

**OFFICE OF THE INSPECTOR GENERAL**  
**School District of Philadelphia**  
**Investigative Report Synopsis**

**TO:** Board of Education  
Dr. William Hite, Superintendent

**FROM:** Jayme Naberezny, Inspector General

**DATE:** February 11, 2022

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**Introduction**

The Office of Inspector General (“OIG”) for the School District of Philadelphia (“District”) received information that indicated an employee was misusing a District vehicle and using it for non-District purposes. As a result of this information, the OIG initiated an investigation which ultimately substantiated the employee’s misuse of multiple District vehicles, uncovered outside employment conflicting with the employee’s District work hours, and demonstrated improper timekeeping as well. The OIG investigation substantiated that the employee used Transportation “loaner vehicles” for personal purposes on numerous occasions to include trips to shopping centers, restaurants, their children’s schools for drop-off and pick-up, as well as to commute to their second job. The employee used the vehicles during weekends, holidays, after regular work hours, while on vacation and sick leave, and very often on days when they never came to Philadelphia at all for work. The employee’s personal use of the vehicle violates the District’s vehicle usage policy and procedures as well as Transportation’s pool vehicle policies and procedures.

**Applicable Policies**

***Vehicle Usage***

School Board Policy 711 addresses “Use of School District Vehicles.” That policy and its Attachment, “Non-Bus Vehicle Usage Policies and Procedures,” describes the goal of the policy, in part, as “enhance[ing] accountability for vehicle usage” to “promote the uniform, efficient, safe and ethical use of the District’s fleet.”

Policy 711 requires that District vehicles “are to be used only for the performance of job-related duties and responsibilities and for no other reason except for commuting to employment site.” The policy is clear that take home vehicle privileges can be used only between the employee’s

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permanent primary residence and work location and employees may not use District vehicles while off duty except for work-related activities designated by their department head.

Policy 711 also states that non-District employees may not be transported in District-owned vehicles for non-business purposes without express written approval from the Department of Transportation Services. Furthermore, with regard to GPS, the policy states that “[e]mployees should have no expectation of privacy for their physical location while operating a District vehicle. The District has the right to use GPS systems to monitor activity including but not limited to...unauthorized trips, unauthorized stops, unauthorized weekend usage and any other improper usage of District vehicle.” Employees found to have violated the policy may be subject to disciplinary action up to and including termination.

### ***Outside Employment***

The District’s Code of Ethics (“Code”) includes guidance specifically addressing outside employment by current employees. The Code states that employees “must not misuse District time by conducting non-District business during assigned work hours[.]” The Code defines “non-District business”, in part, as “performing or promoting services compensated by any person or entity other than the District[.]” Furthermore, with regard to dual employment, employees are prohibited from accepting “any outside earned income . . . [that] could be inconsistent or conflict with performance of [their] duties as employees.” “Violations of the Code may result in administrative or disciplinary action up to and including dismissal, as well as referral to appropriate authorities for civil action and/or criminal prosecution.”

### ***Absences and Remote Work***

According to the Employee Handbook, the District’s policy requires “[p]unctual and regular attendance [by] all School District employees [and] all employees are required to request approval [from their supervisor] for absences and leaves on the appropriate forms.”

In response to the COVID-19 pandemic, the District released guidelines for remote work in March 2020, which was then modified in July 2020 to state that “employees are expected to follow their standard work hours agreed to with their manager.” Additionally, remote employees must continue to “adhere to their typical job responsibilities and responsiveness requirements, remain accessible during the workday, and attend meetings/functions while working remotely. The District issued updated Remote Work Guidance (“Guidance”) in December 2021, outlining conditions under which an employee may request a formal remote work agreement consistent with their job duties and doing so will not negatively impact departmental operations and delivery of our work[.]

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## *False Statements*

Submission of false statements violates basic ethical standards of the District. The Code requires that employees “[avoid] any form of fraud, falsification, misrepresentation, or deception in the statements [they] make and the records [they] keep while doing [their] jobs.” The Code states, “[a]ll School District employees should conduct themselves in a manner that promotes and supports the development of good character by teaching, enforcing, advocating and modeling ethical principles.” The Code of Ethics’ core principles require that all employees are expected to be honest, take responsibility and demonstrate accountability for their actions, obey all laws and regulations, and represent the School District in a manner that engenders public trust in its integrity and competence.

