

Statement of Eric Epstein
June 10, 2019

At the end of the last Board Meeting convened on March 20, 2019, Mr. Engle read a statement which is included in the minutes slated for approval. I contend the comments were inserted inappropriately under the banner of Committee Reports. In my opinion, Mr. Engle's comments contain factual inaccuracies and mischaracterizations. I will not vote to approve the minutes.

Let the record reflect that I did not receive a copy of Mr. Chardo's letter or Mr. Engle's prepared comments. Mr. Engle's comments were not authorized or vetted by the Board or any affiliated Committee.

Out of a sense of fair play and balance, I will be entering my response to those comments into the record tonight.

The goal of the Board's investigation was to review the Administration's authorization to spend taxpayer dollars for work not performed. No allegation of criminal behavior was ever made. In fact, Board members clearly stated that they sought to examine the decision making that occurred outside of the Board's authorization, implement Lessons Learned, and in no way sought to financially penalize workers.

Neither the District Attorney's Office or Mr. Engle interviewed me or the three Board members who raised the issue of paying for work not performed in the summers of 2016 and 2017.

The "internal investigation" was suspended in July-August, 2018 when the President of the Board declined to convene a Special Executive Session.

According to Mr. Engle:

Neither I nor the District Attorney's Office are aware of any investigation or findings issued as of [this] date by the Auditor General's Office. I was advised by District Attorney Francis Chardo that the Attorney General's Office does not have jurisdiction over this matter under the Commonwealth Attorney's Act and therefore, it is solely the Office of the District Attorney that is charged with reviewing this matter. That investigation is now complete.

However, two media outlets have contacted the Auditor General's Office. These news outlets - which Mr. Engle assailed in his comments - have confirmed that the Auditor General will investigate the issue. The Auditor General does have jurisdiction to review the misappropriation of taxpayer dollars.

Mr. Chardo sent a one paragraph letter to Mr. Engle's office dated May 17, 2019. Mr. Chardo's one paragraph letter was in response to Mr. Engle's letter dated December 28, 2018. Since Mr. Engle's correspondence of December 28, 2018 was not reviewed by the Board, four board members decided to communicate directly to the District Attorney.

That letter was sent on January 19, 2019, and called into question the impartiality and objectivity of the Administration's request for an investigation. (Enclosure)

Mr. Chardo dismissed the Complaint:

I reviewed your letter and correspondence forwarded by the School Board members Richard Mazzatesta, Eric Epstein, Brian Faleshock, and Jeanne Webster, including attachments. The facts outlined by the Board Members Mazzatesta, Epstein,

Faleshock, and Webster could not support criminal charges against any person and I am closing the investigation. I had a detective conduct preliminary work on this matter but the expenditure of any further resources on this matter would not be in the public interest.

Again, no criminal charges were alleged by the four Board members. The core issues remain the same, and have yet to be investigated: The misappropriation of taxpayer dollars for work not performed, and executed without Board authorization or legal counsel.

Mr. Engle's editorial comments - which he is entitled to make as a resident of the school district - represent his opinion.

I believe this matter has been fully and fairly investigated by the District Attorney and should be considered by all to be closed. I hasten to add that the District Attorney is an individual for whom I have the highest order of personal and professional respect and I would not deign to question his integrity, thoroughness or impartiality. It was unfortunate that differences in policy in turn lead to baseless allegations of criminal conduct and it is important both to this District and the individuals involved for the public to know that there was no substance whatsoever to those claims. I both hope and trust that the media outlets that reported those allegations will also report the conclusions of the District Attorney.

Mr. Engle's statement is inconsistent with the facts. This matter is open, and has not been closed out. However, I do agree with Mr. Engle that the media should report the conclusions of all statutory bodies.

Neither Mr. Chardo or Mr. Engle produced a Statement of Facts.

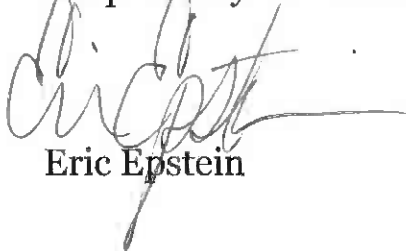
Neither Mr. Chardo or Mr. Engle contacted the Auditor General's Office.

Neither Mr. Chardo or Mr. Engle interviewed the four Board members who submitted the follow letter.

