

**OFFICE OF THE INSPECTOR GENERAL
CITY OF BALTIMORE**



**Isabel Mercedes Cumming
Inspector General**

**Investigative
Report Synopsis**

OIG Case # 23-0017-I

Issued: May 2, 2023



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



May 2, 2023

Dear Citizens of Baltimore City,

The Baltimore City Office of the Inspector General (OIG) received a complaint alleging that a Mayor's Office of Minority & Women-Owned Business Development (MWOBD) employee (the MWOBD employee) held concurrent employment with the City of Baltimore (the City) and the Baltimore City Public School system (BCPSS) between March and October 2022. The OIG completed an investigation into the allegation, substantiating that the MWOBD employee held concurrent employment with a City agency and a non-City agency without the City's knowledge or approval and in violation of City policies.

City of Baltimore Employment

The MWOBD employee worked for the City from November 2017 until their voluntary resignation in October 2022. According to Workday¹, the MWOBD employee's City work hours were Monday through Friday from 8:30 a.m. to 4:30 p.m. However, since March 2020, the MWOBD employee was authorized to telework from their home, a provision put in place due to the COVID-19 pandemic, with an assigned schedule of Monday through Friday from 8:00 a.m. to 4:00 p.m. (Exhibit 1).

The OIG interviewed an agency administrator regarding the MWOBD employee's job responsibilities. The administrator noted that the MWOBD employee's assigned work schedule was Monday through Friday from 9:00 a.m. to 5:00 p.m. teleworking from their home. During a typical workweek, the MWOBD employee would attend weekly meetings scheduled for Mondays and Thursdays, held virtually, each lasting approximately one hour. In addition to the weekly meetings, the MWOBD employee was responsible for administrating the MWOBD website and internal databases.

Regarding simultaneous employment with MWOBD and the BCPSS, the administrator was unaware that the MWOBD employee had a second job until August 2022. The MWOBD employee informed their supervisor of the secondary employment and opined that it would not interfere with their required MWOBD work schedule or duties. It was not until October 2022 that the administrator learned that the MWOBD employee's dual employment with the BCPSS was simultaneous. After confronting the MWOBD employee about the dual employment concerns, the MWOBD employee immediately resigned and separated employment with the City.

¹ Workday is the City's personnel records and time and attendance management system.

REPORT FRAUD, WASTE AND ABUSE

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This public synopsis is only a summary of a more comprehensive report of investigation submitted to the appropriate City management official

Baltimore City Public School System Employment

In October 2021, the MWOBD employee applied to the BCPSS seeking employment. In February 2022, they were hired by the BCPSS in the Office of the Chief Technology Officer (the CTO) with a start date of March 14, 2022 (Exhibit 2).

The OIG interviewed a BCPSS administrator regarding the MWOBD employee's job duties and their scheduled work hours with BCPSS. The MWOBD employee's assigned duties were to assist with planning meetings, overseeing daily operations within the BCPSS Office of Technology, act as a delegate at conferences and other functions as directed by the CTO, and act as a liaison between the BCPSS Office of Technology and its internal and external customers. Between March 2022 and May 2022, the MWOBD employee was scheduled to be physically present in the BCPSS offices Monday through Friday from 8:00 a.m. to 4:00 p.m. In May 2022, their schedule changed to working three days in the BCPSS offices and two days teleworking from home on Wednesdays and Fridays.

According to the BCPSS administrator, during the MWOBD employee's job interview, they stated that their position with the City was ending, which was the cause for them seeking employment with the BCPSS. Hence, the BCPSS concluded when the MWOBD employee started in March 2022 that the MWOBD position had ended. However, in October 2022, the MWOBD employee informed the BCPSS that they were still working for the City without the BCPSS' knowledge. Further, the MWOBD employee stated that the City told them it was a conflict to have simultaneous employment with the MWOBD and the BCPSS. As a result, the MWOBD employee resigned from the City to maintain their career with BCPSS.

Salary Payments

Between March and October 2022, the MWOBD employee received bi-weekly paychecks from the City and the BCPSS. Investigation revealed that the MWOBD employee received \$35,665.88 from the City and \$68,688.75 from the BCPSS. Overall, during the seven months of the MWOBD employee's dual employment, they received a combined gross income of \$104,354.63.

City of Baltimore Policy

The City's Administrative Policy Manual (AM) section AM §200-1: *Concurrent City Employment* states that City employees may have additional employment outside of City government provided such work does not violate any other City policies, rules, and ordinances. However, AM §200-1 is silent on dual employment between a City agency and a non-City agency with overlapping schedules. Further, AM §200-13: *Telework Policy* does not explicitly address the matter of secondary employment while teleworking for the City. The MWOBD employee teleworked for the City since March 2020, as noted by their telework agreement for the MWOBD position.

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OIG Findings

The OIG investigation substantiated the allegation that the MWOBD employee was employed simultaneously by the City and the BCPSS. The OIG confirmed that the MWOBD employee was authorized to work from their home for the City position between March and October 2022. During the same time, they were physically present in the BCPSS offices Monday through Friday before switching to a hybrid schedule of three days in the BCPSS offices.

A previous OIG investigation in July 2021² recommended that the City review AM §200-1: *Concurrent City Employment* to address the lack of guidance for employees having concurrent employment with separate entities with overlapping work schedules. Again, the OIG recommends that the City revise AM §200-1 and AM §200-13 to address dual simultaneous employment while teleworking and how the AM policies apply to concurrent employment with another agency. Further, the City Law Department can review if the MWOBD employee violated any City policies or regulations by having concurrent employment with the City and BCPSS regarding civil or criminal penalties that would allow the City to seek reimbursement of the wages paid to the MWOBD employee during their overlapping employment with the BCPSS.

Exhibits:

1. MWOBD employee's City Telework Agreement
2. BCPSS Employment Offer Letter

Sincerely,



Isabel Mercedes Cumming, Inspector General

CC: Hon. Brandon M. 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. Ebony Thompson, Acting City Solicitor

² Refer to OIG Investigation # 21-0049-I.