

EXECUTIVE SUMMARY

RECOMMENDATION FOR SUSPENSION & TERMINATION

Maria E. Abrahantes, Bus Driver I

I recommend that the School Board approve Maria Abrahantes' Suspension Without Pay effective September 22, 2005, and Termination, effective fifteen (15) days after the September 21, 2005, Board Action.

During the 2004/2005 school year, Maria E. Abrahantes was the subject of a Professional Standards investigation based upon allegations that she operated a school bus in an unsafe manner, failed to obey traffic law, signs or signals, failed to wear a seat belt, and failed to report the traffic ticket(s) she received as result of an accident which occurred while she was driving a school bus with children on board. At the conclusion of the investigation, the allegations of unsafe operation of a school bus, failure to obey traffic law, signs or signals, failure to wear a seat belt, and failure to self-report an arrest (i.e., traffic citation) were sustained.

Sufficient just cause exists for Ms. Abrahantes to be disciplined pursuant to Sections 1012.22(1)(f), 1012.27(5) and 1012.40 Florida Statutes; Palm Beach County School District Policies 1.013, 3.13, 3.21 and 3.27, as well as Administrative Directives 2.36 and 3.27; the Palm Beach County School Bus Drivers and Bus Attendants Handbook Sections II and V, and Article 17 (6) of the Collective Bargaining Agreement between the National Conference of Firemen & Oilers, Local 1227, and the School Board of Palm Beach County, for violations of the foregoing.

- 11/12/04 Professional Standards was advised of charges against Ms. Abrahantes.
- 06/08/05 Professional Standards investigation of Case #04/05-066 concluded.
- 07/25/05 Pre-disciplinary meeting held.
- 07/27/05 Summary for the Record issued following PDM.
- 08/12/05 Employee Investigation Committee (EIC) reviewed case, found the allegations substantiated and recommended discipline ie., termination.
- 08/22/05 Chief Officer of Human Resources (COHR) reviewed and concurred with recommended discipline.
- 08/29/05 Ten (10) day notification of public record to employee per Florida Statute 1012.31.
- 09/07/05 Superintendent's letter of notification to employee.

LEGAL SIGN-OFF: Yes No

SCHOOL BUS DRIVER RECORDS SYSTEM
 BUS DRIVER INFORMATION REPORT

MARIA E ABRAHANTES
 DISTRICT NUMBER: 50 PALM BEACH
 FIRST, MIDDLE OR maiden, LAST NAME SUFFIX
 HT. RACE SEX SOCIAL SECURITY NO
 500 H F 0
 ADDRESS
 LICENSE TYPE DATE ISSUED DATE EXPIRED RESTRICTIONS FL DRIVER LICENSE NO DA
 08-22-08
 WEST PALM BCH STATE ZIP CODE PRIOR STATE & DRIVER LICENSE NO DRIVER TYPE
 06 33415-7312 A

EFFECTIVE DATE (ARREST)	CONVIC-TION DATE	REIN-STATE DATE	STATE/COUNTY INFO	CITY	COURT	ENTRY	DESCRIPTION
03-04-04							
03-21-00	05-17-00		PALMBCH	001			CORRESPONDCE TACS SURRENDERED
03-21-90	04-02-97		PALMBCH	005	MAGSTR COUNTY		ADJ WITHHELD UNLAWFUL SPO - WORK ZONE/SCHOOL Z***037
01-19-95	10-28-95		DADE	004	COUNTY		CORRESPONDCE CON/CDI IN POSTED ZONE
01-31-95							CORRESPONDCE CON/CDI TRANSACTION-NO LIC ISSUED
02-09-94							CALL TO OBEY TRAF INSTR SIGN/DEVICE
							CORRESPONDCE CON/CDI TRANSACTION-NO LIC ISSUED
							IDENTIFICATION CARD ISSUED EXPIRES: 08-

08

Page: 1 Document Name: untitled

(SCREEN1)

FLORIDA DEPARTMENT OF EDUCATION
SCHOOL BUS DRIVER RECORDS SYSTEM
DEPARTMENT OF HIGHWAY SAFETY & MOTOR VEHICLE INFORMATION

