

OFFICE OF THE INSPECTOR GENERAL CITY OF BALTIMORE



Isabel Mercedes Cumming
Inspector General

Investigative Report Synopsis

OIG Case # 19-0047-I

Issued: July 30, 2019



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



July 30, 2019

Dear Citizens of Baltimore City,

The Office of the Inspector General (OIG) received complaints relating to issues in the Department of Public Works (DPW), Bureau of Solid Waste (BSW). The complaints included an allegation of waste of City funds within BSW.

The mission of the OIG is to promote accountability, efficiency, and integrity in City government, as well as the investigation of complaints of fraud, financial waste, and abuse in City government. During an ongoing investigation into DPW-BSW, the OIG learned employees who work curbside trash collections operation are task/route workers. Under the “task work” model, each mixed refuse and recycling crew is assigned one (1) route per day for their 10-hour shift. According to language in the Memorandum of Understanding (MOU) between the City of Baltimore and The American Federation of State, County and Municipal (AFSCME) Local 44, AFL-CIO, workers are to be assigned routes or tasks daily. Management has interpreted that language to mean just one route can be assigned per shift and any additional routes completed is considered voluntary and overtime is paid.

The OIG sampling of the route data revealed that once the assigned route is completed, the 3-person crew is excused from performing any further work that day but are paid for the entire 10-hour shift, regardless of how quickly the route was completed. For example, if a crew is assigned a route that begins at 6:00 a.m. and is completed at 12:00 p.m. the crew is excused from work for the remainder of their 10-hour shift. The result is a 3-man crew completes 6 hours of work but are paid for 10 hours.

The OIG investigation revealed many of the routes are completed within 6-8 hours if the operation is staffed appropriately and there are no equipment malfunctions. Upon completion of the assigned route, employees then go home for the day or take advantage of earning overtime for a second route, with overtime starting at the time they pick up the second route, not when their 10-hour shift ends. Under the current interpretation, management has the responsibility for assigning routes that will consume the allotted 10-hour shift and verify the route information. In one instance examined by the OIG, GPS data showed a crew started on a trash truck at 6:29 a.m. and completed the route at 2:36 p.m. On the BSW Routine Services Rundown sheet, it was reported the crew worked from 6:00 a.m. to 4:00 p.m.¹

In another instance examined by the OIG, the workers finished their assigned routed at 12:00 p.m. and picked up another route on overtime, which started at 12:00 p.m. The overtime route was completed at 4:00 p.m., within their 10-hour assigned shift.²

Management’s interpretation of the one task/route rule allowed the workers to get paid their normal hourly wage for their assigned 10-hour shift, then make 4 hours of overtime for the second route, even though the employees only worked a total of 10 hours. This interpretation by Management costs the City of Baltimore thousands of dollars in overtime pay.

¹ A limitation to the analysis was the inaccurate recording of route start and end times by DPW personnel.

² The overtime slips attached to this example reflect that (2) crew members were paid for an extra hour of overtime beyond the (4) hours. needed to complete the second route.

REPORT FRAUD, WASTE AND ABUSE

Article 14, Section J, of the MOU, Hours of Work, and Addendum E, Bureau of Solid Waste-Task Work Mixed Refuse, provides the following:

When employees who are assigned to mixed refuse collection complete all of the tasks and/or routes to which they are assigned for the day, those employees shall continue to be excused from further work and duty assignment.”

The language in the MOU does not limit management to assigning crews to only one route per day, the MOU allows for multiple tasks or routes to be assigned if they can be completed within the 10-hour assigned shift.

Article 14, Section F, of the MOU, Hours, provides the following:

Employees required to work three (3) or more hours immediately following the completion of a normal full-time work shift shall receive a meal allowance of \$8.00 (eight dollars).

As a result of improper implementation of the MOU, BSW has paid hundreds of dollars in meal allowances that could have been avoided.

Table 1 displays how a single crew’s pay would be calculated under the current interpretation of the task model if a crew serviced two routes resulting in a 10-hour shift, resulting in \$160.00 paid to each crew member.

Table 1

Route #	Community	Route completion time	Hours Paid	Rate of Pay	Notes
1	Frankford	6 (6 a.m.-12 p.m.)	10	10.00/hr.	1 st route at regular hourly wage
2	Cedonia	4 (12 p.m.-4 p.m.)	4	15.00/hr.	2 nd route at time and a half

Table 2 illustrates an alternative way to assign the same number of routes to a crew in the same 10-hour shift, resulting in \$100.00 paid to each crew member and still adhering to the MOU:

Table 2

Route #	Community	Route completion time	Hours Paid	Rate of Pay	Notes
1	Frankford	6 (6 a.m.-12 p.m.)	6	10.00/hr.	1 st route at regular hourly wage
2	Cedonia	4 (12 p.m.-4 p.m.)	4	10.00/hr.	2 nd route at regular hourly wage

Health and Safety Violations

During OIG interviews of BSW employees at 6101 Bowley’s Lane, safety and sanitation concerns were frequently mentioned, prompting the OIG to tour the facility. Upon visual inspection of office space, hallways, restrooms, and locker room facilities currently being utilized, the OIG found the following violations pursuant to OSHA and *Article 16 Safety and Health* of the AFSCME union MOU (see attached photos):

- Several urinals in the men’s restroom are “out of order”; Southeast Quadrant
- Sink in the men’s restroom is inoperable with no running water; Southeast Quadrant
- Alarm notifying employees the methane gas tank “is full” has been disarmed
- Solid Waste staff informed the OIG that the valves associated with the methane tank have

REPORT FRAUD, WASTE AND ABUSE

- not been released in a very long time
 - Staff are concerned about the gases at the yard contributing to health issues
- An inoperable water fountain; Southeast Quadrant hallway
 - Staff turned off the water to the fountain because it was allegedly contaminated

OSHA provides regulations for general environmental controls for sanitation in 1910.141. *Article 16 Safety and Health of the AFSCME union MOU* states in part:

The employer shall provide...a safe and healthful work place.