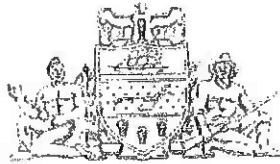
I do not believe a one paragraph letter submitted by Mr. Chardo and interpreted by Mr. Engle constitutes a thorough investigation.

At this point, I suggest we move forward, and await the conclusions and recommendations from the Auditor General's office.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Eric Epstein", with a long horizontal flourish extending to the right.

Eric Epstein



FRANCIS T. CHARDO
DISTRICT ATTORNEY
DAUPHIN COUNTY
101 MARKET STREET
HARRISBURG, PENNSYLVANIA 17101
(717) 780-6767 • Fax: (717) 255-1396
E-mail: fchardo@dauphinc.org

May 17, 2019

Jeffrey B. Engle, Esq.
Shaffer & Engle, LLC
2205 Forest Hills Drive, Suite 10
Harrisburg, PA 17112

Dear Mr. Engle,

I reviewed your letter and the correspondence forwarded by School Board members Richard Mazzatesta, Eric Epstein, Brian Faleshock, and Jeanne Webster, including attachments. The facts as outlined by Board Members Mazzatesta, Epstein, Faleshock, and Webster could not support criminal charges against any person and I am closing the investigation. I had a detective conduct preliminary work on this matter but the expenditure of any further resources on this matter would not be in the public interest.

Sincerely,

A handwritten signature in black ink, appearing to read "Francis T. Chardo".

Francis T. Chardo
District Attorney

FTC/mda

January 9, 2019

The Hon. Francis T. Chardo
Dauphin County District Attorney's
Office
Dauphin County Courthouse, 2nd Fl.
Front & Market Streets
Harrisburg, PA 17101

RE: Central Dauphin School District Summer Hours

Dear District Attorney Chardo:

Having read the letter sent to you by Attorney Jeff Engle on behalf of the Central Dauphin School District, the undersigned have several objections to what Mr. Engle claims as fact(s) within his letter (enclosure: Letter from Jeff Engle). His first statement, "This compressed workweek has been in effect—in various forms—since 2009" is simply not accurate. From 2009 to 2015 there existed but one work schedule; 4 days per week, 10 hours per day to equal a total of 40 hours. Equally important but omitted is the fact that all employees (i.e. AFSCME, Act 93 & CDESPA) both hourly and salaried agreed to work that schedule (beginning in 2009) in return for having off each & every Friday over a period of 9(+) weeks. Also, equally important but omitted was the fact that the aforementioned work schedule was approved by a majority vote of the Central Dauphin School District Board of Directors. That work schedule changed in both the summer of 2016 & the summer of 2017. In those years, all workers were scheduled to work 4 days per week, 9 hours per day to equal 36 hours, but would continue to receive the same compensation they received for a 40-hour work week (enclosure). That schedule was never approved by the Central Dauphin School District Board of Directors and numerous members who served on that board do not remember any discussion concerning the new work schedule.

Additionally, Mr. Engle claims that there are properly executed MOU's to confirm the board's knowledge of this schedule change (enclosures). Equally important, Mr. Engle has previously himself acknowledged that neither he nor any other of the district's legal counsel were consulted during the drafting or execution of these MOU's. Furthermore Mr. Engle has yet to explain how he discovered these MOU's, but he did offer a retroactive legal opinion that was copied to the entire board and the District's contracted employees on June 27, 2018. What Mr. Engle leaves out is the fact that NO board member, past or present, had ever seen those MOU's prior to June of 2018.

Mr. Engle further claims that the "compressed workweek" is common practice throughout the area. This statement is incorrect. Enclosed you will find a survey conducted of area school districts. What you will glean from this survey is that no other school district allows its workers,

both salaried & hourly, to work less than 40 hours without the specific approval of the school board, and more important, no area school district pays its employees for hours they did not work (enclosure).

Mr. Engle also contends that the school board has been "repeatedly briefed" about the compressed work week & the number of hours worked per week. This statement is misleading. Mr. Engle has not spoken to, or questioned every member of the school board, past or present. He relied on less than reliable "recollections" which were not certified, transcribed or available for inspection. When members did find out about the 36-hour workweek, four members immediately objected. The administration countered immediately, and unilaterally acted without board approval or discussion, with a memo dated May 31, 2018 (enclosure) which required employees to begin working a 9.5-hour workday. That memo was also found to be unacceptable by several members of the school board. Shortly after, all district summer employees were instructed by the administration, unilaterally and without board approval or discussion, to work a full 10-hour workday.