DISTRICT NO: 50 BUS DRIVER LICENSE NO: [REDACTED]

MARIA E ABRAHANTES
FIRST, MIDDLE OR MAIDEN, LAST

SUFFIX DOB HT RACE SEX SSN

[REDACTED] 500 H F 0
[REDACTED] HT RACE SEX SSN

ADDRESS

B 082202 082208
LICENSE TYPE ISSUE DATE EXP DATE RESTRICTIONS

WEST PALM BCH
CITY

06 33415-7312 110282 P
ST ZIP CODE DATE ORIG ISSUE ENDORSEMENTS

PRIOR ST & DRIVER LICENSE NO. A DRIVER TYPE

(ENTER DRIVER LICENSE TO DISPLAY RECORD)
(D=DISPLAY, 2=SCREEN 2, E=EXIT TO MAIN MENU) COMMAND ==> D
DRIVER INFORMATION DISPLAYED

81

Page: 1 Document Name: untitled

(SCREEN 2)

DISTRICT NO: 50

DRIVER HISTORY INFORMATION

DRIVER LICENSE NO: [REDACTED]

MARIA E ABRAHANTES

EFFECTIVE DATE	CONVICTION DATE	REINSTATEMENT DATE	CO. \ST. INFO	COURT	* CITY	ENTRY
05-04-04						
TAGS SURRENDERED						
03-21-00	05-17-00		PALMBCH	MAGSTR		
UNLAWFUL SPD - WORK ZONE/SCHOOL Z***037/15						
12-19-96	04-02-97		PALMBCH	COUNTY		
SPEED IN POSTED ZONE						
03-23-95			052/35			
CDR/CDT TRANSACTION-NO LIC ISSUED						
03-19-95	10-28-95		DADE	COUNTY		
FAIL TO OBEY TRAF INSTR SIGN/DEVICE						
01-31-95						
CDR/CDT TRANSACTION-NO LIC ISSUED						
02-09-94						
IDENTIFICATION CARD ISSUED EXPIRES: 08-22-9						
(1 = SCREEN1, 3 = SCREEN3, E = EXIT)						
NO MORE INFORMATION FOR THIS DRIVER						
					001	
						COMMAND ==>

82

850 922-9000

HPE005PO P B C S D - C. H. I. P. S. - EMPINFO HPE005M1
Jun 07,05 EMPBR - Employee Master Browse by Name 11:28 AM
Employee has 2 Active Jobs Curr FY: 2005
*Action: (B,R,I,N) *SSN: [REDACTED] Add to *Dept/Pos: _____
Trs to *Dept/Pos: _____

Name Last: ABRAHANTES First: MARIA Middle: E
*Title: MS_ *Suffix: _____ Preferred: _____ *Prior Name: Y
Addr Line1: [REDACTED] Line2: _____
*City Name: WEST PALM BEACH *St: FL Zip+4: 33415 *Country: US
Home Phone: [REDACTED] *Sex: F *Race: H *Vet Status: _____
Unlisted..: _____ Alternate Phone: _____ Work Phone: 407 687 7191
Birth Date: [REDACTED] Cont Start Date: 08 27 1990 Orig Hire Date: 08 27 1990
Driver Lic Nbr: [REDACTED] St: FL Emp-Auth Exp: _____
Frs Pos#: _____ PR Exempt: _____
*Ret Plan.: HA REGULAR *Check Loca: _____
Teacher Start Date: _____

FY: 2005 ===== Active Job Summary Below =====

SCHOOL BUS DRIVER I TRANSPORTATION ROYAL

Pr	JobCd	Loca	Dept/Pos	JobCdDate	Loc	Start	Wg	DutyBu	Hrs	#Pay	Step	Lvl
1	Y	3319	9326	9320 0535	02/04/99	03/04/96	S	180 B	8.00	20	11	07

Command: _____ Semi-Monthly: _____ Base Salary: 18,561.31
Enter-PF1---PF2---PF3---PF4---PF5---PF6---PF7---PF8---PF9---PF10---PF11---PF12---
pref help altky retrn jobs jobd posc -job +job cert educ quit
Employee ABRAHANTES,M.E displayed successfully

