

## FY 2020 Recommendations

### 1. AGENCY: Department of Permitting, Inspections and Enforcement (DPIE)

**ALLEGATION: Case #19-0180e** - Employees in management positions used their positions (prestige of office) to provide a candidate for promotion answers to interview questions and to family members at the agency preference in gaining interviews for agency positions.

**DISPOSITION:** Unsubstantiated

**RECOMMENDATIONS:** Director of DPIE review the practice of “courtesy interviews” in consultation with Office of Human Resources Management (OHRM) and the Office of Law (OOL) to ensure compliance with applicable Personnel Laws.

**ACTION(S) TAKEN or RESPONSE(S):** OHRM recommended that DPIE discontinue the practice of courtesy interviews.

### 2. AGENCY: Department of Permitting, Inspections and Enforcement (DPIE)

**ALLEGATION: Case #19-0236e** - An employee in management used employee’s authority (prestige of office) to circumvent the County’s hiring process by hiring unqualified engineers.

**DISPOSITION:** Unsubstantiated

#### **RECOMMENDATIONS:**

1) Director of DPIE ensure that position openings requiring a written component, whether writing sample or exam, be noted in the job announcement. Approval to include a written component to the hiring process should be obtained from the Director, in consultation with OHRM.

2) Director of DPIE review the practice of how exams are administered during the hiring process. Consideration should be given to requiring the agency HR liaison or manager to administer written.

#### **ACTION(S) TAKEN or RESPONSE(S):**

1) DPIE will consult with OHRM when the DPIE Director approves of the written component for a position.

2) DPIE will review the practice of how exams are administered during the hiring process. Consideration to be given which will have either the agency HR liaison or applicable manager to administer written exams associated with hiring process. The exams will be reviewed by subject matter experts to ensure accuracy in grading.

### 3. AGENCY: Department of Permitting, Inspections and Enforcement (DPIE)

**ALLEGATION: Case #19-0276e** - Management used their authority (prestige of office) to direct the approval and issuance of permits for the Broccoli City Festival outside of the normal permitting process.

**DISPOSITION:** Unsubstantiated

**RECOMMENDATIONS:** Director of DPIE, in consultation with the Fire Department and Police Department, develop a written procedure outlining a process of how to address special events that fail to obtain Temporary Use and Occupancy permit, to ensure compliance with County law. This procedure should include tracking of non-compliance and actions for follow up when organizers are noncompliant.

**ACTION(S) TAKEN or RESPONSE(S):** DPIE in conjunction with PGPD and Fire/EMS are working with the OOL to revise the Use and Occupancy policy

**4. AGENCY:** Department of Permitting, Inspections and Enforcement (DPIE)

**ALLEGATION: Case #19-0355e** - An employee manipulated an employee's work times in the County's electronic time management system without authorization.

**DISPOSITION:** Substantiated

**RECOMMENDATIONS:** DPIE Director conduct an internal investigation into the employee whose timecard was altered in the electronic time management system by a former administrative aide.

**ACTION(S) TAKEN RESPONSE(S):** DPIE issued a written counseling to the employee whose timecard was altered without approval. The employee's supervisor was issued a written reprimand for allowing the employee to circumvent the normal process of leave approval.

**5. AGENCY:** Office of Information Technology (OIT) and Board of Elections (BOE)

**ALLEGATION: Case #20-0033e** - Confidential information consisting of the personal identifiable information of County employees (past and present) was disclosed or used for economic benefit when stored unsecured on the County's shared electronic storage drives.

**DISPOSITION:** Unsubstantiated; Matter referred to State of Maryland Ethics Commission

**RECOMMENDATIONS:**

1) Executive Leadership is encouraged to host a mandatory meeting with all agency and department heads during which each Director/Executive Director is informed of the County's policies related to using and storing employee records and personnel files.

Each agency/department should be instructed to create an internal policy in consultation with the Office of Law and the Office of Human Resources Management.