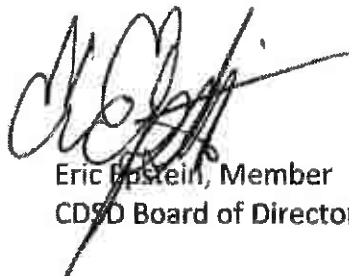
Finally, we wonder what Mr. Engle meant when he wrote, "We do not believe there is an issue, however, in an attempt to be appropriately transparent and maintain our current unblemished standing"? The word "we" certainly does not include those of us who believe the administration inappropriately paid employees, without proper approval by the board of directors, for contracted hours that were not worked. We would also point out that each of the people Mr. Engle asked you to contact with questions have failed to provide the appropriate information to current board members that could have ended this investigation months ago. The Central Dauphin Board of Directors has met one time, July 9, 2018, to discuss this issue. That meeting brought no resolution to this issue. Since then, repeated requests by board members to meet in "special session" to resolve this issue have been denied.

Thank you in advance for your attention to this matter.

Sincerely,



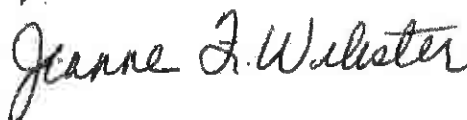
R. Mazzatesta, Member
CDSB Board of Directors



Eric Epstein, Member
CDSB Board of Directors



Brian Faleshock, Member
CDSB Board of Directors



Jeanne Webster, Member
CDSB Board of Directors

January 9, 2019

The Hon. Eugene DePasquale
Department of the Auditor General
Finance Building Room 229
613 North Street
Harrisburg, PA 17120-0018

RE: Central Dauphin School District Summer Hours

Dear Auditor General DePasquale:

Please reference the enclosed letter to Hon. Josh Shapiro, PA Office of the Attorney General.

Having read the letter sent to you by Attorney Jeff Engle on behalf of the Central Dauphin School District, the undersigned have several objections to what Mr. Engle claims as fact(s) within his letter (enclosure: Letter from Jeff Engle). His first statement, "This compressed workweek has been in effect—in various forms—since 2009" is simply not accurate. From 2009 to 2015 there existed but one work schedule; 4 days per week, 10 hours per day to equal a total of 40 hours. Equally important but omitted is the fact that all employees (i.e. AFSCME, Act 93 & CDESPA) both hourly and salaried agreed to work that schedule (beginning in 2009) in return for having off each & every Friday over a period of 9(+) weeks. Also, equally important but omitted was the fact that the aforementioned work schedule was approved by a majority vote of the Central Dauphin School District Board of Directors. That work schedule changed in both the summer of 2016 & the summer of 2017. In those years, all workers were scheduled to work 4 days per week, 9 hours per day to equal 36 hours, but would continue to receive the same compensation they received for a 40-hour work week (enclosure). That schedule was never approved by the Central Dauphin School District Board of Directors and numerous members who served on that board do not remember any discussion concerning the new work schedule.

Additionally, Mr. Engle claims that there are properly executed MOU's to confirm the board's knowledge of this schedule change (enclosures). Equally important, Mr. Engle has previously himself acknowledged that neither he nor any other of the district's legal counsel were consulted during the drafting or execution of these MOU's. Furthermore Mr. Engle has yet to explain how he discovered these MOU's, but he did offer a retroactive legal opinion that was copied to the entire board and the District's contracted employees on June 27, 2018. What Mr. Engle leaves out is the fact that NO board member, past or present, had ever seen those MOU's prior to June of 2018.

Mr. Engle further claims that the "compressed workweek" is common practice throughout the area. This statement is incorrect. Enclosed you will find a survey conducted of area school

districts. What you will glean from this survey is that no other school district allows its workers, both salaried & hourly, to work less than 40 hours without the specific approval of the school board, and more important, no area school district pays its employees for hours they did not work (enclosure).

Mr. Engle also contends that the school board has been "repeatedly briefed" about the compressed work week & the number of hours worked per week. This statement is misleading. Mr. Engle has not spoken to, or questioned every member of the school board, past or present. He relied on less than reliable "recollections" which were not certified, transcribed or available for inspection. When members did find out about the 36-hour workweek, four members immediately objected. The administration countered immediately, and unilaterally acted without board approval or discussion, with a memo dated May 31, 2018 (enclosure) which required employees to begin working a 9.5-hour workday. That memo was also found to be unacceptable by several members of the school board. Shortly after, all district summer employees were instructed by the administration, unilaterally and without board approval or discussion, to work a full 10-hour workday.