PER CLERK OF COURT 355-2994 Tele con 6/7/05 Tues
CASE # STATUTE STATUS
05094331 TI AD2 316.123(2)(A) STAPSIGAL 7/15/05 INFRA
HERRING
PLED NG
DL NOT SUSPENDED PER DETECTIVE WALTON 6/7/05 TELECON
EE DID APPEAR FOR ABRAHANTES

PER CLERK OF COURT Tele con 8/12/05 FRI
DL SUSP 3 YRS FOUND GUILTY OF TRAFFIC INFRACTION
RTM

83

MEMO TO FILE
DATE: 2/27/06

RE: MARIA ABRAHANTES

VICTIM: [REDACTED]

No criminal charges will be filed based on the case as presented.

Driver one, Maria Abrahantes, hereafter know as D1, was operating a school bus on November 11, 2004 at approximately 3:39PM. Nine students were riding on the bus at the time it was involved in a crash.

This crash occurred at the intersection of Orange and Hall Boulevards in unincorporated Palm Beach County.

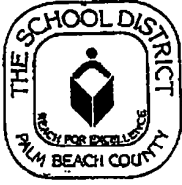
D1 was traveling SB on Hall Boulevard and failed to stop at the intersection of Orange Boulevard and struck a vehicle driven by Jeffrey Schwartz. The collision caused the bus, driven by D1, to rotate and roll 3/4 of a revolution before coming to an uncontrolled final rest. D1 and the deceased, [REDACTED], were ejected from the bus. Ms. [REDACTED] died as a result of her injuries. No one on the bus was wearing a seat belt, even though the bus was equipped with same.

A linear momentum analysis revealed that the bus was traveling 43mph at impact in a 40mph area. There was no indication that D1 was in any way impaired by alcohol or drugs. D1 made no attempt to stop even though there were 5 sets of "rumble strips" before the intersection. There was no indication that there were any problems or distractions on the bus. D1 was familiar with the area. There were no mechanical difficulties with the bus.

D1's conduct, as presented in the report, does not rise to the level of criminal conduct and no criminal charges will be filed at this time. This case is closed pending any new, relevant information.

ASA ELLEN D. ROBERTS
CHIEF, TRAFFIC HOMICIDE

SK



THE SCHOOL DISTRICT
OF PALM BEACH COUNTY, FLORIDA
TRANSPORTATION DEPARTMENT
3376 SUMMIT BOULEVARD
WEST PALM BEACH, FL 33406
(561) 687-7190 FAX (561) 688-7667

Dr. H. Benjamin Marlin

SUPERINTENDENT
OF SCHOOLS

April 25, 2000

Via Certified Mail

Ms. Marie Abrahantes

Royal Palm Beach, FL 33411

Dear Ms. Abrahantes:

This letter is to be considered a *written reprimand* arising out of your failure to report to work at your scheduled clock-in time.

It is your responsibility as a bus driver to report to work in a timely manor. If for any reason you are going to be absent or tardy, you must call a half-hour before your scheduled clock-in time. The tardiness of a bus driver makes the entire route late resulting in a negative impact on the children's education and the school centers.

Your arrival time will be monitored for thirty (30) days. Should you ignore my directions to report to work on time, I will have no choice but to recommend additional disciplinary action, which could result in your termination.

This *written reprimand* will be placed in your official District personnel file. You are advised that you have 15 days from receipt of this letter within which to submit a written response. If you prepare a response, forward it to Dr. Marion Weil, Director of Employee Records & Information Services, 3368 Forest Hill Boulevard, Suite A-152, West Palm Beach, FL 33406-5870.

