were proven or disproven is based upon the preponderance of the evidence. Preponderance of the evidence is contrasted with “beyond a reasonable doubt,” which is the more severe test required to convict a criminal and “clear and convincing evidence,” a standard describing proof of a matter established to be substantially more likely than not to be true. OIG investigative findings classified as “substantiated” means there was sufficient evidence to justify a reasonable conclusion that the actions occurred and there was a violation of law, policy, rule, or contract to support the allegation. Investigative findings classified as “unfounded” means sufficient evidence to justify a reasonable conclusion that the actions did not occur and there was no violation of law, policy, rule, or contract to substantiate the allegation. Investigative findings classified as “unsubstantiated” means there was insufficient evidence to justify a reasonable conclusion that the actions did or did not occur and a violation of law, policy, rule, or contract to support the allegation could not be proven or disproven.