



Public Synopsis

OIG Report #2013-0159

Fraudulent Timekeeping Scheme Conducted by the Executive
Director of the City's Environmental Control Board



**OFFICE OF INSPECTOR GENERAL
BALTIMORE CITY**

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



Public Synopsis

Synopsis of OIG Report #2013-0159: Fraudulent Timekeeping Scheme Conducted by the Executive Director of the City’s Environmental Control Board

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

Synopsis of OIG Final Report #2013-0159

11/07/2014

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

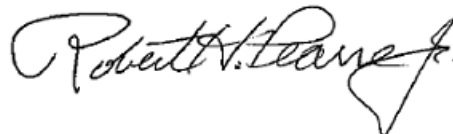
Please find attached the Office of Inspector General (OIG) Public Synopsis of Case #2013-0159, which involved the engagement of the City's Environmental Control Board (ECB) Executive Director, Sandra Baker, in a fraudulent timekeeping scheme whereby the number of hours reported were significantly less than those actually worked.

On 06/23/2013, the OIG received an anonymous complaint alleging that Ms. Baker was stealing City time and treating office staff in an abusive manner. Since receipt of these allegations, the OIG has documented numerous instances where Ms. Baker was paid for work hours while conducting personal business, such as out-of-state travel and hair and spa appointments. The most egregious of these incidents account for an estimated 81 excessively billed and/or questionable hours, which cost the City approximately \$4,252.

Ms. Baker was terminated by administration officials on 08/01/2014. As of that date, Ms. Baker had accrued 189.5 hours of compensatory leave and 118 days of sick leave which, per City policy, was forfeited upon termination. As a result of this forfeiture, the City saved \$55,378. The City is also withholding \$4,252 from Ms. Baker's final vacation and personal leave payout as a cost recovery for the 81 excessively billed and/or questionable hours documented by the OIG. This results in a total savings and recovery of \$59,630.

The Department of Human Resources has provided a written response to the recommendations issued by the OIG. This response is included as Attachment 1 to this report. 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.

Sincerely yours,



Robert H. Pearre, Jr.
Inspector General
City of Baltimore

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- To obtain a printed copy, please call or write:

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

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- Notifications of new reports are now available via Twitter by following us **@OIG_BALTIMORE**.

Public Synopsis



OFFICE OF INSPECTOR GENERAL BALTIMORE CITY

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



Public Synopsis

Synopsis of OIG Report #2013-0159: Fraudulent Timekeeping Scheme Conducted by the Executive Director of the City's Environmental Control Board

Subject: Sandra Baker, Executive Director, Environmental Control Board

Introduction

The Director of the Environmental Control Board (ECB), Ms. Sandra Baker, engaged in a fraudulent timekeeping scheme where she claimed to be working significantly more hours than actually worked. Since December 2013, OIG surveillance has documented numerous instances where Ms. Baker was paid for work hours while conducting personal business, such as out-of-state travel and hair and spa appointments. The most egregious of these incidents account for an estimated 81 excessively billed and/or questionable hours. At Ms. Baker's hourly rate, these hours cost the City approximately \$4,252. The OIG believes these incidents account for only a fraction of the true amount of time that Ms. Baker has been paid for work not performed.

The OIG notified administration officials of the findings as the investigation neared completion. Ms. Baker was terminated by administration officials on 08/01/2014. As of that date, Ms. Baker had accrued 189.5 hours of compensatory leave and 118 days of sick leave which, per City policy, is forfeited upon termination. As a result of this forfeiture, the City saves \$55,378. In addition, the City is withholding \$4,252 from Ms. Baker's final vacation and personal leave payout as a cost recovery for the 81 excessively billed and/or questionable hours documented by the OIG. This results in a total savings and recovery of \$59,630.

Background

The Environmental Control Board (ECB)

The Baltimore City Environmental Control Board (ECB) is a regulatory City agency charged with adjudicating civil citations issued by City agencies for violations pertaining to sanitation, environment, health, safety, and other quality-of-life issues. In adjudicating these civil citations, ECB's primary operation consists of running an administrative court that provides hearings for contested citations. Additionally, ECB is responsible for providing an appeals process, collecting fines imposed for environmental citations, and training City agencies on the proper procedures for issuing these citations.

