



Public Synopsis

OIG Report #2014-0362

**DPW Employee Terminated for Viewing 39 Hours of
Pornographic Material During Work Hours**



**OFFICE OF INSPECTOR GENERAL
BALTIMORE CITY**

100 N. Holliday Street, Room 640
Baltimore, MD 21202



Public Synopsis

**Synopsis of OIG Report #2014-0362: DPW Employee Terminated for
Viewing 39 Hours of Pornographic Material During Work Hours**

TABLE OF CONTENTS

TRANSMITTAL MEMORANDUM 1

OIG NOTICE REGARDING REPORTS 2

PUBLIC SYNOPSIS 3

INTRODUCTION 4


BACKGROUND 4

SUMMARY 4

VIOLATIONS 6

REFERRAL..... 6

RESPONSE – DEPARTMENT OF PUBLIC WORKS 7

FROM	NAME & TITLE	Robert H. Pearre, Jr. – Inspector General <i>RHP</i>	CITY of BALTIMORE MEMO	
	AGENCY NAME & ADDRESS	Office of Inspector General City Hall, Suite 640		
	SUBJECT	Synopsis of OIG Final Report #2014-0362		

TO

Hon. President, and Members of the City Council
400 City Hall

DATE: 04/30/2015

Please find attached the Office of the Inspector General’s (OIG) Public Synopsis of Case 2014-0362, which involved a Maintenance Supervisor I (MSI) in the Department of Public Works (DPW) regularly using a City-owned computer to view inappropriate material during normal working hours.

On 8/06/2014, the OIG was contacted by the Mayor’s Office of Information Technology regarding a complaint received via an email. The complaint indicated that the MSI was regularly viewing pornographic and inappropriate materials on his City-owned computer in his office while working his normal work day. It was determined, as a result of the OIG investigation that the MSI viewed 39 hours of inappropriate material over an 82 hour monitored work period. By annualizing the data gathered during the two-week monitoring period, based on a 2000 hour work year, inappropriate material visible on his City-owned computer would total 951 hours which would cost the City approximately \$28,400.

On 9/03/2014, the MSI was suspended, without pay, and advised that he was being recommended for termination pending the outcome of a pre-termination hearing. On 9/25/2014, the MSI appealed his termination to the Civil Service Commission. On 1/20/2015, the settlement between the MSI and the City was completed and his termination was accepted.

The OIG would like to thank all of the City agencies and employees who acted as valuable partners in working towards the successful conclusion of this investigation. The OIG looks forward to continuing our partnership to strengthen policy, procedure, and internal oversight protocols.

- This report is available to the public in print or electronic format.
- To obtain a printed copy, please call or write:

Office of Inspector General
100 N. Holliday Street
Suite 640, City Hall
Baltimore, MD 21202

- Baltimore City employees, citizens, and vendors or contractors doing business with the City should report fraud, waste, and abuse to the **Fraud Hotline. Call 1-800-417-0430** (24 hours a day, 7 days a week).
- Notifications of new reports are now available via Twitter by following us **@OIG_BALTIMORE**.

Public Synopsis



OFFICE OF THE INSPECTOR GENERAL BALTIMORE CITY

100 N. Holliday Street, Room 640
Baltimore, MD 21202



Public Synopsis

Synopsis of OIG Report #2014-0362: DPW Employee Terminated for Viewing 39 Hours of Pornographic Material During Work Hours

Subject: Maintenance Supervisor I, Department of Public Works

INTRODUCTION

On 08/06/2014, Office of Inspector General (OIG) personnel met with the Chief Information Security Officer (CISO) for the Mayor's Office of Information Technology (MOIT). The CISO provided the OIG with a copy of an anonymous complaint received by MOIT via email. The complaint alleged that a Maintenance Supervisor I (MSI) from the Department of Public Works' (DPW) Back River Wastewater Treatment Plant (BRWWTP) was regularly using a City-owned computer to view inappropriate material.

The CISO also advised OIG personnel that upon receipt of the complaint, MOIT took initial steps to corroborate the allegation. MOIT's initial research revealed that no inappropriate files were saved on the hard drive of MSI's City-owned computer. However, computer logs revealed that a pornographic DVD had been and was currently stored in the DVD Drive of the Baltimore City owned computer utilized by the MSI. Based on this information, MOIT contacted the OIG, which then initiated a joint investigation with MOIT's Information Security Office.

BACKGROUND

The MSI worked in the Facilities Division of BRWWTP located at 8201 Eastern Avenue. MSI normal working hours were Monday through Friday from 7:00am to 3:00pm. A significant portion of the MSI's responsibilities included the supervision of five mechanical maintenance laborers in BRWWTP's Preventative Maintenance Division. The MSI worked in an enclosed office located inside the sheet metal shop within the maintenance building.

SUMMARY

To determine the extent of the inappropriate computer usage, OIG and MOIT personnel developed a plan to monitor the MSI's City-owned computer for a period of two weeks. On Monday 08/11/2014, MOIT personnel installed computer monitoring software onto the City-owned computer used by the MSI in his office at BRWWTP.¹ This software monitors and records all computer activity in real time.

¹ The computer monitoring program was installed onto the workstation named, "WWW8201-V-MSI."

