

OFFICE OF THE INSPECTOR GENERAL CITY OF BALTIMORE



Isabel Mercedes Cumming
Inspector General

Investigative Report Synopsis

OIG Case # 21-0049-I

Issued: August 24, 2021



OFFICE OF THE INSPECTOR GENERAL
Isabel Mercedes Cumming, Inspector General
City Hall, Suite 635
100 N. Holliday Street
Baltimore, MD 21202



August 24, 2021

Dear Citizens of Baltimore City,

The Mission of the Office of the Inspector General (OIG) is to promote accountability, efficiency, and integrity in City government, as well as to investigate complaints of fraud, financial waste, and abuse. In addition to complaints involving overt fraud, waste, and abuse, the OIG at times receives complaints regarding City policies or practices that could be perceived as wasteful. The OIG will investigate such practices that could potentially result in fraud, waste, or abuse.

On May 5, 2021, the OIG received a complaint regarding a Department of Public Works (DPW) engineer (Engineer). Specifically, the complaint alleged the Engineer had been employed by a private company (Company) as a full-time employee since May 2020, while being simultaneously employed full time by the City of Baltimore.

Simultaneous Employment and Overlapping Work Hours

The Engineer is assigned to DPW's Bureau of Water & Waste Water and has been employed by the City since 2009. According to DPW management, the Engineer is scheduled to work Monday through Friday, from 8:30 a.m. to 4:30 p.m. Since March 2020, the Engineer has been authorized to telework 100% of the time pursuant to provisions put in place as a result of the global pandemic.¹

In May 2020, the Company offered the Engineer a job. According to the Company, the Engineer had submitted their resume for potential employment that listed DPW as an employer from 2009-2020. The Company assumed the Engineer's tenure with the City had ended. Upon hire, the Engineer was scheduled to work remotely for the Company Monday through Friday, from 8:00 a.m. to 4:00 p.m. In 2021, the Engineer applied for an internal transfer within the Company, which prompted an employment review. During the review process, the Company discovered the Engineer had never ended their tenure with the City and had been working both jobs simultaneously.

Investigative Findings

Teleworking Policy

The Engineer has been teleworking since March 2020, the beginning of the global pandemic. However, at the time telework was authorized, the Engineer had not signed City's Telework agreement in accordance with Administrative Manual (AM) Policy 200-13 (Exhibit 1). The AM 200-13: *Telework* policy requires an annual written telework agreement between the supervisor and the employee that details the terms and conditions of an eligible employee's work away from their assigned location. AM 200-13 does not

¹ Many City employees were authorized to telework 100% of the time.

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specifically address the matter of secondary employment while teleworking. During the investigation, DPW informed the OIG that the lack of a signed telework agreement was a departmental oversight. DPW claimed it is rectifying the oversight to bring the department into compliance.

Concurrent Employment Policy

The AM 200-1: *Concurrent City Employment Prohibition* policy prohibits concurrent City employment (Exhibit 2). The policy states that City employees may have additional employment outside of City government provided such employment does not violate any other City policies, rules, and ordinances, such as the City's Ethics Law. AM 200-1 is unclear on the subject of dual employment while teleworking. Additionally, the policy does not address whether an employee can overlap shifts while working for the City and another entity.

Financial Disclosure Statement

The Baltimore City Public Ethics Law² requires many public servants to file annual financial disclosure statements in order to help employees and members of the public identify potential conflicts of interest. Among other information, filers are required to disclose other sources of income.

The Engineer had filed financial disclosure statements in 2017 and 2018, though most DPW engineers technically do not fall into the Ethics Law's category of required DPW filers. That category is as follows:

1. Director of Public Works
2. Deputy Director of Public Works
3. All Bureau Heads, Division Chiefs, and Assistant Division Chiefs
4. All General Superintendents
5. All inspectors³

After 2018, the Engineer stopped filing disclosures as he was not required to do so. It's possible if the Engineer had filed for 2020, their employment with the Company may have been disclosed to the City earlier. Alternately, if the Engineer had been required to file but nonetheless failed to disclose the secondary employment, there may have been grounds for an ethics investigation.

Findings

The OIG independently corroborated the allegation that the Engineer was simultaneously employed by the Company and the City. Further, the OIG determined the Engineer seemingly worked the two jobs during the same hours, enabled to do so by working remotely for both. The OIG did not find any evidence that the Engineer was physically using City resources for their secondary employment. The Engineer is still employed with DPW.

²The Ethics Law is contained in Article 8 of the City Code, which can be found at:

<https://ethics.baltimorecity.gov/sites/default/files/section%207.pdf>

³ City Code, Art. 8, § 7-8(36).

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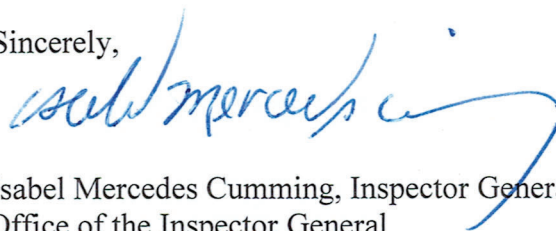
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Recommendations

Considering the COVID-19 pandemic and the necessity for at least some degree of telecommuting, the OIG recommends the following:

- Outline the hours of employment on the telework form and document that during those hours, employees may not work another job.
- Ensure all City employees who are teleworking have a signed telework agreement on file.
- Reevaluate telework authorization if performance issues are identified while an employee is on telework status.
- Review the AM 200-1: *Concurrent City Employment Prohibition* policy and enhance it to specifically address telework situations.
- Consider requiring financial disclosure statements for all non-clerical City employees and/or based on salary or skill classifications.

Sincerely,



Isabel Mercedes Cumming, Inspector General
Office of the Inspector General

Cc: Hon. Brandon Scott, Mayor of Baltimore City
Hon. Nick Mosby, President, City Council
Hon. Bill Henry, Baltimore City Comptroller
Honorable Members of the Baltimore City Council
Hon. Jim Shea, City Solicitor

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