## **OIG Investigation**

**The investigation substantiated that the employee used multiple District vehicles for personal purposes.**

The OIG received information that the employee was using a District vehicle to transport their children to school and for other non-District purposes such as running errands, going to restaurants, and driving to their second job. However, the employee never filled out the necessary vehicle authorization forms, which require supervisor approval, and never was officially assigned a vehicle. Instead, the employee was issued various “loaner vehicles” without supervisory approval. OIG investigators learned that the employee drove one of the vehicles for a lengthy period of time and that vehicle did not have GPS installed in it. However, in August 2021, that vehicle was returned to the District garage for repairs, and the employee was given another vehicle that did have GPS installed in it. The employee temporarily used another vehicle for a few weeks in November 2021. That vehicle also had GPS installed in it. OIG investigators reviewed GPS data for the two vehicles from August 25, 2021, to January 31, 2022, and found that both vehicles were undoubtedly being used during non-business hours, including weekends.

The employee consistently misused these two District vehicles. The employee frequently drove a District vehicle to their children’s private, out-of-District schools from August 2021 through January 2021. While the employee explained to investigators that the trips to these schools were due to the children forgetting things at home, the time and frequency of the trips belied that explanation. Many trips were during drop off and pick up times, after school and evening hours, and weekend sporting events. Though the employee initially emphasized that their children were not in the District vehicle, the employee eventually admitted that at least one child had been in the District vehicle on several occasions.

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Starting in November 2021, GPS records revealed that the District vehicles the employee drove started to make frequent trips to a hotel in Frazer, PA. Generally, the District vehicle would arrive at the hotel sometime between 3:00 p.m. and 4:00 p.m. and then would depart the hotel between 11:00 p.m. and midnight, arriving approximately 40 minutes later at the employee's home. This occurred at least 24 times in a two-month period including one occasion when the District closed for winter break and once on a Saturday.

When asked about the hotel trips, the employee lied to investigators stating that a relative was living in the hotel after a fire destroyed their home in November 2021 and the employee was visiting them while working remotely. The employee explained that the relative was staying at the hotel until at least April 2022. However, further investigation found that one day in January 2022, the employee's District vehicle arrived at the relative's home, which supposedly burned down, and remained at the residence overnight. The vehicle left the next day- a Saturday - and went directly to the hotel in Frazer arriving at the employee's residence after midnight Sunday morning.

One day, an OIG investigator followed the employee's District vehicle from the parking lot at 440 N. Broad Street to the hotel in Frazer. The investigator observed the District vehicle in the rear parking lot of the hotel, entered the hotel lobby, and identified the employee working behind the check-in counter. Only after being confronted with this information did the employee admit to working part-time at the hotel and to using the District vehicle for transportation to and from the second job. Further, OIG investigators contacted the hotel and requested to speak with the employee's relative. However, no guest by the relative's name was registered at the hotel.

At the onset of the interview with OIG investigators, the employee explained that they were unfamiliar with District vehicle policies, yet the employee explicitly stated, unprompted, that they never had non-District individuals in the vehicle, never drove the vehicle out of state, and did not abuse the vehicle. Despite assertions of the employee's ignorance, the implied policy knowledge was directly on point with the majority of the employee's misuse – particularly having at least one of their children in the vehicle.

In total, from August 25, 2021, to January 31, 2022, the employee had a District car for 160 days, including holidays and weekends. Of those 160 days, the vehicle made non-District trips on 94 days, 22 of which were weekends, holidays, and while on leave.

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**The investigation substantiated that the employee commuted to a secondary job in a District vehicle and during District work hours.**

As noted above, starting on November 2, 2021, GPS records showed that the employee's District vehicle made multiple trips per week to a hotel in Frazer, PA. The vehicle consistently arrived between 3:00 p.m. and 4:00 p.m. and departed sometime between 11:00 p.m. and midnight. Following these observations, an OIG investigator conducted surveillance of the employee and discovered that the employee worked at the hotel.

As stated above, the employee told investigators that they were visiting a relative who was living at the hotel after a fire at their home. The employee recanted this story after being told that an OIG investigator observed them working at the hotel. In response, the employee first stated that they sometimes "help out" at the hotel, but, when pressed, the employee admitted that they worked at the hotel part-time during the week and sometimes on Saturdays. The employee also admitted to using the District vehicle to commute to that employment.

OIG investigators reviewed an email the employee sent from their District email account to the manager of the hotel. In the email chain, the employee listed the hours the employee worked for that week. Of the three days the employee worked at the hotel, the clock-in times were at 3:00 p.m. or 3:30 p.m., which conflicted with the employee's District work hours. GPS data confirmed that the employee drove the District vehicle to the hotel on the three workdays mentioned in the email to hotel management.

The employee attempted to justify any conflict in work hours by telling investigators that they work "24/7" for the District and did not have a normal 40-hour per week work schedule. However, the employee's supervisor told investigators that the employee was expected to work a normal schedule with some flexibility with hours between 8:00 a.m. and 5:00 p.m. The supervisor confirmed that the employee's hours at the hotel did indeed overlap with their District work hours. In order to make the 30-mile commute from 440 N. Broad Street to the hotel, the employee often left the District between 2:30 p.m. and 3:30 p.m. The supervisor never approved the employee to adjust their hours and actually was unaware that the employee had a second job.

