

OFFICE OF SPECIAL INVESTIGATIONS
INVESTIGATIVE REPORT



**Department of
Education**

Dennis M. Walcott, Chancellor

*Courtenaye Jackson-Chase
General Counsel*

*Candace R. McLaren
Director*

*Christopher J. Dalton
Deputy Director*

*Norris W. Knowles
Associate Director*

DATE: January 10, 2014
TO: Candace R. McLaren
Director
FROM: Katherine Higginbotham
Confidential Investigator
SUBJECT: Shadia Alvarez, Principal,
File # [REDACTED]
X288
OSI Case # 13-04710X

ORIGIN OF COMPLAINT

On May 13, 2013, the Office of Special Investigations ("OSI") received a referral from the Special Commissioner of Investigation ("SCI") concerning the conduct of Shadia Alvarez, Principal. Carron Staple, Superintendent, reported that, on May 2, 2013, Ms. Alvarez submitted per session¹ timesheets for hours allegedly worked during February, March, and April 2013, without providing the relevant timecards to demonstrate that she had clocked in during those hours. Ms. Staple indicated that, when she requested the corresponding timecards, Ms. Alvarez submitted a new set of "revised" timesheets for February, March and April 2013, combining multiple activities "on one timesheet, thinking [that Ms. Staple] wouldn't realize the hours were different." Ms. Alvarez's actions led the Superintendent to suspect that Ms. Alvarez had attempted to commit theft of service by submitting a request to be paid for per session hours that she had not worked.

During the course of this investigation, it was additionally alleged that Ms. Alvarez had requested, and was paid for, per session hours on days that she had been absent, and on days that no students were present at her school due to Hurricane Sandy.

RESULTS OF INVESTIGATION

Carron Staple, Superintendent:

Ms. Staple explained that, after she became the Superintendent for District 11 in October 2012, she was unable to locate the per session documentation for any Principal in that district, so she requested that the Principals

¹ Per Session activity is any activity outside of an employee's primary assignment and work hours, for which pedagogic employees are paid at an hourly rate.

provide their per session postings and relevant paperwork.² Ms. Staple stated that, on May 2, 2013, Ms. Alvarez submitted per session timesheets for her February and April 2013 supervision of afterschool clubs, her March and April 2013 supervision of Saturday school, and her February, March, and April 2013 supervision of afterschool tutoring activities.

Ms. Staple stated that, after receiving this incomplete documentation, she emailed Ms. Alvarez and asked her to provide the supporting timecards for the timesheets. Ms. Staple indicated that, on May 3, 2013, Ms. Alvarez emailed her and said that, after reviewing her own timecards, she had “realized that some of the dates were missing or not exact” and had, therefore, attached “revised timesheets” to her email. Ms. Staple stated that, upon opening the attachment, she saw that Ms. Alvarez had combined the hours for all three of her per session activities onto one timesheet, and that the hours were significantly different from the hours that Ms. Alvarez had originally requested.³ Ms. Staple reported this to SCI that day, as the discrepancy led her to believe that an attempted theft of service may have occurred.⁴

Ms. Staple added that, because of Ms. Alvarez’s behavior, she reviewed the per session activity for which Ms. Alvarez had previously been paid, noting that Ms. Alvarez had requested, and been paid for, per session hours claimed on October 29, 30, and 31, 2012, when schools were closed due to Hurricane Sandy. In addition, Ms. Staple observed that Ms. Alvarez had requested, and been paid for, per session activity on December 12 and 13 of 2012; according to Ms. Staple, Ms. Alvarez had been absent on both of those days.⁵

October 29, 30, 31, and November 3, 2012:

All DOE schools were closed to students from October 29, 2012 until November 5, 2013, due to Hurricane Sandy.⁶ A review of Ms. Alvarez’s per session payments during this time period⁷ demonstrated that Ms. Alvarez requested and was paid for two hours of per session on October 29, 30, and 31, and for five hours on November 3, 2012.

December 12 and December 13, 2013:

A time and attendance inquiry indicated that Ms. Alvarez used one full day of sick leave on December 12, 2012, and another full day of sick leave on December 13, 2012.⁸ A review of Ms. Alvarez’s per session payments on those days demonstrated that Ms. Alvarez requested, and was paid for, two hours of per session on December 12 and December 13, 2012.

² Ms. Staple stated that she was unable to recall when she requested this documentation.

³ Ms. Staple’s and Ms. Alvarez’s email exchange regarding per session, which occurred between May 1, 2013 and May 3, 2013, is enclosed in the case file.

⁴ Ms. Staple stated that, in July 2013, she approved Ms. Alvarez’s May 3, 2013 request for per session at the advice of her senior field counsel.

⁵ Ms. Staple was unable to locate any timecards or timesheets that Ms. Alvarez had previously submitted. On August 6, 2013, Ms. Staple provided copies of Ms. Alvarez’s available timesheets, timecards, her personal notes regarding the allegations, a record of Ms. Alvarez’s absences in December 2012, and a spreadsheet of Ms. Alvarez’s previously approved per session hours to this investigator. These documents are enclosed in the case file.

