

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Office of the Inspector General

Inspector General



**Executive Summary Concerning the Results
of an Office of the Inspector General Investigation
Into Misconduct Violations by an Employee of the
District of Columbia Public Schools**

2009-0081(S)

INVESTIGATIVE SYNOPSIS

The District of Columbia Office of the Inspector General (OIG) initiated an investigation after receiving allegations that a DCPS teacher assigned to a high school received overtime pay for teaching in the Credit Recovery Program (a DCPS afterschool program) while simultaneously receiving pay for teaching in the In School Program (an afterschool program run by Associates for Renewal in Education (ARE), a private organization). The OIG investigation revealed that the teacher violated four sections of the DPM.¹

During the investigation, OIG investigators interviewed a DCPS counselor who supervised the Credit Recovery Program and the teacher. OIG investigators also reviewed DCPS policies and procedures regarding participation in the Credit Recovery Program and the teacher's DCPS and ARE time and attendance records.

The OIG investigation revealed that during the 2008-2009 school year, the teacher taught in the high school's Special Education Department and served as a sports coach. From October 27, 2008, to November 6, 2008, the teacher worked in both the Credit Recovery Program and the In School Program. DCPS paid the teacher for 16 hours, at an overtime rate of \$30.00 per hour, (\$480.00 total) for working in the Credit Recovery Program. ARE paid the teacher for 21 hours, at a rate of \$25.00 per hour, (\$525.00 total) for working in the In School Program. The teacher worked in both programs on 7 days beginning at 3:30 pm. A chart of the specific dates and times for which the teacher was paid to work in each program is attached at Appendix A.

¹ DPM § 1803 (Responsibilities of Employees) provides, in pertinent part, that District government employees shall avoid conduct, which might result in or create the appearance of: (a) (3) Impeding government efficiency or economy; and (a) (6) Affecting adversely the confidence of the public in the integrity of government. DPM § 1804.1 provides, in pertinent part, that District employees may not engage in any outside employment or other activity which is not compatible with the full and proper discharge of his or her official duties. Such employment or activities includes: (a) Engaging in activities which may interfere with one's ability to do his or her job, or impair the efficient operation of the government; (b) Using government time or resources for other than official business.

At his OIG interview, the teacher admitted to working in both the Credit Recovery Program and the In School Program during the 2008-2009 school year. He was shown copies of the sign-in/sign-out sheets for the Credit Recovery Program and copies of time and attendance sheets for the In School Program. He identified his signatures on the documents and confirmed that the documents reflect the dates and times he worked in both programs. He told OIG investigators that he worked in the ARE summer program for 20 years, and in the ARE In School program for 1 year. The teacher said that the counselor recruited him to work in the Credit Recovery Program in the 2008-2009 school year, but that he only worked in the program for 1 week because of insufficient enrollment of special education students. He could not recall his exact schedule, but believed that during that week he worked in the Credit Recovery Program Monday through Friday, 3:30 pm or 4:00 pm to 5:30 pm.

According to the teacher, no one brought it to his attention that there was a problem with the two programs overlapping. He said that he did not believe that ARE personnel were aware that he was working in the Credit Recovery Program, but he thought that the counselor may have been aware that he was working in the In School Program.

In her interview with OIG investigators, the counselor confirmed that she asked the teacher to participate in the Credit Recovery Program, but that his course was dropped after one pay period because of insufficient student enrollment. The counselor said that she was not aware that the teacher was participating in another afterschool program, much less one that met during the same times as the Credit Recovery Program, until someone told her about it at the end of November 2008.

This matter was referred to the United States Attorney's Office, which declined prosecution.

ANALYSIS AND CONCLUSIONS

The teacher violated District standards of conduct by receiving payment for work performed for a private employer (ARE) during times he was working for and being paid overtime by DCPS. As a result, the teacher's conduct created the appearance of impeding government efficiency or economy and affected adversely the confidence of the public in the integrity of government.

Accordingly, this investigation has **SUBSTANTIATED** that the teacher committed the following violations:

1. District Personnel Manual (DPM) Chapter 18 (Employee Conduct) § 1803.1(a)(3) (Impeding government efficiency or economy).
2. DPM § 1803.1(a)(6) (Affecting adversely the confidence of the public in the integrity of government).

3. DPM § 1804.1(a) (Outside employment which may interfere with employee's ability to do his or her job).
4. DPM § 1804.1 (b) (Using government time or resources for other than official business).

RECOMMENDATIONS

Based on the results of this investigation, the OIG recommends that DCPS:

- Address the conduct of the teacher with appropriate administrative action;
- Ensure that all DCPS employees are trained appropriately regarding the District's standards of conduct, specifically as they pertain to outside employment; and
- Explore the feasibility/propriety of the teacher reimbursing the District government and taking appropriate action.

September 30, 2010

APPENDIX A

**Hours of Simultaneous Employment for the
Period of October 27, 2008 – November 6, 2008**

DCPS Credit Recovery Program

Date	Start Time	End Time	Number of Hours
October 27, 2008	3:30 pm	5:30 pm	2
October 28, 2008	3:30 pm	6:30 pm	3
October 29, 2008	3:30 pm	5:30 pm	2
October 30, 2008	3:30 pm	6:30 pm	3
November 3, 2008	3:30 pm	5:30 pm	2
November 5, 2008	3:30 pm	5:30 pm	2
November 6, 2008	3:30 pm	5:30 pm	2

ARE In School Program

Date	Start Time	End Time	Number of Hours
October 27, 2008	3:30 pm	6:30 pm	3
October 28, 2008	3:30 pm	6:30 pm	3
October 29, 2008	3:30 pm	6:30 pm	3
October 30, 2008	3:30 pm	6:30 pm	3
November 3, 2008	3:30 pm	6:30 pm	3
November 5, 2008	3:30 pm	6:30 pm	3
November 6, 2008	3:30 pm	6:30 pm	3