2) Consult with the Office of Law to discuss: a) Whether or not the County is required under State Laws to take any actions regarding the disclosure of the Personal Identifiable Information of County employees and officials, past and current; b) What, if any, potential liabilities to the County may have been caused by the disclosure; and c) Notify the more than 25,000 County employees affected by the data security breach.

3) Direct the Office of Information Technology to create and implement a written policy on using restricted folders for the creation and storage of Personal Identifiable Information and share the policy with all Office of Information Technology staff, including contractors and other temporary employees. It is encouraged that the OIT require its staff to sign a written acknowledgement of receipt of the new policy.

4) Consult with OHRM Director regarding alternative methods to provide information to Board of Elections and Office of Information Technology that does not compromise the Personal Identifiable Information of all County employees [past and current].

5) Direct OHRM Director to review the actions of OHRM employee, to determine whether her actions violated the County Employee's Bill of Rights, Section 16-238, Use of Social Security Numbers and what if any personnel or other appropriate actions should be taken pursuant to Section 16-243 of the subtitle.

6) Review with Office of Information Technology the actions of the contract employees in the disclosure of County employees' Personal Identifiable Information and discuss whether there has been any violation of OIT's various security policies or other County policies and to determine what if any personnel or other appropriate actions should be taken.

7) The Board of Elections is not subject to the County's Ethics Code. Accordingly, a referral has been made to the State Ethics Commission to review the actions of the Board of Elections staff members referenced above, to determine whether an ethics violation has occurred under State Ethics Laws.

**ACTION(S) TAKEN or RESPONSE(S):**

3) OIT is working to update County IT Security Policy by September 2020; the new policy will include legislation regarding cyber security. OIT will implement a new IT responsibility form for both County employees and contractors to sign that addresses their responsibility regarding IT tasks to include appropriate handling of data.

6) OIT will be adding new language to the upcoming Request for Proposals regarding firms' responsibility when they are doing IT work for the county. OIT has hired a new manager over applications development who will develop new operational protocols.

7) Maryland State Ethics Commission determined the matter did not raise any issues regarding the Maryland's Public Ethics Law.

**6. AGENCY:** Health Department

**ALLEGATION:** Case #20-0043 - Health Department conducted a drug prevention seminar and distributed educational materials to the Summer Youth Employment (SYEP) Interns without parental approval.

**DISPOSITION:** Unsubstantiated - Agency Compliant with County Policies

**RECOMMENDATIONS:**

- 1) OHRM review, for approval, all trainings and training materials that agencies and entities intend to provide to summer interns during their employment with the County.
- 2) OHRM include guidance on materials disseminated to youth under the age of eighteen as part of its Partner Handbook.

**ACTION(S) TAKEN/RESPONSE(S):** OHRM will implement a review process for training materials being provided to underage youth in the SYEP as part of its Partner Handbook.

**7. AGENCY:** Department of Housing and Community Development (DHCD)

**ALLEGATION:** Case #20-0107e - An employee used employee's position (prestige of office) with the agency to obtain personal housing for self while assisting housing voucher holders.

**DISPOSITION:** Substantiated

**RECOMMENDATIONS:**

- 1) The Director of DHCD, in coordination with OHRM determine the appropriate personnel actions to be taken related to the employee's prohibited actions under the County's Ethics Code.
- 2) The Director of DHCD, in consultation with OOL and/or OHRM develop an agency policy that prohibits employees from soliciting personal opportunities under the agency's program while on County work time and from using information related to program clients for their personal gain.

**ACTION(S) TAKEN/RESPONSE(S):**

- 1) The involved employee received corrective discipline.
- 2) The agency will develop an internal policy that prohibits the noted conduct.

**8. AGENCY:** Soil Conservation District

**ALLEGATION: Case #20-0152** - County employee requested a formal opinion from the Board of Ethics as to whether the employee may be actively involved with the decision making of the sale of personal property to a developer that does business with the County

**DISPOSITION:** Legal Review

**RECOMMENDATIONS:** Employee is prohibited from actively engaging in the sale and participating in any matter involving the developer without identifying to the Board appropriate safeguards within 30 days of the opinion provided.

