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**Report of Investigation**

**FILE NO: 22-0067-C**

**SUBJECT MATTER: Crossing Guard Not Performing Duties**

**STATUS: Final**

**INVESTIGATOR: P. Pacheco**

DocuSigned by:

*Melissa R. Santistevan*

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July 28, 2022

**Date of Completion**

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*Edmund Perera*

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7/29/2022 | 7:05 AM MDT

**Date of Approval**

**DISTRIBUTION:**

- Honorable Mayor**
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## EXECUTIVE SUMMARY

According to City Ordinance 2-17-2, the Inspector General's goals are to (1) Conduct investigations in an efficient, impartial, equitable, and objective manner; (2) Prevent and detect fraud, waste, and abuse in city activities including all city contracts and partnerships; (3) Deter criminal activity through independence in fact and appearance, investigation and interdiction; and (4) Propose ways to increase the city's legal, fiscal and ethical accountability to insure that tax payers' dollars are spent in a manner consistent with the highest standards of local governments.

On April 14, 2022, the Office of Inspector General (OIG) received a 311 complaint stating Crossing Guards are sleeping in their cars and not performing their crossing guard duties. The OIG determined that the allegation contained potential fraud, waste, or abuse and that it was appropriate for the OIG to conduct a fact-finding investigation. During the investigation, a subsequent matter was observed regarding the Crossing Guard leaving their crossing intersection post early and the OIG determined it was appropriate to add this matter to the fact-finding investigation. The purpose of the investigation was to address the allegations of Crossing Guards not performing their duties.

As a result of the investigation, the OIG could not substantiate the allegation of Crossing Guards sleeping in their cars during working hours. The OIG did substantiate the subsequent matter and determined that the Crossing Guard Supervisor was permitting Crossing Guards to leave crossing locations early to drive to the next school crossing location.

The OIG has made one (1) recommendation for improvement. See the RECOMMENDATION section on pages 6-7 of the report.

## **ABBREVIATIONS**

OIG: Office of Inspector General  
DMD: Department of Municipal Development  
CGS: Crossing Guard Supervisor  
CG1: Crossing Guard one  
CG2: Crossing Guard two

## **INTRODUCTION**

The mission of the Office of Inspector General (OIG) is to promote a culture of integrity, accountability, and transparency throughout the City of Albuquerque (City) to safeguard and preserve the public trust.

The OIG received a complaint on April 14, 2022, through the City’s 311 system. The complainant stated that a bus driver has seen Crossing Guards sleeping in their vehicle and not doing their job.

### **Background**

The City’s Department of Municipal Development (DMD) oversees the City’s Crossing Guard Division which employs Crossing Guards at work at Albuquerque Public School Locations. The majority of the Crossing Guard positions are part-time employees that are hired through an outside temp agency. When fully staffed there are approximately one hundred fifty (150) part-time employees and six (6) full-time City employees. The Crossing Guards can work at multiple locations during the morning and afternoon shifts and are compensated one (1) hour pay per location and shift. The Crossing Guard position summary states, “Under general supervision, guard pedestrians crossings during hours when children are going to and from school. Direct actions of children and traffic, ensure safe crossing. Escort Children and pedestrians across the street.” The Crossing Guards are stationed at each location for usually thirty-five (35) minutes.

## **SCOPE AND METHODOLOGY**

Scope: Determine if CG1 and CG2 were sleeping in their vehicle or not doing their jobs. Random dates were chosen between April 22, 2022, through May 31, 2022, to observe the crossing location by the OIG and Crossing Guard Division. The methodology consisted of:

- Obtain and review time records
- Observation of Crossing Guards during work hours
- Review of pertinent documents
- Communication of selected personnel
- Review for any City policies.

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# INVESTIGATION

The OIG received a complaint regarding the Crossing Guards, CG1 and CG2, assigned to the Arroyo Del Oso Elementary School that worked the intersection at Harper and McKinney. From the information received the Crossing Guards are supposed to be at the intersection from 7:23 a.m. to 7:58 a.m. and 1:55 p.m. to 2:30 p.m. The OIG also learned that CG1 and CG2 also worked at two (2) other locations at different schools each day.

On the days the OIG observed the intersection of Harper and McKinney one Crossing Guard, CG1, was on duty and CG1 did start on time but was observed leaving at 7:40 a.m. The OIG observed the intersection in the afternoon and two Crossing Guards, CG1 and CG2, were on duty and did start on time.

The OIG contacted the Crossing Guard Supervisor (CGS) and informed the CGS of the complaint and what had been observed. The OIG informed CGS that there was only one Crossing Guard observed, CG1, but that CG1 was observed leaving early from their post at Harper and McKinney. The CGS stated that the CG1 had been permitted to leave ten (10) minutes early to make it to Emerson Elementary School. The OIG informed the CGS that CG1 should have left at 7:48 a.m. (10 minutes early), but that CG1 was leaving at 7:40 a.m. when observed. The CGS stated that CG1 should not have been leaving that early. In discussion with the CGS, CGS stated that they would continue to observe CG1 to ensure CG1 was arriving on time. CGS reported back to the OIG and stated on the days observed CG1 did arrive on time.