**The investigation substantiated that the employee did not properly account for their work hours.**

Though much of the District follows a hybrid work model, both the employee and their supervisor confirmed that the employee is not allowed to work remotely. Yet, in the course of reviewing GPS data for the employee's vehicle usage, of the 92 work days from August 25, 2021, to January 31, 2022, there were 24 days, where the employee did not come to the District

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office at 440 N. Broad Street at all. The employee stated that much of their work required them to be at in-person meetings throughout the city. However, the supervisor stated that, with very few exceptions, the employee did not physically visit locations in the community as work meetings were largely, and still are, being conducted virtually. The supervisor also revealed that the employee consistently was told they needed to appear in-person for work and failed to do so. At no point did the employee have a remote work agreement in place.

As part of the investigation, OIG investigators obtained and reviewed the employee's entry logs into District buildings. These records were compared to GPS records of the vehicles the employee used from August 25, 2021, to January 31, 2022. On numerous occasions when the employee was required to physically be in the office, the employee instead logged in remotely to the District's time keeping system and then proceeded to run personal errands or attended to other non-District business, including functions at the children's schools and stops at restaurants, using a District vehicle. Often, this pattern occurred on days when the employee never came to the District. For example, one Thursday, the employee logged in remotely at 10:13 a.m. Per GPS, the employee did not travel to the District, and this information was confirmed by the supervisor. That afternoon the employee's vehicle arrived at a private school in Philadelphia and remained there until early evening. OIG investigators learned that the private school hosted a basketball game against the employee's child's school that day. Following the basketball game, the employee's vehicle traveled to the parking lot of a restaurant outside of Philadelphia and then eventually returned to the employee's home later that evening. The employee never logged out of the District's timekeeping system.

Interestingly, the next day, the supervisor reminded the employee in an email "[if] there are days you wish to work from home please submit a request form for approval." The employee responded, "[e]very Thursday I'm out with [District] matters but not working from home." The employee's Absence Detail report did not have a vacation or personal day listed for that Thursday the employee never reported to 440 N. Broad Street. Additionally, in response to a request for payroll information and leave slips for the pay period from January 17 to January 28, the employee claimed to be present at work everyday. However, on two days during that pay period, GPS data showed the employee never drove to 440 N. Broad Street. Instead the employee either left the house to travel to their second job at the hotel or went to one of the children's schools during pick-up time, drove to a private school for a sporting event and then to a restaurant.

During these instances, the employee logged in remotely to the District timekeeping system prior to leaving their home and did not log out until returning home. In the case of the hotel commute, the employee did not log out until the next morning after midnight upon returning home from work. Again, no leave slips were submitted for these days.

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In another instance, during November 2021, the Internet Protocol (“IP”) address registered the employee’s location when logging into the timekeeping system as Florida. The employee admittedly, told investigators that they were in Orlando for an event for their child. However, the employee further claimed to be working remotely while in Florida with the knowledge and approval of their supervisor. The supervisor denied any knowledge of being made aware that the employee was in Orlando nor did the supervisor grant permission for the employee to work remotely during that time.

### **Conclusions and Recommendations**

The OIG recommends discipline consistent with Pennsylvania law and District policy for the employee’s continued misuse of a District vehicle. Additionally, the District should seek reimbursement from the employee for fuel consumption and/or mileage on the vehicle for trips that were not for District business, including the trips in excess of 30 miles to the hotel in Frazer.

District employees must be made explicitly aware of the usage limitations for their assigned District vehicle and for any pool vehicle they may request. This should emphatically stress that non-District individuals are not allowed to be transported in District vehicles and that vehicles are not to be used for personal travel.

The District needs to clearly define what constitutes “personal travel” per the vehicle usage policy to avoid uncertainty and incorporate that definition into the vehicle use authorization forms so that any driver is made explicitly aware of the limitations on District vehicle usage. The District should conduct mandatory trainings for District employees on vehicle usage policies and their explicit prohibitions.

The District must endeavor to ensure that required forms are completed for all vehicle use, including loaner vehicles, and kept on file and that the forms are reviewed not only for important information, such as valid licensing, but also to verify terms of the authorization, such as an end date for usage as in this case.

The current disciplinary provisions outlined in Policy 711 state that “[e]mployees who are found to have violated the policies set forth in this Directive may be subject to disciplinary action up to and including termination.” (Emphasis added). This language should be updated and replaced with definitive language that an employee who violates the District’s vehicle policy “shall be subject” to disciplinary action and describe that action, i.e. progressive, mandatory, number of days suspension or termination.

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