ECB consists of 13 Board members and 8 full time staff members. The 13 Board members hold a nominal role in ECB operations, while the ECB staff carry out ECB's responsibilities and day-to-day operations. ECB's eight full time staff members include:

- Executive Director
- Executive Assistant
- Paralegal
- Office Supervisor
- 4 Office Assistants

Additionally, ECB has 3 attorneys that serve part-time as Administrative Law Judges to conduct hearings on contested citations.

ECB's office and hearing rooms are located in a privately owned building at 200 East Lexington Street. The regular hours of operation are from 8:30am – 4:30pm, Monday through Friday. Board meetings are held after hours on the fourth Wednesday of every month.

ECB's Timekeeping Policies and Procedures

Like many City agencies, ECB's time and attendance recordkeeping is a combination of both paper and electronic documentation. Paper timesheets are maintained in two different binders: one binder for ECB's clerical staff located in the clerical office, and one binder for ECB's management staff located in the Executive Assistant's office. Office staff are required to document on their designated paper timesheet the times when they arrive and depart from the office each day of that particular two-week pay period. At the end of that pay period, each employee signs their individual timesheet, and the Executive Assistant is responsible for entering all timekeeping data into eTIME, the City's timekeeping and payroll system.¹ The Executive Director is then responsible for reviewing and approving all timekeeping data entered by the Executive Assistant.

Summary of Investigation

Synopsis

On 06/23/2013, the OIG received an anonymous allegation that the ECB Executive Director, Ms. Sandra Baker, was engaging in theft of time and abusive treatment of office staff. In an attempt to corroborate the allegations received, the OIG began with an analysis comparing Ms. Baker's parking records to the hours she claimed to be working. This analysis revealed that Ms. Baker was regularly charging 9.2 hours of work time per day. The 9.2 hours consisted of the normal 7.2 hour workday plus an additional accrual of 2.0 hours of compensatory time.² These hours were compared to the time logs associated with Ms. Baker's assigned electronic parking card, which

¹ The paper timesheets used by ECB and the City-wide eTIME system both have mechanisms to account for overtime, sick, vacation, personal, and unpaid leave used by office staff during that particular pay period.

² As Director, Ms. Baker is not entitled to earn overtime pay for hours worked beyond the normal 7.2-hour workday. Instead, Ms. Baker can accrue compensatory leave hours to compensate for hours worked beyond the normal 7.2-hour workday.

grants her access to the City parking garage on Lexington Street. A 90-day comparison between August and October of 2013 revealed that Ms. Baker was paid for 141.9 hours of work during which her vehicle was not present in the Lexington Street garage. At this point the OIG determined that the allegations had merit and proceeded with a more in-depth investigation.

This initial analysis was later invalidated when OIG personnel discovered that Ms. Baker's assigned electronic parking card had been in the possession of another City employee to whom she is also related.³ The OIG was unsuccessful in determining where Ms. Baker parked during the workday despite conducting numerous searches of the Lexington Street garage and other parking garages as well as street parking in the vicinity of the ECB office building. In lieu of a comprehensive analysis comparing Ms. Baker's parking versus her reported work time, OIG personnel undertook electronic and physical surveillance efforts to identify and document specific incidents where Ms. Baker was not at work and conducting personal business during hours she claimed to be working.⁴

Through these methods, the OIG documented numerous incidents where Ms. Baker inappropriately charged work hours and accrued questionable amounts of compensatory time. The most egregious of these incidents account for 81 hours of fraudulently reported time and are described in detail below:

- On Wednesday, 03/19/2014, Ms. Baker's Executive Assistant emailed Ms. Baker at 9:06am, telling her to "enjoy your day off."⁵ At 10:37am, Ms. Baker replied, stating she was finishing physical therapy and was then going to a hair appointment afterwards.⁶ Ms. Baker's timecard records show that she charged 7.2 work hours with an additional accrual of 2.0 hours compensatory time for 03/19/2014. The OIG believes that Ms. Baker was absent from the office and not performing work for the full 9.2 hours billed on this day.
- On Thursday, 04/10/2014, Ms. Baker submitted a written leave request to Deputy Mayor Khalil Zaied requesting time off beginning at noon on Monday, 04/14/2014 through that Thursday, 04/17/2014.⁷ This leave request was approved by Deputy Mayor Zaied.⁸
 - On Monday, 04/14/2014, Ms. Baker charged 7.2 hours of work time and accrued 2.0 hours compensatory time. The OIG believes that Ms. Baker was absent from the office and not performing work for at least 6.5 hours on 04/14/2014 following her mid-day departure from the office.