The OIG requested copies of the Payroll Sheets for review. The Crossing Guards enter the Date, School, Crossing, and Daily Total Hours Worked and then sign the form as well as supervisors. The CGS stated that Crossing Guards are not required to put time on timesheets, only the location, and school. The OIG also verified that CG2 did not get paid for the morning shifts the OIG observed. Shortly after our observations CG2 was no longer working the location at Arroyo Del Oso Elementary School, but continued working at the other two (2) school locations.

The CGS<sup>1</sup> provided the OIG with copies of the CG1 and CG2's Crossing Guard *Assignments and Times* form which stated that they could leave ten (10) minutes early from Arroyo Del Oso Elementary School and arrive five (5) to ten (10) minutes late at Emerson Elementary School. From Emerson Elementary School, CG2 would leave ten (10) minutes early for Bandelier Elementary School and CG1 would remain at Emerson Elementary School until the end of duty and be ten (10) to (15) minutes late to Bandelier Elementary School, still having coverage with at least one person at each school for the morning shifts.

According to the CGS, they were short on Crossing Guards and that is why CG1 and CG2 were working at three locations with Arroyo Del Oso Elementary School being the farthest from the next school. The CGS stated due to the distance and times CG1 and CG2 were allowed to leave early.

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<sup>1</sup> During the course of the investigation the Crossing Guard Supervisor position was under two City employees due to job advancement of the first. The OIG received information from both.

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The OIG mapped out the distance and times through Google Maps to get an estimate of how long it would take to drive to each location. The following data shows Crossing Guard duty times and the estimated times it would take to drive from one school to the next (depending on traffic):

### Morning Shift

- Arroyo Del Oso Elementary School 7:23 a.m. to 7:58 a.m.  
Arroyo Del Oso Elementary School to Emerson Elementary School - 20 minutes (6.9 miles via San Pedro Dr. NE)
- Emerson Elementary School 8:00 a.m. to 8:35 a.m.  
Emerson Elementary School to Bandelier Elementary School – 8 minutes (2.3 miles via Kathryn Ave SE)
- Bandelier Elementary School 8:30 a.m. to 9:05 a.m.

### Afternoon shift

- Arroyo Del Oso Elementary School 1:55 p.m. to 2:30 p.m.  
Arroyo Del Oso Elementary School to Bandelier Elementary School – 18 minutes (10.6 miles Via I-25)
- Bandelier Elementary School 3:05 p.m. to 3:40 p.m.  
Bandelier Elementary School to Emerson Elementary School – 8 minutes (2.3 miles via Kathryn Ave SE)
- Emerson Elementary School 3:45 p.m. to 4:20 p.m.

From the information gathered, distances from school to school do not provide enough time for Crossing Guards to make their next shift if they work the entire shift in the morning.

## **OBSERVATIONS AND RECOMMENDATION**

Allegation: Crossing Guards sleeping and not doing their crossing guard duties.

Finding: The OIG could not substantiate the allegation that Crossing Guards were sleeping and not doing their Crossing Guard duties.

Subsequent Matter: Crossing Guard leaving early from crossing location.

Finding: The OIG substantiated that the Crossing Guard was leaving their position eighteen (18) minutes early. The OIG was informed the Crossing Guards were approved to leave ten (10) minutes early. This left coverage at the crossing location for only seventeen (17) of the thirty-five (35) assigned minutes.

Recommendation: The OIG recommends that the City and Crossing Guard Division actively work on the recruitment of Crossing Guards to fill all positions to staff all crossing locations properly. If enough staff cannot be hired the OIG recommends that the Crossing Guard Division plan

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accordingly to ensure crossing locations are properly staffed and the appropriate amount of time is given to Crossing Guards to safely get to their next work location without having to leave early. It is also recommended that Crossing Guards indicate daily start and end times for each location on their Payroll Sheet forms.

Department Response: As the final semester of last school year approached, the Crossing Guard Division, not adequately staffed due to a decrease in applicants, initiated a strategy to staff all required crossings. If multiple guards were assigned to one school site, one of them was directed to leave their post early, to proceed to another vacant post.

In practice, too many variables were encountered and the strategy didn't provide the level of service we strive for.

Beginning with the fall semester starting this week, crossing guards will work no more than two schools. Until staffing is fortified, crossings which would normally be assigned two guards will have one guard assigned.

The division will also complete a two-week survey to determine if any crossing is not utilized. If such crossings are identified, we'll collaborate with school administration on possible solutions, including that crossing.

The General Services Department, Crossing Guard Division, has been aggressively recruiting applicants to alleviate the need for tasking crossing guards with multiple crossing assignments.