**ACTION(S) TAKEN/RESPONSE(S):** BOE approved the following safeguards regarding the employee's sale of personal property and granted the waiver request:

1) Any matters before the District will be handled under the District's established standard operating procedures except you will not be involved with providing any decision making or technical advice to the Developer as it pertains to the plans submitted for review nor will you provide technical assistance regarding soil and water conservation.

2) When situations arise that warrant your input, opinion or executive decision, employee shall recuse self and refer the request to the Prince George's Soil Conservation District's Board of Supervisors (Board).

3) Any correspondence requiring employee's signature shall be signed by a Board member.

**9. AGENCY:** Department of Family Services (DFS)

**ALLEGATION: Case #20-0171-** Employee's involvement on board noted in audit requires approval of secondary employment

**DISPOSITION:** Legal Review - Secondary Employment

**RECOMMENDATIONS:** The employee's direct report instruct employee to submit a secondary employment request in compliance with Administrative Procedure 152.

**ACTION(S) TAKEN/RESPONSE(S):** The employee's request to work secondary employment was denied by the Deputy Chief Administrative Officer.

**10. AGENCY:** Health Department

**ALLEGATION: Case #20-0179e** - Health Officer's position on a board of a company that was conducting business with the County is a conflict of interest.

**DISPOSITION:** Unsubstantiated

**RECOMMENDATIONS:**

1) Deputy Chief Administrative Officer in consultation with OOL, review the Health Officer's affiliation with companies that conduct business with the County and evaluate the Health Officer's future role in matters between the County and those entities.

2) Office of Central Services and the OOL review the County's policy of oversight of grant spending and determine if the current process provides adequate oversight.

**ACTION(S) TAKEN/RESPONSE(S):**

1) The Health Officer resigned from the Board.

2) OCS is proposing the change regarding grant spending in the revised Procurement Law.

**11. AGENCY:** Office of Central Services (OCS)

**ALLEGATION:** Case #20-0186 - OCS misused the County's Purchasing Card by using it to purchase office furniture from non-County vendors.

**DISPOSITION:** Non-Compliance

**RECOMMENDATIONS:** As the County agency that manages the Purchasing Card Program and establishes procedures that all agencies are required to adhere to, it is vital that OCS comports to its own guidelines, namely the requirement for an agency specific SOP. It is therefore OEA's recommendation that the Director of OCS implement an agency specific standard operating procedure (SOP) for the agency's use of the Purchasing Cards in compliance with the Purchasing Card Program Manual FY20

**ACTION(S) TAKEN/RESPONSE(S):** Pending

**12. AGENCY:** Office of Central Services (OCS)

**ALLEGATION:** Case #20-0187 - Complaint alleged that OCS failed to follow County procedure when filling an administrative specialist position.

**DISPOSITION:** Compliance

**RECOMMENDATIONS:** The Director of OCS ensure that staff are consistent with documenting information utilized during the interview process. In particular, the Human Resource managers and staff will ensure that panel members properly and consistently document the performance of each candidate interviewed.

**ACTION(S) TAKEN/RESPONSE(S):** Pending

**13. AGENCY:** Department of Public Works and Transportation (DPW&T)

**ALLEGATION: Case #20-0295** - A former Associate Director incorrectly approved administrative leave for an investigator and permitted an administrative aide to work an excessive amount of overtime.

**DISPOSITION:** Non-Compliance

**RECOMMENDATIONS:** Director of DPW&T, in consultation with OHRM, review the administrative leave that was authorized to determine if the leave can be amended to reflect the appropriate categorization.

**ACTION(S) TAKEN/RESPONSE(S):** DPWT acknowledged the leave was approved in error. DPW&T will ensure that the County policies regarding Administrative Leave related to bereavement are followed. The Employee granted Administrative Leave in error will be held harmless, as the leave was approved through the employee's chain of command.