Finally, we wonder what Mr. Engle meant when he wrote, "We do not believe there is an issue, however, in an attempt to be appropriately transparent and maintain our current unblemished standing"? The word "we" certainly does not include those of us who believe the administration inappropriately paid employees, without proper approval by the board of directors, for contracted hours that were not worked. We would also point out that each of the people Mr. Engle asked you to contact with questions have failed to provide the appropriate information to current board members that could have ended this investigation months ago. The Central Dauphin Board of Directors has met one time, July 9, 2018, to discuss this issue. That meeting brought no resolution to this issue. Since then, repeated requests by board members to meet in "special session" to resolve this issue have been denied.

Thank you in advance for your attention to this matter.

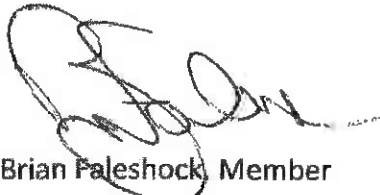
Sincerely,



R. Mazzatesta, Member
CSDS Board of Directors



Eric Epstein, Member
CSDS Board of Directors



Brian Paleshock, Member
CSDS Board of Directors



Jeanne Webster, Member
CSDS Board of Directors

SURVEY: School Employee Summer Work Hours

Background:

Central Dauphin School District administrators claim that most local school districts during the summer break have non-teaching employees (1) work 4 days a week to save energy and (2) work less than 40 hours a week. The goal of the survey is to validate the preceding information.

Identify yourself as being affiliated with Linglestown Gazette, an online, local news service that covers Central Dauphin School District.

Related information:

1. PennLive story link about Central Dauphin's summer work hours, <http://bit.ly/2Etr0Eg>
2. Central Dauphin's press release about summer work hours -- see attached document

I received the information

I spoke to someone and they are calling me back with the info

I left a message but no one has called me back yet

School districts to call:

Lower Dauphin 717-566-5300

Jim Hazen 717-982-8484 (Jim's cell)

1. Does your district have a compressed work week to save money during summer breaks? For example, Central Dauphin School District closes all buildings on Friday as a energy-saving measure.
 - School buildings are open Monday – Thursday. District office open on Friday.

2. How many hours a week do the following groups of employees work during summer breaks:

* Act 93 administrators

- Four 10 hour days - Whatever weekly hours they are contracted to work over the school year is what they work over the summer

* Facility workers (janitors, HVAC, IT, groundskeepers, etc.)

- Four 10 hour days - Whatever weekly hours they are contracted to work over the school year is what they work over the summer

Are these employees unionized?

- Yes

* Support staff other than facility workers and Act 93 employees (secretaries, other clerical workers)

- Four 10 hour days - Whatever weekly hours they are contracted to work over the school year is what they work over the summer

Are these employees unionized?

- No

Derry Township 717-534-2501

Dan Trudenick (?) Dir of school and community info

1. Does your district have a compressed work week to save money during summer breaks? For example, Central Dauphin School District closes all buildings on Friday as a energy-saving measure.

for a kid's program over the summer

2. How many hours a week do the following groups of employees work during summer breaks:

- * Act 93 administrators
 - 40 hours a week

- * Facility workers (janitors, HVAC, IT, groundskeepers, etc.)
 - 40 hours a week

Are these employees unionized?

- Yes

- * Support staff other than facility workers and Act 93 employees (secretaries, other clerical workers)
 - Work 40 hours a week

Are these employees unionized?

- Yes

Middletown 717-948-3300

Jody Zorbal – Communications Specialist is checking with Administration & will call me back with answers

1. Does your district have a compressed work week to save money during summer breaks? For example, Central Dauphin School District closes all buildings on Friday as a energy-saving measure.
- Most are open M-F, Some of the buildings are closed. All office staff is moved to the high school (secretaries and principals) to save money.

2. How many hours a week do the following groups of employees work during summer breaks:

- * Act 93 administrators

- * Facility workers (janitors, HVAC, IT, groundskeepers, etc.)

Are these employees unionized?

- * Support staff other than facility workers and Act 93 employees (secretaries, other clerical workers)
Secretary hours are cut back a little

Are these employees unionized?