The observations made by the OIG give concern the 6101 Bowley's Lane location may not be in compliance with OSHA regulations.

The response from the Director of DPW is attached.

Sincerely,



Isabel Mercedes Cumming, Inspector General
Office of the Inspector General

Cc: Hon. Bernard C. "Jack" Young, Mayor of Baltimore City
Hon. Brandon Scott, President, City Council
Hon. Joan M. Pratt, Baltimore City Comptroller
Honorable Members of the Baltimore City Council
Hon. Andre M. Davis, City Solicitor

REPORT FRAUD, WASTE AND ABUSE

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

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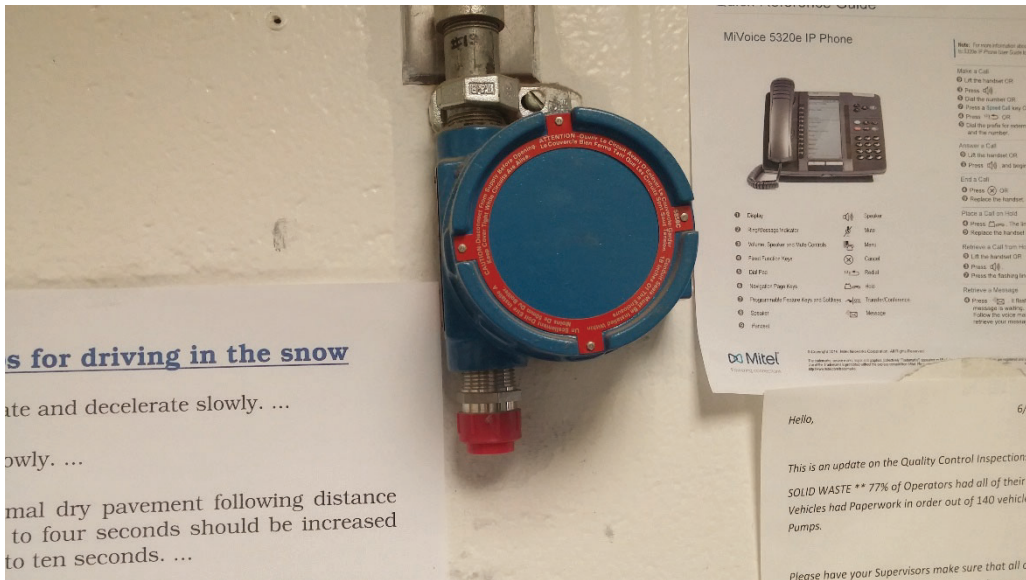
Photograph of inoperable men's urinal in the Southeast Quadrant's locker room.



Photograph of inoperable sink in the Southeast Quadrant's locker room.



Photograph of inoperable water fountain in the Southeast Quadrant's hallway.



Photographs of a valve that releases gas from the methane tank at Bowley's lane.

CITY OF BALTIMORE

BERNARD C. "JACK" YOUNG, Mayor



DEPARTMENT OF PUBLIC WORKS

RUDOLPH S. CHOW, P.E., Director
200 N. Holliday Street
Baltimore, MD 21202

July 23, 2019

Ms. Isabel Mercedes Cumming, Inspector General
Office of the Inspector General
100 North Holliday Street, Suite 640
Baltimore, MD 21202

Dear Inspector General Cumming:

On June 24, 2019, I received a Management Alert regarding OIG Case 19-0047, Bureau of Solid Waste's Task Work Evaluation and Safety Concerns. I thank you and your team for the thorough report and have reviewed the findings with my Executive Leadership Team. I offer the following comments in response.

Your report evaluates the "task work system" utilized in the Bureau of Solid waste wherein employees are assigned one route per day for their 10-hour shift. This system has been utilized for many years and is incorporated in the Memorandum of Understanding (MOU) between the City and the American Federation of State, County, and Municipal Employees (AFSCME) Local 44, which represents Baltimore City's solid waste workers. Your report notes instances when solid waste routes were completed in considerably less time than ten hours, yet workers were paid for a full day's work. You also note that workers are paid overtime for additional tasks performed after completing their initial task even if the additional tasks are performed within the 10-hour shift.

I agree that solid waste routes should not be completed too quickly as that can indicate the routes are not mapped properly or that crews were not diligent while performing their work. Solid Waste managers are constantly examining routes to try and optimize efficiency. I have instructed Solid Waste Bureau Head John Chalmers to procure routing software that can optimize daily routes. I believe this software will address many of the issues in the timeliness of route completions.

As for the overall appropriateness of the task work system, I must defer to the City's Labor Commissioner and the City Solicitor. The City is currently negotiating a new MOU with AFSCME Local 44. The Labor Commissioner and the City Solicitor will be able to explain the history of the task work system from a labor perspective as well as any potential implications resulting from changing the City's interpretation.

Ms. Isabel Mercedes Cumming, Inspector General
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Your report also raises serious concerns about the state of the solid waste facility located at 6101 Bowley's Lane. The report specifically notes urinals, sinks, and a water fountain are inoperable and gas tanks have not been tested or inspected. The safety of the public and our employees is my top priority. We have received estimates from contractors for the repairs and are working with the Department of General Services to schedule and identify the funding to pay for the repairs.

Again, thank you for bringing these matters to my attention. Should you have any additional questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in blue ink, appearing to read "Rudolph S. Chow".

Rudolph S. Chow, P.E.
Director

Department of Public Works