

David N. McClintock – Inspector General

Office of Inspector General
640 City Hall

Synopsis of OIG Final Report #101386-103 (DRP)

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

07/28/2010

Attached please find a synopsis of the Office of the Inspector General's (OIG) Final Report concerning inappropriate use of City vehicles by an employee within the Baltimore City Department of Recreation and Parks (DRP). The OIG's investigation revealed that the employee in question regularly used a City vehicle to transport civilian passengers for personal reasons and without the knowledge of his supervisors.

The OIG's role is to establish facts and assess the effectiveness of both City policy and the application of that policy. The report is also intended to serve as solid foundation for affected departments and agencies to take additional action as they deem necessary.

The concerns addressed involve whether adequate controls were in place to discover and/or deter the conduct from initially occurring and especially from becoming systemic behavior. Lastly, the report concludes with policy recommendations designed to help prevent future occurrences.

The OIG appreciates the assistance provided by the Department of Recreation and Parks and the Department of Human Resources. The OIG remains committed to providing independent investigations and audits that provide for transparency of government, a solid foundation for meaningful policy review, and a platform for staff accountability.

Attachment

DNM/

cc: OIG Admin/Case file

I:/mclintock/public synopsis/IG 101386-103 mem-council

PLEASE VISIT OUR [WEBSITE@www.baltimorecity.gov](http://www.baltimorecity.gov)

- 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 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.



OFFICE OF THE INSPECTOR GENERAL BALTIMORE CITY

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



Synopsis of the Officer of Inspector General's Report #IG 101386-103

Department of Recreation and Parks Employee Using City Vehicle for Personal Use

On 03/29/2010, a concerned Baltimore City resident (hereinafter "concerned resident") contacted the Office of the Inspector General (OIG) and advised that he had observed a City of Baltimore vehicle being used on a regular basis for personal activity. The concerned resident indicated that he routinely observes the same individual operating a white City dump truck with ID# 012754 in the area of the Belair Road and Mareco Avenue picking up or dropping off and picking up passengers that were clearly not City workers and occasionally unloading groceries.

OIG staff maintained contact with the concerned citizen who agreed to maintain a log of dates/times and vehicle identification numbers that were observed. In the period between 03/16/2010 and 05/05/2010 there were 13 occurrences observed when the vehicle and the individual were observed engaged in non-City business, eight of which involved picking up or dropping off civilian passengers.

On 04/01/2010, the preliminary information research into City fleet records indicated that vehicle number 012783 was assigned to the Forestry Division of the Department of Recreation and Parks. Further inquiry revealed that the vehicle was routinely operated by an individual who was a Tree Trimmer (hereinafter "Tree Trimmer"). It was later determined that the three vehicles observed over the observation period were all assigned to the Forestry Division and would also be operated by the same Tree Trimmer assigned to the primary vehicle.

On 05/05/2010, a review of the Tree Trimmer's personnel file revealed contact and address information that was consistent with the area where the observations were being made.

On 05/07/2010, the Tree Trimmer was interviewed in the presence of his union representative. During the course of the interview, the Tree Trimmer acknowledged that he has gone to the area while he was supposed to be working and further stated that the civilian passengers were family members. He also acknowledged that he may have had another City of Baltimore employee with him at times, but couldn't recall whom. Further, he also acknowledged that he never told a supervisor of his actions because he knew that it was wrong and against City policy.

Also on 05/07/2010, two crew members (hereinafter Crew Member #1 and Crew Member #2) that sometimes worked on the same truck were interviewed in the presence of a union representative. Both crew members indicated they had been assigned to the Tree Trimmer's vehicle on days when he engaged in this conduct and failed to take any action to abate the conduct or notify a supervisor.

On 05/25/2010, the Tree Service Supervisor II (hereinafter "TS Supervisor II") who oversees the Tree Trimmer was interviewed concerning the job assignment and review process. He indicated that at the beginning of the shift all crews are given their work schedules on a daily sheet. Crews are then responsible for completing the assigned tasks during the course of the day. It was further determined that quality control was conducted through periodic visits to the job sites to ensure that the work had been or was in the process of being completed. The TS Supervisor II's review of the assignments provided to the Tree Trimmer indicated that the assignments were completed according to the daily work sheets.