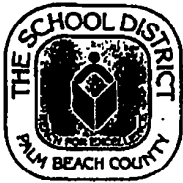
Sincerely,

Yevola B. Falana
Yevola B. Falana, Assistant Director
Transportation Department/Operations

YFB:pb

Attachment(s)

c: Bob Riley
Marion Weil
Sue Gorby



THE SCHOOL DISTRICT OF
PALM BEACH COUNTY, FLORIDA

DIVISION OF PERSONNEL SERVICES
DEPARTMENT OF PROFESSIONAL STANDARDS
3370 Forest Hill Boulevard, A-115
West Palm Beach, FL 33406-5870

(561) 434-8545 FAX: (561) 434-8178

MARCIA A. ANDREWS
Chief Personnel Officer

W. PAUL LACHANCE
Director

ARTHUR C. JOHNSON, Ph.D.
Superintendent

Certified Mail# 7000 1530 0002 1118 5406 & Regular U.S. Mail

October 8, 2001

Maria E. Abrahanters

[REDACTED]
West Palm Beach, FL 33415

Re: Written Reprimand

Dear Ms. Abrahanters:

This correspondence is given to you as a Written Reprimand for unauthorized and excessive absence from work.

Specifically, since September, 1999, you have counseled and disciplined for your continued excessive absence and unauthorized absence from work. This pattern of unauthorized absence has continued up through and including as late as May 3, 2001. On May 23, 2001, you were notified that you needed to correct this pattern of unauthorized and excessive absences and that even though some of your absences were medically necessary, such continued absences could not and would not be tolerated. Your not reporting to work without authorization and prior knowledge of administration and is in violation of Article 11 - work week and overtime, Section 1. Work Week/Duty Hours of the collective bargaining agreement between the School District and National Conference of Fireman & Oilers Local 1227, and District Policy. Please be aware that infractions dealing with misuse of District time are very serious and that infractions such as these can not and will not be tolerated. You are expected to properly and timely comply with all time and attendance requirements per District policy and collective bargaining agreements.

You are directed to cease such conduct immediately. Further, you are to desist from engaging in the same or similar actions in the future. Your failure to do so will result in further disciplinary action resulting in a recommendation for your termination.

Sincerely,

A handwritten signature in cursive script that reads "W. Paul Lachance".

W. Paul Lachance
Director, Professional Standards

cc: Yevola Falana, Assistant Director, Transportation
Personnel File



Form F

SAMPLE OF PRE-DISCIPLINARY MEETING CONFERENCE FOR THE RECORD SUMMARY

MEMORANDUM

TO: Raymond T. Miller, Director
FROM: Oliver W. Johnson, Jr. Compliance Administrator
DATE: July 27, 2005
SUBJECT: Pre-disciplinary Meeting

A Pre-disciplinary Meeting was held at Professional Standards (location) on July 25, 2005 (date & time)

Present: Raymond T. Miller, Director (name & title)
Oliver W. Johnson Jr., Compliance Adm (name & title)
Patsy Zimmerman, Attorney (name & title)
Vicki Evans-Pare', Associate Council (name & title)
Maria E. Abrahanters, Bus Driver (name & title) (add lines, if necessary)

You were represented by: Patsy Zimmerman, Attorney and Carolyn Killings, Business Agent NCFO (name & title)

Although you were reminded you have the right to a representative of your choice, you did not have a representative because (check one) [] you chose not to, or [] the applicable bargaining unit declined to represent you because you were not a member.

You are alleged to have violated or been non-compliant with the following applicable standards of behavior. Listed are all applicable Florida Statute(s), Policies, Rules, and Administrative Guidelines:

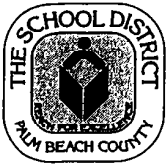
- Florida Statutes: (list all applicable)
Florida Administrative Code(s): FAC 6B-4.009 Criteria for Suspension and Dismissal (list all applicable)
School Board Policies: Dismissal (list all applicable)
District Administrative Directive(s): (list all applicable)
Collective Bargaining Agreement Section(s): 1227 Article 15 Section 6 (list all applicable)
School Bus Driver or other Handbook Section(s): ILC.5; IID.7; IID.7, VB.1.b, and B.2 XV.10. (list all applicable)
Other Rule(s) or Guideline(s): of Arrest & Convictions by School District Employees (list all applicable)

Form F

You have been provided with a copy of the Professional Standards Investigation Report regarding Case Number #04/05-066. The Pre-disciplinary Meeting was held to give you and your representative the opportunity to provide additional information, dispute, explain or elaborate on the information in the Professional Standards Investigation Report. You presented the following facts and/or information or documents for consideration.

