

OFFICE OF THE INSPECTOR GENERAL
CITY OF BALTIMORE



Isabel Mercedes Cumming
Inspector General

Investigative
Report Synopsis

OIG Case #24-0031-I

Issued: July 9, 2024



OFFICE OF THE INSPECTOR GENERAL
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July 9, 2024

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. The following synopsis is a condensed version of the full report provided to City management officials and does not contain all investigative information.

In January 2024, the OIG received a complaint that involved the City's drug test and substance abuse control process. Some details from the complaint and investigation are not included in this synopsis as it involved sensitive personnel information. The investigation did not find evidence to support the complainant's specific allegation, but two areas of concern were identified and are outlined in this synopsis.

Background

The City's Administrative Manual (AM) contains official City policies that affect employees City-wide. AM §205-8 Substance Abuse Control Policy (SAC Policy)¹ states employees must become familiar with the policy and remain free from drug or alcohol abuse. Employees who violate this policy are given the opportunity for rehabilitation. All City employees are required to sign an acknowledgment of the policy upon hire.

The City's Employee Assistance Program (EAP) offers behavioral and emotional support for City employees and dependents experiencing distress and assists with addiction, anxiety, depression, and trauma, along with other specialized services. Regarding substance abuse, EAP determines whether an employee is eligible for acceptance into the program and schedules an appointment. The employee enters a confidential treatment contract with EAP outlining conditions for authorization to return to work. If applicable, EAP establishes contact with the treatment program and maintains in-person and phone contact with the employee.

According to the SAC Policy, the agency's Substance Abuse Control Officers (SACO) serve as the on-site resource persons responsible for independently verifying that reasonable suspicion exists to send an employee for drug testing. A SACO monitors the employee and completes the Behavioral Checklist, which details the employee's behavior and physical and mental well-being.

EAP Policies

Upon the OIG's request for a copy of EAP's policies and any existing standard operating procedures, the EAP Chief (EAP Chief) stated EAP does not have formal standard operating procedures and they refer to the SAC Policy when making decisions for cases (Exhibit 1).

¹[https://bbmr.baltimorecity.gov/sites/default/files/upload/AM%20205-8%20%20Substance%20Abuse%20Policy%20\(revised%2012-15-21\).pdf](https://bbmr.baltimorecity.gov/sites/default/files/upload/AM%20205-8%20%20Substance%20Abuse%20Policy%20(revised%2012-15-21).pdf)

The EAP Chief provided the SAC Policy (Exhibit 2), AM §224-1 Employee Assistance Program (Exhibit 3), and a Power Point presentation with general EAP information (Exhibit 4). None of these are detailed policies and procedures for EAP.

According to the EAP Chief, there may be something in writing that is covered during a clinician's orientation, but they have not trained anyone in a while. The OIG did not find any written policies regarding case management.

EAP uses an electronic case management system that contains client intake information, ongoing treatment notes, and uploaded documents. The EAP stated that clinicians typically enter case notes once a week and confirmed that some clinicians keep their original notes in a personal notebook and update the system later. Nonetheless, the investigation discovered evidence of some case notes entered several months after client contact. The OIG was informed that the entries were entered and later edited due to the OIG's information request. It is worth noting that the OIG did not discover evidence of fraudulent documentation within the case notes.

The OIG strongly recommends that the EAP develop comprehensive standard operating procedures for processes, including case management.

Behavioral Checklist Form

According to a Department of Public Works (DPW) SACO (DPW SACO), the evaluation process for reasonable suspicion includes having a supervisor and SACO complete the behavioral checklist form to document their observations. The SACO and the supervisor each sign the checklist form and the Supervisory Drug/Alcohol Testing Order.

The OIG learned that the SAC Policy does not specify when the behavioral checklist form is to be completed. Regarding a specific reasonable suspicion evaluation, a DPW supervisor (DPW Supervisor) and the DPW SACO reported that they completed the behavioral checklist form at the time of observation. However, the evidence obtained during the investigation indicated that the DPW Supervisor and DPW SACO completed the Behavioral Checklist a week after the testing occurred.

Sincerely,



Isabel Mercedes Cumming
Inspector General

CC: Hon. Brandon M. Scott, Mayor of Baltimore City
Hon. Nick Mosby, Baltimore City Council President
Hon. Bill Henry, Baltimore City Comptroller
Honorable Members of the Baltimore City Council
Hon. Ebony Thompson, Baltimore City Solicitor

Exhibits

1. Email from EAP Chief
2. SAC Policy Excerpt
3. AM §224-1 Employee Assistance Program
4. Power point presentation

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