FINDINGS AND VIOLATIONS

Findings: Tree Trimmer

1. The Tree Trimmer was assigned the listed vehicles on the days observed as shown on the Forestry Daily Assignment Log.
2. The Tree Trimmer used his City work vehicle for personal use and having unauthorized civilians in the vehicle.
3. The Tree Trimmer had personal contacts and ties to the area where the conduct was observed as demonstrated by documents contained in his personnel file.
4. The Tree Trimmer acknowledged that he was aware his actions violated City of Baltimore policy for vehicle usage and that he was aware of the liability issues involved.

Violations: Tree Trimmer

The Tree Trimmer violated the Rules of the Baltimore City Department of Personnel and the Baltimore City Civil Service Commission. More specifically, Rule 40, "Standards of Conduct and Performance" and Rule 56 "Cause for Discharge, Demotion, and Suspension." Further, he violated A.M. 501-1, City-Owned Vehicles, specifically A.M. 501-8, Activity-Assigned Vehicles.

1. Rule 40, Part L: *"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 Tree Trimmer violated this rule by utilizing City vehicles for personal use and transportation of non-City employees on a regular basis to take care of personal business while utilizing his assigned City work vehicle on at least 13 occasions. The aforementioned actions constituted a waste of City resources and

also the abandonment of his work, without permission, causing expense and/or annoyance upon the City through improper behavior.

2. Rule 56, Section (1): *“Discharge, demotion, or suspension of an employee in the Civil Service shall be for any just cause. Discharge shall be only for (a) unsatisfactory conduct which cannot be corrected through training, rehabilitation, or lesser forms of disciplinary action, (b) conduct which causes irreparable harm to the health or safety to any person, or (c) conduct which causes irreparable breach of trust.”*
-

The Tree Trimmer violated this rule by utilizing City vehicles for personal use and transportation of non-City employees on a regular basis to take care of personal business while utilizing his assigned City work vehicle on at least 13 occasions. Said conduct constitutes *“(c) conduct which causes an irreparable breach of trust.”*

3. Rule 56, Section (2) Subsection (a) *“That the employee has violated any lawful or official regulation or order, or failed to obey any lawful or reasonable direction made or given by a superior officer, when such failure to obey amounts to an act of insubordination or serious breach of discipline which may reasonably be expected to result in loss or injury to the City or the public.”*
-

The Tree Trimmer violated this rule by utilizing City vehicles for personal use and transportation of non-City employees on a regular basis to take care of personal business while utilizing his assigned City work vehicle on at least 13 occasions. The aforementioned actions constitute waste of City resources and abandonment of his work. Said actions constitute a financial loss and loss in productivity to the City.

4. Rule 56, Section (2) Subsection (h): *“That the employee has committed acts while on or off duty which amount to conduct unbecoming to an employee of the City.”*
-

The Tree Trimmer violated this rule by utilizing City vehicles for personal use and transportation of non-City employees on a regular basis to take care of personal business while utilizing his assigned City work vehicle on at least 13 occasions. The aforementioned actions constitute conduct unbecoming an employee of the City.

5. Rule 56, Section (2), Subsection (i): *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 other act of dishonesty.”*
-

The Tree Trimmer violated this rule by utilizing City vehicles for personal use and transportation of non-City employees on a regular basis to take care of personal business while utilizing his assigned City work vehicle on at least 13 occasions. The aforementioned actions constitute misrepresentation of work performance and unauthorized use of City property.

6. A.M. 501-8, General Provisions, Personal Business: *“Activity-assigned vehicles may not be used for pleasure or to conduct personal business. Passengers in activity-assigned vehicles are limited at all times to those engaged in official City business.”*
-

The Tree Trimmer violated this rule by utilizing City vehicles for personal use and transportation of non-City employees on a regular basis to take care of personal business while utilizing his assigned City work vehicle on at least 13 occasions. The aforementioned behavior constitutes conducting personal business.