On July 25, 2005, a PDM was held in the Office of Professional Standards concerning allegations of unsafe operation of a school bus, failure to obey traffic law, signs or signals, failure to wear seat belt, and failure to self report arrest (traffic tickets). During this interview you and your representative offered the following information: With regards to wearing of a seatbelt. You said that you clearly remember fastening your seatbelt on the bus. You said that you always do so before you begin your route. In regards to the allegation of failure to obey signals and signs, you said that you might have blacked out while driving. You said that you had recent gastro intestinal surgery, (stomach bypass operation) you have lost approximately 130.lbs. The tremendous weight loss has made you a lot more tired than usual. You stated that you did not recall the specific details about the accident. You did recall seeing the stop sign and making a left turn. However, anything beyond that portion remains a mystery. You stated that you were feeling weak from the surgery which has caused you to be diagnosed with malnutrition. You stated that you did not intentionally fail to self report your receipt of a traffic citation which is associated with the accident. You were at the time under doctors care and hospitalized. You said that you remained in the hospital for a week following the accident. You maintained that your working conditions had a negative effect upon you physically. For example: You stated that your bus was over loaded. You had been asked by your supervisor to take on more responsibilities and more children than you were prepared to manage. You stated that because the system was under staffed you were asked to work extra routes. You were responsible for handling two different student routes. While waiting at the transfer station there were no bathroom accommodations. You said that the surgery you had requires frequent visits to the restroom. You were required to visit the transfer station twice in the morning and twice in the evening each day. You stated that your doctor said that had you fallen asleep while driving you would have awakened upon impact. You said that you simply blacked out behind the wheel. You said that the posted speed was 45 mph.

This summary will be considered by the (check one): Work Location Supervising Administrator or the Employee Investigation Committee along with the Professional Standards Report in reaching a decision as to whether the allegation(s) are unfounded, unsubstantiated or are substantiated and a recommended discipline (if applicable). You will be advised of the finding and discipline, if any, that is recommended or is to be imposed.



THE SCHOOL DISTRICT OF
PALM BEACH COUNTY, FLORIDA

DIVISION OF HUMAN RESOURCES
DEPARTMENT OF PROFESSIONAL STANDARDS
3370 Forest Hill Boulevard, A-115
West Palm Beach, FL 33406-5870

(561) 434-8545 FAX: (561) 434-8178

JAMES HAYES, JR.
CHIEF OFFICER

RAYMOND T. MILLER
DIRECTOR

ARTHUR C. JOHNSON, Ph.D.
SUPERINTENDENT

Certified Mail #7005-1160-0003-9756-7027 and Regular U.S. Mail

August 29, 2005

Maria E. Abrahantes

[REDACTED]
West Palm Beach, FL 33415

RE: Notification of Public Record

Dear Ms. Abrahantes:

As you are aware, the Professional Standards investigation concerning disciplinary violations you are alleged to have committed has been concluded. You were previously advised that the investigative file concerning this matter and its contents would be considered public record at the conclusion of the investigation.

This letter is to confirm that the above material will be released, upon request, minus any allowable exemptions, ten (10) days following your receipt of this letter. This notification is made consistent with Florida Statute 1012.31.

Sincerely

Handwritten signature of Raymond T. Miller in cursive.

Raymond T. Miller
Director of Professional Standards

RTM:erh

- c. James Hayes, Jr., Chief Officer of Human Resources
Vicki Evans-Paré, Associate Counsel for Personnel
Patsy Zimmerman, Esquire
Carolyn Killings, Business Agent, NCF&O, Local 1227

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THE SCHOOL DISTRICT OF
PALM BEACH COUNTY, FLORIDA

JAMES HAYES, JR.
CHIEF OFFICER

ARTHUR C. JOHNSON, Ph.D.
SUPERINTENDENT

DIVISION OF HUMAN RESOURCES
DEPARTMENT OF PROFESSIONAL STANDARDS
3370 Forest Hill Boulevard, A-115
West Palm Beach, FL 33406-5870

(561) 434-8545 FAX: (561) 434-8178

September 7, 2005

Certified Mail # 7005-1160-0003-9756-7034 & Regular U.S. Mail

Maria E. Abrahantes

[REDACTED]
West Palm Beach, FL 33415

NOTICE OF SUSPENSION AND RECOMMENDATION FOR TERMINATION FROM EMPLOYMENT

Dear Ms. Abrahantes:

Based upon substantial information presented to me, I must hereby inform you that I have clear and convincing evidence sufficient to warrant disciplinary action against you. I will recommend your suspension without pay and termination from employment with the School District at the September 21, 2005, School Board meeting.