³Executive Assistant, Electronic Communications, 06/12/2014 and 06/13/2014.

⁴ All email correspondence monitored by the OIG is from Baltimore City government email accounts.

⁵Executive Assistant, Electronic Communications, 03/19/2014.

⁶ S. Baker, Outlook Calendar, 03/19/2014.

⁷Executive Assistant, Electronic Communications, 04/10/2014.

⁸Executive Assistant, Electronic Communications, 04/10/2014.

- On Tuesday, 04/15/2014, Ms. Baker charged 7.2 work hours and accrued 2.0 hours compensatory time. As further evidence that Ms. Baker was not at work, her email records indicated that she was booked on a flight to Indianapolis, IN from 1:30am – 3:10pm that afternoon.⁹ The OIG believes that Ms. Baker was absent from the office and not performing work for the full 9.2 hours billed on 04/15/2014.
- On Tuesday, 04/22/2014, Ms. Baker’s Outlook calendar indicated that she would be attending the funeral of a friend from 11:30am – 12:30pm.¹⁰ At 1:21pm, Ms. Baker sent an email to the Executive Assistant notifying her that she was on her way home from the funeral and would not be returning to the office.¹¹ Ms. Baker’s timecard records show that she charged 7.2 work hours and accrued 2.0 hours compensatory time for 04/22/2014. The OIG believes that Ms. Baker was absent from the office and not performing work for at least 7.0 hours on this day.
- On Friday, 05/23/2014, Ms. Baker emailed her Executive Assistant at 8:28am to inform her that she was currently in Philadelphia and would be at the office by 12:30pm.¹² Ms. Baker’s timecard records show that she charged 7.2 work hours and accrued 2.0 hours compensatory time for 05/23/2014. The OIG believes that Ms. Baker was absent from the office and not performing work for at least 4.0 hours on this day.
- On Thursday, 06/05/2014, Ms. Baker emailed her Executive Assistant at 10:57am to notify her that she was now leaving the hairdresser and would be going to get a pedicure, to the cleaners, and stopping back at her home before coming in to work.¹³ Ms. Baker’s timecard records show that she charged 7.2 work hours and accrued 3.0 hours compensatory time for 06/05/2014. The OIG believes that Ms. Baker was absent from the office and not performing work for at least 5.0 hours on this day.
- On Wednesday, 06/04/2014, Ms. Baker submitted a written leave request to Deputy Mayor Zaied requesting time off for travel from Friday, 06/06/2014 through Friday, 06/13/2014.¹⁴ The OIG noted emails indicating travel on Southwest Airlines to Austin, TX between Friday, 06/06/2014 and Monday, 06/09/2014.¹⁵ This leave request was approved by Deputy Mayor Zaied, and multiple email correspondences between Ms.

⁹ S. Baker, Electronic Communications, 03/02/2014.

¹⁰ S. Baker, Outlook Calendar, 04/22/2014.

¹¹ S. Baker, Electronic Communications, 04/22/2014.

¹² S. Baker, Electronic Communications, 05/23/2014.

¹³ S. Baker, Electronic Communications, 06/05/2014.

¹⁴ S. Baker, Electronic Communications, 06/04/2014.

¹⁵ S. Baker, Electronic Communications, 06/02/2014.

Baker, her Executive Assistant, and other individuals corroborate that Ms. Baker was not in the office.^{16,17}