⁶ Copies of press clips and announcements from then-DOE Chancellor Dennis Walcott have been enclosed in the case file as documentation.

⁷ A spreadsheet containing Ms. Alvarez’s per session payments was provided to this investigator by Ms. Staple, who obtained the information from Robert Scamardella, Human Resources assistant, on May 24, 2013.

⁸ An Employee Information System (“EIS”) printout of Ms. Alvarez’s absences is enclosed in the case file.

February 2013:

According to the timesheets that she submitted on May 2, 2013, Ms. Alvarez requested 12 hours of per session payment for her February 2013 afterschool tutoring supervision. Ms. Alvarez requested 12 hours of per session payment for her February 2013 afterschool clubs supervision.⁹ She did not submit corresponding timecards on May 2, 2013.

On May 3, 2013, Ms. Alvarez submitted a revised per session timesheet for February 2013 along with timecards; she entitled the timesheet "Afterschool and Saturday Activities supervision," rather than submitting a separate timesheet for each of her per session activities. The dates and times were inconsistent with the timesheets that Ms. Alvarez had submitted on May 2, 2013; the revised timesheet reflected that Ms. Alvarez had worked 32 combined hours of per session in February 2013, for all three of her per session jobs. Ms. Alvarez's timecards were consistent with the timesheet that she submitted on May 3, 2013.

March 2013:

On May 2, 2013, Ms. Alvarez requested 20 hours of per session payment for her March 2013 Saturday activities supervision, and 12 hours of per session payment for her afternoon tutoring activities supervision during the same month.¹⁰ Ms. Alvarez did not submit corresponding timecards on May 2, 2013.

On May 3, 2013, Ms. Alvarez submitted a revised per session timesheet for March 2013; she entitled the timesheet "Afterschool and Saturday Activities supervision," rather than submitting a timesheet for each of her per session positions. The dates and times were inconsistent with the timesheets that Ms. Alvarez submitted on May 2, 2013; the revised timesheet reflected that Ms. Alvarez worked approximately 17 combined hours of per session in March 2013, for all three of her per session jobs. Ms. Alvarez's timecards were consistent with the timesheet that she submitted on May 3, 2013.

April 2013:

On May 2, 2013, Ms. Alvarez requested 20 hours of per session payment for her April 2013 Saturday activities supervision, 16 hours of per session payment for her afternoon tutoring activities supervision, and 16 hours of per session payment for her afternoon clubs supervision.

On May 3, 2013, Ms. Alvarez submitted a revised per session timesheet for April 2013; she entitled the timesheet "Afterschool and Saturday Activities supervision," rather than submitting a timesheet for each of her per session positions. The dates and times were inconsistent with the timesheets that Ms. Alvarez submitted on May 2, 2013; the revised timesheet reflected that Ms. Alvarez worked approximately 31 combined hours of per session in April 2013, for all three of her per session jobs. Ms. Alvarez's timecards were consistent with the timesheet that she submitted on May 3, 2013.

⁹ During her interview with this investigator, Ms. Staple stated that she was not in possession of any timesheet that Ms. Alvarez submitted on May 2, 2013 for her Saturday activities per session position. She could not say whether such a timesheet was submitted.

¹⁰ During her interview with this investigator, Ms. Staple stated that she was not in possession of any timesheet that Ms. Alvarez submitted on May 2, 2013 for her afterschool clubs per session position. She could not say whether such a timesheet was submitted.

48-Hour Notice:

On August 6, 2013, this investigator notified Shadia Alvarez that she was the subject of this investigation. After serving Ms. Alvarez with a 48-Hour Notice, she was explicitly instructed not to discuss the details of this investigation with anyone at the location of the alleged incident other than her union representative.

Shadia Alvarez, Principal:

On September 19, 2013, Ms. Alvarez appeared at OSI and was interviewed in the presence of Robert Colon, a representative for the Council of School Supervisors & Administrators.

When asked about her procedure for requesting per session during the 2012-2013 school year, Ms. Alvarez explained that her former payroll secretary, Wanda Lugo, would input the hours into the online per session approval system based on her per session timesheets. When asked about her previous Superintendent's procedure for approving per session, Ms. Alvarez stated that she could not recall whether she worked per session under her previous Superintendent. She then stated that "he didn't do it the same way" as Ms. Staple, though she could not explain how his procedures differed from those of Ms. Staple.

When asked why she had requested per session for activities that allegedly occurred during the school closure associated with Hurricane Sandy, Ms. Alvarez stated, "I don't recall that." When pressed to explain further, she indicated that she worked while schools were closed due to Hurricane Sandy. When this investigator pointed out that Ms. Alvarez could not have been supervising afternoon clubs, tutoring, or Saturday school if there were no students present at school, she referred to the discrepancy as a "mistake."