During the 2004/2005 school year, you were the subject of a Professional Standards investigation based upon allegations that you operated a school bus in an unsafe manner, failed to obey traffic law, signs or signals, failed to wear a seat belt, and failed to report the traffic ticket(s) you received as a result of an accident which occurred while you were driving a school bus with children on board. At the conclusion of the investigation, the allegations of unsafe operation of a school bus, failure to obey traffic law, signs or signals, failure to wear a seat belt, and failure to self-report an arrest (i.e., traffic citation) were sustained.

Sufficient just cause exists for you to be disciplined pursuant to Sections 1012.22(1)(f), 1012.27(5) and 1012.40 Florida Statutes; Palm Beach County School District Policies 1.013, 3.13, 3.21 and 3.27, as well as Administrative Directives 2.36 and 3.27; the Palm Beach County School Bus Drivers and Bus Attendants Handbook Sections II and V, and Article 17 (6) of the Collective Bargaining Agreement between the National Conference of Firemen & Oilers, Local 1227, and the School Board of Palm Beach County, for violations of the foregoing.

Please be advised that I will recommend at the September 21, 2005, meeting of the School Board of Palm Beach County, Florida, that your employment terminate effective upon expiration of fifteen (15) days subsequent to the September 21, 2005, Board meeting and shall be subject only to appeal under Section 120.68, Florida Statutes, unless a timely request for an administrative hearing is made within the fifteen (15) days stated herein pursuant to Sections 120.569 and 120.57, Florida Statutes, wherein you will remain suspended without payment of salary and benefits until final School Board disposition is entered subsequent to the administrative hearing proceedings. This action is taken in accordance with Sections 1012.22(f) and 1012.27(5), Florida Statutes. Failure to timely request an administrative hearing shall waive all rights to request a DOAH hearing on such matters and shall be subject only to appeal rights under Section 120.68, Florida Statutes. You have a choice of filing a grievance or requesting a hearing before the Division of Administrative Hearings (DOAH).

Maria E. Abrahantes
September 7, 2005
Page two

Should you desire a hearing, a request must be made in writing within or prior to the fifteen (15) days stated in this letter, and addressed to JulieAnn Rico Allison, Chief Counsel to the School Board, 3318 Forest Hill Boulevard, C-302, West Palm Beach, Florida 33406. If you decide to appeal a decision made by the School Board with respect to any matters considered at this meeting or hearing, you will need a record of the proceedings, and for such purpose, you may need to ensure that a verbatim record of the proceedings is made, including the testimony and evidence upon which the appeal is to be based. You shall have the responsibility at your own cost, to arrange for the transcript. You were previously advised, that the investigative report concerning this matter and its contents are considered public record and will be released, upon request, minus any allowable exemptions, ten (10) days after the date of that Notification of Public Record correspondence.

The September 21, 2005, School Board meeting will be held in the Board Room at 3300 Forest Hill Boulevard, West Palm Beach, Florida. The Board has set aside the time of 4:30 p.m. so that you or your representative may make an oral statement of no more than three minutes relative to your suspension and dismissal. If you or your representative intend to speak before the School Board, please immediately notify Ms. Alicia Palmer, Board Office, at (561) 434-8139.

Sincerely,

Arthur C. Johnson, Ph.D.
Superintendent

ACJ:GAW:JHJ:RTM:erh

- c. Gerald A. Williams, Chief Officer of Administration
- James Hayes, Jr., Chief Officer of Human Resources
- Melinda Wong, Director, Compensation & Employee Information Services (*Personnel File*)
- JulieAnn Rico Allison, Chief Counsel to the School Board
- Vicki Evans-Paré, Associate Counsel Personnel
- Robert Riley, Director, Transportation
- Patsy Zimmerman, Attorney
- Carolyn Killings, Business Agent, NCF&O, Local 1227