- On Tuesday, 06/10/2014, Ms. Baker's timecard records show that she charged 7.2 work hours and accrued 2.0 hours compensatory time. The OIG believes that Ms. Baker was absent from the office and not performing work for the full 9.2 hours billed on 06/10/2014.
- On Thursday, 06/12/2014, Ms. Baker's timecard records show that she charged 7.2 work hours and accrued 2.0 hours compensatory time. Despite timecard records showing Ms. Baker arrived at work at 8:30am, OIG surveillance verified that Ms. Baker had not yet left her home for work as of 9:35am that morning. At 2:18pm that afternoon, the Executive Assistant reported details of the day's office activities to Ms. Baker via email which indicated to the OIG that Ms. Baker had been absent from the office for all or a substantial portion of 06/12/2014.¹⁸ The OIG believes that Ms. Baker was absent from the office and not performing work for at least 6.0 hours on this day.
- On Friday, 06/27/2014, Ms. Baker notified Deputy Mayor Zaied and his assistant via email that, due to a personal matter, she would be leaving work at 12:30pm and would also be out of town the following Monday, 06/30/2014 and Tuesday, 07/01/2014.¹⁹
 - Conflicting with Ms. Baker's notice that she would be leaving at 12:30 PM, her eTIME records indicate that she charged 7.2 work hours and accrued 3.0 hours compensatory time on Friday, 06/27/2014. The OIG believes that Ms. Baker was absent from the office and not performing work for at least 6.0 hours on this date.
 - Ms. Baker's eTIME records show that she also charged 7.2 work hours and accrued 3.0 hours compensatory time on Monday, 06/30/2014. The OIG believes that Ms. Baker was absent from the office and not performing work for the full 10.2 hours billed on this date.
- On Tuesday, 07/15/2014, Ms. Baker's timecard records show that she charged 7.2 work hours and accrued 3.0 hours compensatory time. Despite timecard records showing that Ms. Baker arrived at work at 7:30am, email correspondence between office staff indicate that Ms. Baker was absent from the office that morning. The Office Supervisor emailed the Executive Assistant at 10:18am that morning asking, "Is the Director coming in

¹⁶ S. Baker, Electronic Communications, 06/04/2014.

¹⁷ S. Baker, the Executive Assistant, et. al., Electronic Communications (multiple), 06/05/2014 – 06/10/2014.

¹⁸ Executive Assistant, Electronic Communications, 06/12/2014.

¹⁹ S. Baker, Electronic Communications, 06/27/2014.

today, because I really do not feel good.”²⁰ Based on this information, it is apparent that Ms. Baker was absent from the office at that time. The OIG believes that Ms. Baker was absent from the office and not performing work for at least 3.0 hours on this day.

- On Wednesday, 07/16/2014, Ms. Baker’s timecard records show that she charged 7.2 work hours and accrued 3.0 hours compensatory time. The OIG intercepted email correspondence from Ms. Baker in which she stated to the Executive Assistant at 10:32am that morning that, “I have an 11:30 appt at Charlene for the works.”²¹ OIG surveillance captured Ms. Baker entering a hair salon and spa in Northeast Baltimore at 11:33am that morning. Physical surveillance conducted by OIG personnel revealed that Ms. Baker did not leave the hair salon and spa until 4:45pm – a full 5 hours and 15 minutes later. The OIG believes that Ms. Baker was absent from the office and not performing work for at least 5.25 hours on this day.

The above incidents account for an estimated 81 excessively billed and/or questionable hours. At Ms. Baker’s hourly rate, this cost the City roughly \$4,252.²² After documenting the above events, the OIG determined that Ms. Baker was, in fact, being paid for hours not worked. The OIG then planned to arrive unannounced at ECB to interview office staff regarding timekeeping and attendance practices and other issues relevant to the investigation.

On Tuesday, 07/29/2014 at 8:30am, OIG personnel arrived unannounced at the ECB office to conduct interviews of all ECB staff. Upon arrival, all ECB staff were present except for one Office Assistant and Ms. Baker. The Executive Assistant stated that the Office Assistant was out due to a family emergency and that Ms. Baker had a personal appointment that morning and would not be at the office until 10:00am.

While waiting for Ms. Baker’s arrival, OIG personnel began individually interviewing all ECB staff, beginning with management staff and then progressing to clerical staff. OIG personnel completed interviews with all staff present at approximately 11:30am, at which point Ms. Baker had still not arrived. OIG personnel then directed the Executive Assistant to notify the OIG upon Ms. Baker’s arrival. Ms. Baker arrived at the ECB office at approximately 1:00pm and was then scheduled for an interview with the OIG at 2:30pm. On Wednesday, 07/30/2014, OIG personnel interviewed the Office Assistant who had been absent the previous day due to a family emergency. On Friday, 08/01/2014, the OIG re-interviewed the Executive Assistant to gather additional information and further verify aspects of previous interviews.