**14. AGENCY:** Department of Family Services (DFS)

**ALLEGATION: Case #20-0302** - Determine whether commission members of newly formed commission are required to file Financial Disclosure Statements under the County's Ethics Code.

**DISPOSITION:** FDS Review - Exemption from filing based on functionality test

**RECOMMENDATIONS:** The Office of Ethics and Accountability recommended exempting the Commission for Fathers, Men and Boys from the requirement to file a Financial Disclosure Statement based on the functions of the commission.

**ACTION(S) TAKEN/RESPONSE(S):** Board of Ethics met on February 28, 2020, and voted to exempt its members from filing.

**15. AGENCY:** Office of Central Services (OCS)

**ALLEGATION: Case #20-0324** - Executive Director of the Supplier Development and Diversity Division issued conditional (temporary) business certifications for entities that do not meet the requirements stipulated in the Procurement Regulations.

**DISPOSITION:** Compliance

**RECOMMENDATIONS:** OEA recommends that the Director of OCS (Purchasing Agent) implement a written policy detailing the agency's practice of offering conditional certifications to businesses. The policy should clearly outline the process for requesting and granting conditional certifications as well as establish time limits for businesses to meet the requirements. To ensure adequate controls of the process, the Director of OCS should limit the number of times that a business can be granted a conditional certification. This written policy would provide direction to OCS staff pending the completion of the legislative process.

**ACTION(S) TAKEN/RESPONSE(S):** Agency introduced legislation to revise the procurement code to allow Director to issue conditional and temporary certifications.

**16. AGENCY:** Department of Permitting, Inspections and Enforcement (DPIE)

**ALLEGATION:** Case #20-0378e - An Associate Director with the Department of Permitting, Inspections and Enforcement (DPIE) was working unauthorized secondary employment.

**DISPOSITION:** Unsubstantiated

**RECOMMENDATIONS:**

- 1) Director of DPIE advise employee that if the employee's company becomes active, the employee, in accordance with the Ethics Code and Administrative Procedure 152, must obtain agency approval and submit said approval to the Office of Ethics and Accountability for review.
- 2) Director of DPIE advise employee that the business must be disclosed on the employee's Financial Disclosure Statement for 2019.

**ACTION(S) TAKEN/RESPONSE(S):** DCAO, standing in for the Director, met with the employee and formally instructed the employee to obtain agency approval if the business becomes active and to include the business information on the 2019 FDS.

**17. AGENCY:** Office of Central Services (OCS)

**ALLEGATION:** Case #20-0414 - A private business use of a County facility for non-County purposes without following County procedures for approval.

**DISPOSITION:** Non-Compliance

**RECOMMENDATIONS:**

- 1) Director of OCS, in consultation with the Office of Law, review the practicality of permitting public entities to use County conference rooms and ensure that safeguards are created to protect the County and its interests. The review should include revising Administrative Procedure 607 (AP 607).
- 2) Director of OCS develop a detailed agency policy that governs the use of County conference rooms by private entities. The policy should outline an approval process and should ensure that all requirements detailed in AP 607 are met. Further, the policy should include a tracking provision that details use of County conference rooms.
- 3) Director of OCS, in consultation with the Office of Law, review Uplift Maryland's past use of a County building's address, as its mailing address and take appropriate action to address any misuse of County information.

**ACTION(S) TAKEN/RESPONSE(S):** Pending

**18. AGENCY:** Human Relations Commission (HRC)

**ALLEGATION: Case #20-0425** - A commissioner misused the commissioner's prestige of office by endorsing the sitting judges of Prince George's County in a YouTube video.

**DISPOSITION:** Unsubstantiated

**RECOMMENDATIONS:** The Commission, in consultation with its attorney, implement policies and procedures addressing permissible political activities of its Commissioners.

**ACTION(S) TAKEN/RESPONSE(S):** HRC will adopt a standard operating procedure explaining the rights and prohibitions of HRC Commissioners with regards to political activity while employed by the County.