Findings: Crew Member #1

Crew Member #1 made a statement acknowledging he knew of two occasions when the Tree Trimmer utilized the City vehicle to transport civilian passengers while working with him. He rode in the vehicle during these occasions and failed to take action to include reporting the conduct.

Violations: Crew Member #1

Crew Member #1 violated the Rules of the Baltimore City Department of Personnel and the Baltimore City Civil Service Commission. More specifically Rule 56, “Cause for Discharge, Demotion, and Suspension.”

1. Rule 56, Section (2) Subsection (i): *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 other act of dishonesty.”*
-

Crew Member #1 violated this rule through his tacit participation in, and failure to report, the acts of the Tree Trimmer who utilized City vehicles for personal use and transportation of non-City employees to take care of personal business. The aforementioned complicit conduct constitutes participation in misrepresentation of work performance and/or unauthorized use of City property and/or obstruction of an official investigation or other act of dishonesty.

2. Rule 56, Section (2) Subsection (h): *“That the employee has committed acts while on or off duty which amount to conduct unbecoming to an employee of the City.”*
-

Crew Member #1 violated this rule through his tacit participation in, and failure to report, the acts of the Tree Trimmer who utilized City vehicles for personal use and transportation of non-City employees to take care of personal business. The aforementioned complicit conduct constitutes an act that is unbecoming to an employee of the City.

Findings: Crew Member #2

Crew Member #2 made oral and written statements to Agent Stoop acknowledging he knew of numerous occasions when the Tree Trimmer utilized the City vehicle to transport his girlfriend or son or both to work or school, while working with him. Crew Member #2 failed to take action, including not reporting the conduct.

Violations: Crew Member #2

Crew Member #2 violated the Rules of the Baltimore City Department of Personnel and the Baltimore City Civil Service Commission. More specifically Rule 56, “Cause for Discharge, Demotion, and Suspension.”

1. Rule 56, Section (2) Subsection (i): *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 other act of dishonesty.*
-

Crew Member #2 violated this rule through his tacit participation in, and failure to report, the acts of the Tree Trimmer who utilized City vehicles for personal use and transportation of non-City employees to take care of personal business. The aforementioned complicit conduct constitutes participation in misrepresentation of work performance and/or unauthorized use of City property and/or obstruction of an official investigation or other act of dishonesty.

2. Rule 56, Section (2) Subsection (h): *“That the employee has committed acts while on or off duty which amount to conduct unbecoming to an employee of the City.”*
-

Crew Member #2 violated this rule through his tacit participation in, and failure to report, the acts of the Tree Trimmer who utilized City vehicles for personal use and transportation of non-City employees to take care of personal business. The aforementioned complicit conduct constitutes an act that is unbecoming to an employee of the City.

FINDINGS: DEPARTMENT POLICY AND POLICY OBSERVANCE

The OIG investigation determined that the Tree Trimmer and two other crew members displayed a blatant disregard for A.M. 508-8 which prohibits use of City vehicles to conduct personal business and limits passengers at all times to those engaged in official City business. Notwithstanding the policy violations and the fact that it was known by other crew members, there is no evidence to indicate supervisory personnel were aware of the conduct.

RECOMMENDATIONS

1. The OIG recommends that the Department of Recreation and Parks/Forestry Division consider the use of more thorough field performance reviews.
-

The OIG review of this matter revealed that supervisory field review generally consists of verifying assigned jobs have been completed. These reviews have reportedly determined that the Forestry crews were effectively completing their assignments. The OIG’s recommendation is that field reviews be conducted that go beyond assessing how well the assigned work is completed to also consider appropriate task timing and number of assignments a Forestry crew is reasonably capable of performing during the average work day.

2. The OIG recommends that the Department of Recreation and Parks/Forestry Division consider the use of mileage logs for each vehicle.
-

Forestry crews are most frequently tasked with responding to specific job sites and completing a variety of assigned tasks before moving on to the next site. As the destinations are most often known, the OIG believes that the addition of both a mileage/location and time log to each vehicle would provide supervisors with the necessary data to conduct routine audits of vehicle use and crew efficiency.