Steelton-Highspire 717-939-9826(disc) 717-704-3800

Lm on operator's vm 12-13-18 9:37 am, Lm on Business Manager of Admin Building's vm 12-14-18 10:36 am

1. Does your district have a compressed work week to save money during summer breaks? For example, Central Dauphin School District closes all buildings on Friday as a energy-saving measure.

2. How many hours a week do the following groups of employees work during summer breaks:

- * Act 93 administrators

* Facility workers (janitors, HVAC, IT, groundskeepers, etc.)

Are these employees unionized?

* Support staff other than facility workers and Act 93 employees (secretaries, other clerical workers)

Are these employees unionized?

West Shore Area 717-938-9577

Includes Red Land & Cedar Cliff High Schools

Kim - Human Resources

1. Does your district have a compressed work week to save money during summer breaks? For example, Central Dauphin School District closes all buildings on Friday as a energy-saving measure.

- Varies with department. Mostly Monday-Thursday 8.375 hours a day, 1 hour per day of makeup time the next year

2. How many hours a week do the following groups of employees work during summer breaks:

* Act 93 administrators

- 8.375 hours a day, 1 hour per day of makeup time the next year (approximately 25 hours to make up however they want during the school year)

* Facility workers (janitors, HVAC, IT, groundskeepers, etc.)

- Four 10 hour days, no time to make up

Are these employees unionized?

- yes

* Support staff other than facility workers and Act 93 employees (secretaries, other clerical workers)

- 8.375 hours a day, 1 hour per day of makeup time the next year (approximately 25 hours to make up however they want during the school year)

Are these employees unionized?

- No

Camp Hill 717-901-2400

Lm with secretary 12-13-18 9:53 am, Lm on vm Megan Wert (?) 12-14-18 10:38 am

1. Does your district have a compressed work week to save money during summer breaks? For example, Central Dauphin School District closes all buildings on Friday as a energy-saving measure.

2. How many hours a week do the following groups of employees work during summer breaks:

* Act 93 administrators

* Facility workers (janitors, HVAC, IT, groundskeepers, etc.)

Are these employees unionized?

* Support staff other than facility workers and Act 93 employees (secretaries, other clerical workers)

Are these employees unionized?

East Pennsboro 717-732-3601

Donna Dunar (?) Im 12-13-18, 12-14-18 10:33 am 215-489-8608 (Donna's cell)

1. Does your district have a compressed work week to save money during summer breaks? For example, Central Dauphin School District closes all buildings on Friday as a energy-saving measure.

- Closed on Friday for approximately 4 weeks during the summer.

2. How many hours a week do the following groups of employees work during summer breaks:

* Act 93 administrators

- Everyone is required to work x number of hours a year so if they work less over the summer, they are required to make it up at some point over the school year.

* Facility workers (janitors, HVAC, IT, groundskeepers, etc.)

- Everyone is required to work x number of hours a year so if they work less over the summer, they are required to make it up at some point over the school year.

Are these employees unionized?

- No

* Support staff other than facility workers and Act 93 employees (secretaries, other clerical workers)

- Everyone is required to work x number of hours a year so if they work less over the summer, they are required to make it up at some point over the school year.

Are these employees unionized?

- No

Cumberland Valley 717-766-0217

Tracy Panzer (sp?) – Communications Director

1. Does your district have a compressed work week to save money during summer breaks? For example, Central Dauphin School District closes all buildings on Friday as a energy-saving measure.

- In the past have worked Monday – Thursday. Decided by the Board every year.
Some buidlings are available for the public to rent 5 days a week.

2. How many hours a week do the following groups of employees work during summer breaks:

* Act 93 administrators

- Whatever they are contracted to work over the school year is what they work over the summer

* Facility workers (janitors, HVAC, IT, groundskeepers, etc.)

- Whatever they are contracted to work over the school year is what they work over the summer

Are these employees unionized?

- Yes

- * Support staff other than facility workers and Act 93 employees (secretaries, other clerical workers)
 - * Whatever they are contracted to work over the school year is what they work over the summer

Are these employees unionized?

- * Yes

Carlisle Area 717-240-6800

Michelle Serokin (?) - Personnel Office Im 12-13-18 10:17 am, spoke to secretary in Michelle's office & she will call me back with the answers shortly 12-14-18 10:44 am, 11-14-18 11:09 am - Secretary called back to say the Superintendent will be calling me back.

1. Does your district have a compressed work week to save money during summer breaks? For example, Central Dauphin School District closes all buildings on Friday as a energy-saving measure.

