

OFFICE OF THE INSPECTOR GENERAL

CITY OF BALTIMORE



Isabel Mercedes Cumming
Inspector General

Investigative Report Synopsis

OIG Case # 21-0025-I

Issued: July 7, 2021



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



July 7, 2021

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 OIG investigated a complaint alleging Baltimore Police Department (BPD) sworn employees were paid for overtime hours they were not entitled to. The OIG concluded that portion of the investigation and referred it to the BPD's Public Integrity Bureau (PIB). Additionally, the OIG investigated allegations that sworn BPD employees received overtime compensation for days when they were on scheduled personal or vacation leave.

OIG Investigation

The OIG reviewed BPD's collective bargaining agreement—a Memorandum of Understanding (MOU) between BPD and the Fraternal Order of Police (FOP) Lodge 3 union regarding the administration and use of overtime by sworn BPD employees. The OIG interviewed multiple sworn BPD employees to understand how overtime is submitted and approved. Additionally, the OIG interviewed various individuals from the Department of Finance (DOF) and BPD's fiscal, legal, and human resources divisions about the budget and procedures and policies for overtime usage and submission.

The OIG investigation revealed that the MOU allows for sworn BPD employees to receive payments for personal or vacation leave and overtime simultaneously for the same calendar date and, in some instances, the same shift. BPD upper management confirmed that a sworn BPD employee can submit for paid time off and receive overtime pay for hours worked on the same date. The language in the current MOU states all days and hours of paid leave time shall be treated as days and hours worked. Thus, once a BPD employee receives authorization for paid leave on a particular date, any additional time submitted for the same date automatically becomes overtime.

BPD Overtime Budgets/Usage

The DOF provided a breakdown of the overall BPD overtime costs for the last two fiscal years, as shown in *Tables 1 and 2*. The OIG did not review any overtime submitted by non-sworn personnel¹ but chose to outline the statistics for potential review by management.

¹ The City Union of Baltimore (CUB) MOU for non-sworn BPD employees does not have the same provision allowing employees to use leave and obtain overtime simultaneously.

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Table 1: BPD Budgeted Overtime Costs

Overtime Category	FY19 Budget	FY20 Budget
Court Appearances	\$4,503,556	\$4,616,147
Overtime Non-Sworn Personnel	\$2,115,955	\$2,168,854
Overtime - Sworn Personnel	\$18,486,826	\$17,048,996
Anticipated Unfilled Vacancy Savings (200 Officers)	\$15,523,800	\$15,989,514
Sports Overtime	\$979,984	\$1,004,484
APPROVED OVERTIME BUDGET	\$41,610,121	\$40,827,995
<i>Supplemental Appropriations (Granted after initial budget)</i>	<i>\$5,000,000</i>	<i>\$2,000,000</i>
SUPPLEMENTAL APPROVED OVERTIME BUDGET	\$46,610,121	\$42,827,995

Table 2: BPD Actual Overtime Costs

Overtime Category	FY19	FY20
All	\$50,624,986	\$43,826,636

In each of the last two fiscal years, BPD exceeded its overtime budget. The OIG took into consideration the supplemental appropriations and budget adjustments which is shown in *Table 3*.

Table 3: BPD Overtime Cost Differences

Overtime Difference	FY19	FY20
All Overtime Costs before Supplemental Appropriations	\$9,014,865	\$2,998,641

OLC Ruling

The OIG requested the Office of the Labor Commissioner (OLC), in its contract administrator capacity, to provide an opinion on BPD's understanding of the MOU's language. On February 4, 2021, Deborah Moore-Carter (Moore-Carter), Labor Commissioner, responded that the MOU allows BPD employees to take paid leave (e.g., vacation or personal leave) and concurrently work the same day and earn overtime, even if the hours overlap. Further, Moore-Carter acknowledged this form of overtime allowance has been a BPD practice for many years. Consequently, changing this accepted practice would require negotiation with the FOP. According to Moore-Carter, BPD is currently in negotiations with the FOP for successor MOUs, including reforming this practice and other problematic overtime practices.