The OIG notified Administration officials of its findings as the final stages of the investigation were being concluded. The OIG recommended that Administration officials consider the appropriate disciplinary action for Ms. Baker. On Friday, 08/01/2014, Ms. Baker was notified by

²⁰ Executive Assistant, Electronic Communications, 07/15/2014.

²¹ S. Baker, Electronic Communications, 07/16/2014.

²² This is a conservative estimate based on the inherent limitations of the circumstances and resources at the OIG’s disposal. The OIG believes the full extent of excessive and questionably billed time by Ms. Baker is, in fact, much greater.

Administration officials that her employment with the City had been terminated. As of that date, Ms. Baker had accrued 189.5 hours of compensatory leave and 118 days of sick leave which, per City policy, is forfeited upon termination. As a result of this forfeiture, the City saved \$55,378. In addition, the City is withholding \$4,252 from Ms. Baker's final vacation and personal leave payout as a cost recovery for the 81 excessively billed and/or questionable hours documented by the OIG. This results in a total savings and recovery of \$59,630.

Chronology of Relevant Events

09/10/2001:	Ms. Baker hired as ECB Executive Director
06/23/2013:	OIG receives anonymous complaint against Ms. Baker
10/22/2013:	Case assigned to OIG personnel for investigation
11/2013 – 01/2014:	Analysis of eTIME and parking records
02/2014 – 07/2014:	OIG conducts electronic and physical surveillance
07/29/2014:	OIG conducts unannounced interviews of ECB staff
07/29/2014:	OIG notifies administration officials of updated findings and recommendations
08/01/2014:	Ms. Baker is terminated as ECB Executive Director

Interviews

Interviews were conducted with all ECB staff between 07/29/2014 and 08/01/2014. All pertinent information obtained through these interviews is reflected in the report. However, the names of interviewees and the statements attributed to them have been omitted in accordance with the OIG's standard reporting policy to protect confidentiality.

Analysis

Timekeeping and Attendance

There were several circumstances that made investigating the allegations against Ms. Baker especially challenging: (1) internal control weaknesses allowed Ms. Baker to enter and approve her own timekeeping information in the eTIME system, and (2) there are no work from home policies and procedures to define and place limitations on appropriate work from home usage. Despite these challenges, the OIG obtained compelling evidence to corroborate the allegation of fraudulent timekeeping by Ms. Baker. The OIG believes the incidents presented above account for only a fraction of the total amount of time that Ms. Baker has been paid for work she did not perform.

The OIG found that Ms. Baker was not adhering to the City's timekeeping and attendance policies. Upon arriving at the ECB office on 07/29/2014, OIG personnel took custody of all available timesheet records. The OIG reviewed timesheet data for both ECB clerical and management staff dating from July 2008 to July 2014. The OIG noted that Ms. Baker was the only staff member who did not have any timesheets for this period. Ms. Baker confirmed during her interview with OIG personnel that she did not formally document her arrival and departure times to and from the office as was required of the rest of the staff. Ms. Baker also stated that she had no documentation to corroborate the hours entered by her Executive Assistant and approved by herself in the eTIME system, and therefore could not refute the OIG's belief that the excessive hours claimed were highly questionable and most likely fraudulent.

The OIG also found significant issues with Ms. Baker's attendance practices. Ms. Baker told OIG personnel that as the Executive Director of the agency, she is "on call" at all times. As such, she explained to OIG personnel that she has a work schedule that frequently deviates from ECB's typical 8:30am – 4:30pm operating hours. Ms. Baker also told OIG personnel that she frequently works from home and that, while she does not log onto the City network remotely, she can always be reached via her City-issued Blackberry if needed. During the interview with OIG personnel, Ms. Baker estimated that during a regular work week, she works 30-35 hours at the ECB office or at other City offices. However, she could not estimate the amount of time she works from home during an average week, because she "feels like she works 24 hours a day," and sometimes works on weekends.