OIG personnel monitored the MSI's computer usage from Tuesday 08/12/2014 to Tuesday, 08/26/2014. This time period included 11 workdays. The MSI was present at his work site for the full eight hours for each of the 11 workdays, with the exception of 08/15/2014 and 08/22/2014, on which dates the MSI only worked five hours.² The total amount of time monitored during this period between 08/12/2014 and 08/26/2014 was 82 hours. During this time, pornographic material, playing from a DVD placed in the DVD drive tray of the MSI's City-owned computer, was visible on the screen for a total of 39 hours. Table 1 shows the amount of time the MSI had pornographic material displayed on the screen of his work computer compared to the hours worked each of the 11 days.

Table 1			
Date	Day	Hours Worked	Time Pornographic Material On-Screen
08/12/2014	Tuesday	8	5:52:41
08/13/2014	Wednesday	8	4:57:14
08/14/2014	Thursday	8	6:46:23
08/15/2014	Friday	5	2:26:00
08/18/2014	Monday	8	3:22:54
08/19/2014	Tuesday	8	1:32:35
08/20/2014	Wednesday	8	3:33:01
08/21/2014	Thursday	8	3:47:36
08/22/2014	Friday	5	2:16:07
08/25/2014	Monday	8	3:49:05
08/26/2014	Tuesday	8	2:19:30
Total		82	39:00:22

The City-owned computer operated by the MSI was connected to a single monitor. OIG personnel noted that when pornographic material was visible, the video was maximized to cover the entire screen. OIG personnel noted that minimal computer activity was performed while pornographic material was visible.³ Based on these findings, the OIG believes that little to no work was being performed during the time that pornographic material was visible on the screen of the MSI's City-owned computer.

At an hourly rate of \$29.90, the MSI was paid \$1,166 for 39 hours for which no work was performed. By annualizing the data gathered during the two-week monitoring based on a 2000 hour work-year, pornographic material would be visible on the screen of the MSI's City-owned computer for 951 hours which would cost the City approximately \$28,400.

² During each day of the monitoring period, MSI would begin using his computer approximately between the hours of 6:30am and 7:00am and with the exception of 08/15/2014 and 08/22/2014 and would stop using his computer between the hours of 2:30pm and 3:00pm.

³ OIG personnel noted that the MSI would occasionally maximize his email inbox in the Microsoft Outlook program and then minimize it moments later leaving only the pornographic material visible on the screen.

VIOLATIONS

1. Standards of Conduct and Performance – CSC/DHR Rule 40, Part I

CSC/DHR Rule 40, Part I, states the following: *“Employees shall observe and protect the City’s property rights, and shall follow all rules requiring authorization for the use of City funds, labor, and property.”*

The MSI’s misuse of the City-owned computer by viewing pornographic material instead of working is a violation of the City’s Administrative Manual policy AM-118-1, which governs the use of the City’s electronic communications systems. The MSI’s failure to adhere to policy AM-118-1 constitutes a violation of Rule 40, Part I.

2. Standards of Conduct and Performance – CSC/DHR Rule 40, Part L

CSC/DHR Rule 40, Part L, states the following: *“Employees shall conduct themselves at all times in a manner becoming of a City employee, and shall not bring scandal, expense, or annoyance upon the City through crime, conflict of interest, failure to pay just debts, or other improper or notorious behavior.”*

The MSI violated Rule 40, Part L through the misuse of his City-owned computer by viewing pornographic material for 39 hours over 11 workdays which costs the City approximately \$1,166 and brings scandal to the City.


REFERRAL

Initial results of the OIG investigation were referred to DPW management personnel for further action as deemed appropriate. DPW management personnel then made the determination to terminate the MSI’s employment. On 09/03/2014, MSI was suspended, without pay, and advised that he was being recommended for termination pending the outcome of a pre-termination hearing. On 09/25/2014, the MSI appealed his termination to the Civil Service Commission. During negotiations, the MSI offered to rescind his appeal in exchange for 30 days of pay. The City ultimately agreed to pay the MSI for ten days to rescind his appeal and accept his termination. On 01/20/2015, the settlement between the MSI and the City was completed. At this point, the OIG considers this matter closed.

The OIG would like to thank the DPW personnel involved for their outstanding support and cooperation provided in this investigation. The technical assistance and cooperation of MOIT’s Security and Engineering personnel is also greatly appreciated. The OIG looks forward to working with DPW and MOIT on future efforts.

REPORT RESPONSE

DEPARTMENT OF PUBLIC WORKS

F R O M	Name & Title	Rudolph S. Chow, P.E., Director	CITY OF BALTIMORE MEMO	
	Agency Name & Address	Department of Public Works 600 Abel Wolman Municipal Building		
	Subject	Inspector General Report 2014-0362		

March 24, 2015

Mr. Robert H. Pearre, Jr.
 Inspector General
 Office of Inspector General
 640 City Hall

This is in response to your investigation regarding Mr. [REDACTED] and the misuse of his City-owned computer by viewing pornographic material over 11 workdays.

The Department of Public Works agreed with the findings of the investigation by the Office of the Inspector General, and as a result terminated [REDACTED]

The Department would like to thank the OIG for its very thorough investigation. The Department appreciates assistance and support that it has received from the OIG.


 Rudolph S. Chow, P.E.
 Director