Investigative Findings

After reviewing the MOU and dialoguing with the OLC, the OIG concluded that some BPD employees are authorized by management to submit and receive payment for both approved personal or vacation leave and overlapping overtime. Although this practice is permitted and does not violate any City policy, it could be perceived as wasteful. BPD exceeded its overtime budget for the last two fiscal years by \$12,013,506. This figure takes into consideration adjustments made as a result of vacant positions and supplemental funding.

REPORT FRAUD, WASTE AND ABUSE

The OIG was unable to determine the exact excess due to the BPD's particular practice of double payment for simultaneous paid leave and overtime hours.

The OIG understands that information can be changed or updated during the course of an investigation or after an investigation has concluded. However, the mission of the OIG is to provide transparency and accountability using the information available to it at the time of the investigation. The OIG appreciates the cooperation of all City agencies and personnel in this investigation, especially members of DOF and BPD.

Sincerely,

A handwritten signature in cursive script that reads "Isabel Mercedes Cumming". The signature is written in black ink and is positioned above the typed name.

Isabel Mercedes Cumming, Inspector General
Office of the Inspector General

Cc: Hon. Brandon 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. Jim Shea, City Solicitor

REPORT FRAUD, WASTE AND ABUSE

HOTLINE: 443-984-3476/800-417-0430 EMAIL: OIG@BALTIMORECITY.GOV WEBSITE: OIG.BALTIMORECITY.GOV

Baltimore Police Department Commissioner Response

Case # 21-0025-I



BALTIMORE POLICE DEPARTMENT



Brandon M. Scott
Mayor

Michael S. Harrison
Police Commissioner

May 26, 2021

Isabel Mercedes Cumming
Office of the Inspector General
City Hall, Room 635
100 North Holliday Street
Baltimore, MD 21202

RE: BPD Response to OIG Case #21-0025-I

Dear Ms. Cumming,

Thank you for you and your team's work in identifying the issues outlined in your report of investigation. This letter outlines the Baltimore Police Department's (BPD) response to those issues below:

- 1.) The creation of new overtime policies for the Baltimore Police Department (BPD) has been a major culture shift for the agency where there have historically been little to no accountability for the stewardship of taxpayer dollars. After only a few months into my first year in this role, I directed the department, via a Police Commissioner Memoranda (19-01 and 19-02), which put into place greater measures of accountability and penalties for those that are found to violate those policies. As the result of the implementation of those policies, and as your report outlines, the total overtime spending for sworn members in the department went from \$50.6 million in FY19 to \$43.8 million in FY20, which represents a 13% reduction in spending in this category. Spending for the current fiscal year (FY21) is projected to be nearly \$32 million, which is a 37% decrease from FY19 level of spending.
- 2.) The implementation of the new Enterprise Resource Planning (ERP) software (Workday), which replaces the E-time system, is also designed to ensure that the appropriate work schedules are aligned against the actual punch-in and punch-out of the start and end of work for all employees who are hourly earners. We believe the implementation of this pay-to-punch system will alleviate the confusion and ambiguity of records that you discovered in your investigation regarding schedules in the system being properly compared to the times when work hours are actually performed
- 3.) Among the provisions of the Memorandum of Understanding with the Fraternal Order of Police the definition of "hours worked" includes any approved hours of leave. This provision is one of many that the department is seeking to revise through collective bargaining to better align pay incentives and reduce overtime expenditures in the department, all of which will be FLSA compliant.

4.) Upon receipt of your report, the matter was immediately referred to our Public Integrity Bureau to conduct an investigation into potential policy violations by members of the department that are identified.

If any further information is needed, please do not hesitate to reach out to me or my Deputy Commissioner of Public Integrity. Thank you for your continued partnership with the Baltimore Police Department.



Michael Harrison
Police Commissioner
Baltimore Police Department