ECB office staff had varying accounts of the amount of time Ms. Baker was physically present at the ECB office. According to ECB staff, the time Ms. Baker arrived and stayed in the office fluctuated greatly. Most ECB staff stated that when Ms. Baker does come to the office, she rarely shows up at 8:30am, occasionally shows up around 9:00am, but often shows up after 12:00pm. Ms. Baker's Executive Assistant, who would ostensibly have the best knowledge of Ms. Baker's work schedule, stated that Ms. Baker is at the ECB office for approximately 24 hours during an average week. When asked the same question, each of the five staff members respectively estimated that Ms. Baker was in the ECB office an average of 24 hours a week, 15-20 hours a week, 32 hours a week, 20-30 hours a week, and 40 hours a week, respectively. One staff member with insight into Ms. Baker's daily schedule could not recall when asked by OIG personnel any week where Ms. Baker came to the ECB office all 5 days. Two ECB staff members also stated in their respective interviews with OIG personnel that it would be a surprise if Ms. Baker came into the office all 5 days of any week. Another staff member stated that she had only seen Ms. Baker in the ECB office on 6 days during the past two months.

ECB staff members told OIG personnel that Ms. Baker instructed them that, as a Mayoral appointee and a member of the Mayor's Cabinet, she can come to the office when she pleases as a perk of her position. One ECB staff member also stated to OIG personnel that she was told by Ms. Baker that "if she [Ms. Baker] is available on her Blackberry, then she [Ms. Baker] is working." Ms. Baker told OIG personnel that she does not log into the City system remotely when she is working from home, but she does check and respond to work emails. OIG email monitoring revealed a remarkably low level of email activity from Ms. Baker's City account. OIG personnel estimate that Ms. Baker sent, on average, 3-5 emails per day from her City email account during the time OIG monitoring was being conducted. The content and extremely low

amount of email correspondence sent from Ms. Baker's account is atypical for someone in a high-level management position. This led the OIG to seriously question the amount of work Ms. Baker was performing from home.

Ms. Baker also stated that she sometimes has appointments or other personal matters that may alter her normal work schedule. She stated, however, that she communicates with the Executive Assistant on these occasions for proper documentation and instructs the Executive Assistant to enter compensatory leave to cover these missed work hours at the end of the pay period. When asked by OIG personnel to estimate the number of leave hours used during an average pay period, Ms. Baker estimated that she used anywhere from 8-16 hours of compensatory leave per pay period and that this should be accounted for in her eTIME records. However, during the 8-month monitoring period of the investigation, Ms. Baker only used compensatory leave on 16 occasions for a total of 110 hours. This figure excludes compensatory leave time Ms. Baker used for a scheduled, extended absence in January 2014. Ms. Baker's statements to the OIG that she used 8-16 hours of compensatory leave every pay period indicated that she either did not review the eTIME records, which conflicts with her statements to the OIG, or that she knowingly approved the false work hours.

For example, on the pay period dated from 07/07/2014 to 07/18/2014, Ms. Baker charged 10.2 hour workdays (7.2 hours of work time and accrued 3.0 hours of compensatory time) every day with the exception of Friday, 07/18/2014, where she worked 7.2 hours and only accrued 1.0 hour of compensatory time. No compensatory leave was used during this pay period, despite OIG surveillance efforts documenting Ms. Baker spending 5 hours and 15 minutes at a hair salon and spa in Northeast Baltimore on 07/16/2014. Ms. Baker stated that even when she is not at the office, she is delegating work to office staff. But she could provide no evidence to corroborate the 10 hour workdays recorded for that pay period.

Deputy Mayor Zaied told OIG personnel that he instructed Ms. Baker that all of her leave requests had to be formally approved by him. On a couple of occasions, Ms. Baker did submit leave request memos to Deputy Mayor Zaied for his approval. Ms. Baker generally submitted leave request forms on dates where she was taking extended leave, such as travel to Indianapolis, IN between 04/14/2014 and 04/17/2014 and travel to Austin, TX between 06/06/2014 and 06/13/2014. She also notified Deputy Mayor Zaied via email of a personal matter which occurred on Friday, 06/27/2014 that would require a 2.5-day absence from work. Deputy Mayor Zaied approved these requests on all instances. Ms. Baker also used these opportunities to charge work hours and accrue compensatory hours during the time she was approved for vacation, personal, or sick leave. Ms. Baker generally denied charging work hours while on vacation. She said in circumstances where she is on personal travel and is on the phone for a significant amount of time handling office matters, she would charge those hours. Ms. Baker recalled a vacation four years ago where this may have occurred; but she believes this is the only instance.