2. How many hours a week do the following groups of employees work during summer breaks:

- * Act 93 administrators

- * Facility workers (janitors, HVAC, IT, groundskeepers, etc.)

Are these employees unionized?

- * Support staff other than facility workers and Act 93 employees (secretaries, other clerical workers)

Are these employees unionized?

Questions related to non-teaching employees who work during summer breaks that most likely can be answered by business office staff.

1. Does your district have a compressed work week to save money during summer breaks? For example, Central Dauphin School District closes all buildings on Friday as a energy-saving measure.

2. How many hours a week do the following groups of employees work during summer breaks:

- * Act 93 administrators

- * Facility workers (janitors, HVAC, IT, groundskeepers, etc.)

Are these employees unionized?

- * Support staff other than facility workers and Act 93 employees (secretaries, other clerical workers)

Are these employees unionized?

Hours - \$20 per hour

12-13-18

9:20 am – 10:35 am = 1 hour 15 minutes

1:07 pm – 1:25 pm = 20 minutes (1 hour 35 minutes)

12-14-18

10:30 am – 10:45 am = 15 min. (1 hour 50 minutes)

4:11 pm – 4:30 pm = 19 min. (2 hours 9 minutes)

SHAFFER & ENGLE

LAW OFFICES, LLC

Jeffrey B. Engle, Esq.
jeff@shafferengle.com
Elisabeth K. H. Pasqualini, Esq.
elisabeth@shafferengle.com
Allen Shaffer, Esq.
(1927 - 2009)

December 28, 2018

The Hon. Josh Shapiro
Pennsylvania Office of the Attorney General
Strawberry Square
Harrisburg, PA 17120

RE: Central Dauphin School District; Summer Hours

Dear Attorney General Shapiro:

I am contacting you regarding a temporary, 9 week, change to hours assigned to employees during the summer when students (and most teachers) are not present in the schools. During that period, the District works four days instead of the usual five and adjusts the hours worked during the day accordingly. Generally, one could refer to it as a compressed work week. This compressed work week program has been in effect—in various forms—since 2009.

When the District is operating on a compressed work week, it is able to totally shut down its 19 buildings and, therefore, does not have to pay energy costs for those 9 days. In addition, the Administration has found that staff members, the majority of whom are salaried, not hourly, employees who work hundreds of extra hours during the school year, are able to get their work done within the compressed work week.

This compressed work week program is no different than similar compressed work week programs followed by the majority of neighboring districts. In addition, the Board of School Directors has been repeatedly briefed about the compressed work week program and the reasons underlying the program.

Beginning with the summer of 2018, certain members of the Central Dauphin School Board began to take issue with the practice claiming that the Board was not advised. Other Board members disagreed and have indicated that they do believe that the Board was advised of the practice. Some members were not part of the Board at the time of the initiation of the compressed work week. For its part, the Administration contends that Board members were advised and an MOU with the union was properly executed.

As you are undoubtedly aware, Central Dauphin School District has an impeccable financial and state audit record. We do not believe there is an issue, however, in an attempt to be appropriately transparent and maintain our current unblemished standing, the Administration

2205 FOREST HILLS DRIVE, SUITE 10, HARRISBURG, PENNSYLVANIA 17112

Telephone: (717) 545-3032



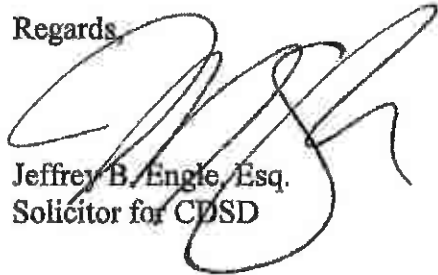
Facsimile: (717) 545-3083

www.shafferengle.com

As you are undoubtedly aware, Central Dauphin School District has an impeccable financial and state audit record. We do not believe there is an issue, however, in an attempt to be appropriately transparent and maintain our current unblemished standing, the Administration requests the Dauphin County District Attorney's Office consider reviewing this matter in whatever form and to whatever extent that the Office deems appropriate within its statutory charge.

If you wish, you may contact Mr. Ford Thompson, President of the Central Dauphin School District Board of School Directors. ftompson@cdschools.org and Karen McConnell, CPA/MBA, Assistant Superintendent for Finance and Administrative Operations; 717-545-4703 ext. 205.

Regards



Jeffrey B. Engle, Esq.
Solicitor for CDS

Copy: Administration
Board of Directors
File