When asked why she claimed per session hours on days that she was absent from school, Ms. Alvarez stated that this had also been a "mistake." Ms. Alvarez then stated, "That's why we do not have that payroll secretary." According to Ms. Alvarez, Ms. Lugo had made frequent "mistakes," some of which had resulted in staff members not getting paid. When asked, Ms. Alvarez admitted that she knew of no instances in which the payroll secretary had paid a staff member for per session hours that he or she had not worked. When asked if the payroll secretary was disciplined for her "mistakes," Ms. Alvarez stated that she had not been. Ms. Alvarez stated that, nonetheless, she had documented various examples of Ms. Lugo's incompetence, and would provide them to OSI.

Ms. Alvarez was presented with the emails between herself and Ms. Staple, her timesheets, and her timecards. Upon being asked why her timesheets did not match her timecards when she first submitted them to Ms. Staple on May 2, 2013, Ms. Alvarez said, "I can't clock in at every activity." She expressed a belief that Ms. Staple's expectation for her to do so was unreasonable because the size of her school made it inconvenient for her to clock in, despite acknowledging that Chancellor's Regulation C-175 required that she do so.¹¹ She insisted that the hours that she submitted to Ms. Staple on May 2, 2013, had been accurate, and based on her "personal calendar." When confronted with the fact that there were dates and times reflected on her timecards that did not appear on the timesheet submitted on May 2, 2013 and vice versa, Ms. Alvarez was unable to explain the vast discrepancies. When asked why she submitted all of her per session activities on one timesheet on May 3, 2013, Ms. Alvarez stated that Ms. Staple had directed her to do so by saying, "I want to see all of [the activities] together."

¹¹ A copy of the relevant regulation is enclosed in the case file.

At the end of her interview, Ms. Alvarez was asked by this investigator to provide documentation regarding the issues that she had reportedly encountered with her former payroll secretary, and a copy of the personal calendar that she had allegedly used to document her per session activities.

On October 25, 2013, this investigator contacted Mr. Colon to, again, ask for these documents. At that time, he informed this investigator that Ms. Alvarez had informed him that she sent the documentation to OSI. This investigator informed him that she had not done so, and that the case would be closed without the documents if OSI did not receive them in a timely manner.

On November 5, 2013, Ms. Alvarez emailed this investigator, listing a number of documents in her possession,¹² and asked if they should be sent to OSI. That same day, this investigator emailed Ms. Alvarez and informed her that, if the documents were not received by November 8, 2013, they would not be included in OSI's case file. On November 8, 2013, Eve Rittle, secretary, emailed this investigator, writing that Ms. Alvarez had requested that she ask if "the documents regarding the investigation should be delivered today." This investigator replied that the documents in question must arrive at OSI by 6:00 pm. To date, this investigator has not received any documents from Ms. Alvarez.¹³

CONCLUSION

Ms. Alvarez provided multiple excuses for the discrepancies in her per session records. On one hand, she indicated the instances in which she requested per session on sick days or during Hurricane Sandy were "mistakes" on her part or on the part of her former payroll secretary. On the other hand, she indicated that the timesheets that she submitted on May 2, 2013 were not mistakes, but accurate based on her "personal calendar," which was never provided to OSI despite numerous requests. Ms. Alvarez was also unable to explain why her "personal calendar" varied so significantly from her time cards. All of the instances discussed in this report represent Ms. Alvarez's attempts to receive payment for work that she was unable to establish actually occurred. The frequency with which Ms. Alvarez did so, and the fact that every instance led to overpayment rather than underpayment, demonstrates a pattern of behavior that has yet to be adequately explained.

Ms. Alvarez acknowledged that she was aware that she was required to document her per session activity using a timecard according to Chancellor's Regulation C-175, but indicated that she felt that she should be exempt from this obligation because it was inconvenient. The regulation states that, "A time clock must be used wherever possible in recording the hours of per session employment." The allegation that Ms. Alvarez failed to follow the procedure for requesting per session as outlined in Chancellor's Regulation C-175 is therefore **substantiated**.

Furthermore, the allegation that Ms. Shadia Alvarez committed employee misconduct by requesting to be paid for per session that conflicted with her absences, school closures, and her own time cards, is **substantiated**.

¹² Ms. Alvarez stated in that email that she was unable to provide any documentation regarding Ms. Lugo, because she was no longer in possession of Ms. Lugo's file.

¹³ The email chain is enclosed in the case file.

RECOMMENDATION

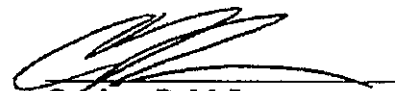
It is the recommendation of this office that a copy of this report be referred to the Administrative Trials Unit ("ATU") so that a Technical Assistance Conference ("TAC") may be convened, and appropriate disciplinary action may be determined.

SUBMITTED BY:



Katherine Higginbotham
Confidential Investigator

APPROVED BY:



Candace R. McLaren
Director