Deputy Mayor Zaied confirmed for the OIG that he was not aware of Ms. Baker's personal appointment on 07/29/2014, the morning of the OIG's surprise interviews. He stated to OIG personnel that such a circumstance would, in fact, require his approval. OIG surveillance of Ms. Baker's residence conducted that morning revealed that Ms. Baker did not leave her residence

until 10:09am, despite information obtained from the Executive Assistant that Ms. Baker would conclude her personal appointment and return to the ECB office by 10:00am.

The numerous incidents documented through the OIG's continued monitoring efforts, particularly the 07/16/2014 incident where she spent 5 hours and 15 minutes at a hair salon and spa during work hours, demonstrate that Ms. Baker did in fact charge a significant amount of work hours while conducting personal business. These incidents lead the OIG to question the legitimacy of all of Ms. Baker's reported time.

Alleged Abusive Treatment of Office Staff

The initial complaint submitted anonymously to the OIG alleged that Ms. Baker's treatment of office staff was abusive. Information obtained by the OIG through multiple staff interviews and other investigative methods corroborated this allegation. The OIG also obtained files from the Department of Human Resources and the Office of the Labor Commissioner detailing several complaints and grievances filed against Ms. Baker for similar abusive conduct towards staff dating as far back as December 2012.

During the OIG interviews, multiple ECB staff characterized the office environment at ECB as being "very hostile," "tense," and "very stressful and highly-charged." According to one Office Assistant, a number of office staff indicated that they were looking for another job to escape the stressful environment at ECB. Based on the allegations and the results of OIG interviews, the OIG referred the matter to the Department of Human Resources to conduct a thorough investigation and determine the full extent and nature of the abusive management practices within ECB.

Violations

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

CSC/DHR Rule 4, 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."

Ms. Baker violated this rule through her fraudulent billing of hours for work not performed. This activity incurred an inappropriate expense for the City, which the OIG found to be improper and unbecoming of a City employee of Ms. Baker's stature.

Cause of Discharge, Demotion or Suspension – CSC/DHR Rule 56, Part 2(I)

CSC/DHR Rule 56, Part 2(I) states the following: "That the employee has been engaged in fraud, theft, misrepresentation of work performance, misappropriation of funds, unauthorized use of City property, obstruction of an official investigation or any other act of dishonesty."

Ms. Baker violated this rule by fraudulently billing work hours for time spent conducting personal business or otherwise not performing work.

Recommendations

The OIG makes several recommendations for actions to resolve issues identified in this report and prevent similar timekeeping issues that may arise in the future. The OIG respectfully recommends that:

1. The Department of Human Resources accelerate its efforts to establish a City-wide work from home policy. Such a policy would establish clear rules and restrictions such as which employees are eligible for work from home, for what amount of time, and under what circumstances. A formal work from home policy would also strengthen the City's ability to criminally prosecute employees who abuse these policies. The OIG presented evidence uncovered during the course of this investigation to the Baltimore City State's Attorney's Office, which declined prosecution.
2. While not specifically relevant to the scope of this investigation, the OIG recommends that the Department of Human Resources consider conducting a workforce analysis of the Office Assistant positions at ECB.

Attachment 1. Department of Human Resources Response to
OIG Recommendations

CITY OF BALTIMORE

STEPHANIE RAWLINGS-BLAKF, Mayor



DEPARTMENT OF HUMAN RESOURCES

MARY H. TALLEY
Director
201 E. Baltimore Street
Baltimore, MD 21202

October 8, 2014

Mr. Robert H. Pearre, Jr. – Inspector General
Office of Inspector General
100 Holliday St, Room 640
Baltimore, MD 21202


Dear Robert:

Thank you for your recommendations contained in your report on the Environment Control Board. One of the recommendations is that DHR accelerate its efforts to establish a telework policy. It is my understanding that the Mayor's Office intends to develop and promulgate a telework policy in partnership with DHR. It would be my recommendation that a telework policy first be piloted or soft launched, (and limited to position appropriate roles). Piloting would enable the evaluation of policy application and, if necessary, policy revisions.

We have adopted your second recommendation, and have conducted a workforce analysis of the five office support positions at the Environmental Control Board. As a result of our review, we have determined that three positions of Office Assistant II are comparable in nature and scope of responsibility to the Office Assistant III position and they have been recommended for reclassification.

If you would like to discuss this matter further, please do not hesitate to contact me at 410-396-1565.

Sincerely,


Mary H. Talley
Director, Human Resources
Department of Human Resources