

The Maryland-National Capital Park and Planning Commission
Office of the Inspector General

INTERNAL CONTROL REPORT

**Alleged Abuse of the Americans with Disabilities Act
Accommodations and Telework Privileges
Prince George's County
Planning Department**

Report Number: PGC-010-2025-B

May 27, 2025

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Internal Control Report
Alleged Abuse of the Americans with Disabilities Act
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A. Overall Perspective

The Office of the Inspector General (OIG) has completed their investigation into allegations of abuse of the Americans with Disabilities Act accommodation and telework privileges and has issued a confidential Fraud, Waste and Abuse Report (PGC-010-2025-A) detailing the results of the investigation.

During the completion of the investigation, the OIG identified opportunities to strengthen internal controls within Prince George's County Planning Department. This Internal Control Report is being provided as a supplement to the Fraud, Waste, and Abuse Report.

The fraud, waste and abuse investigation was conducted in accordance with the Principles and Standards for Offices of Inspector General. The investigation covered activities between January 2019 through March 2025.

B. Findings and Recommendations

1. Develop and Implement ADA Accommodations Policy and Procedures

Issue: The Prince George's County Planning Department (Planning Department) did not develop and execute a comprehensive standardized process for employees requesting reasonable accommodations related to the Americans with Disabilities Act (ADA). A draft policy exists but has not undergone the proper review and approval process. The Department's ADA reasonable accommodation process is not consistent in its review and approval procedures. For example, there are inconsistencies in the ADA forms used by the Department. Some forms require the authorization of the Planning Director and the Corporate Human Resources Director, while others only require the Planning Director.

The OIG determined, [REDACTED]

Criteria: ADA requires employers to provide reasonable accommodations to qualified employees with disabilities. This process should be governed by clear, consistent, and properly approved policies and procedures. Per Federal Internal Controls Standards (GAO-14-70G) Principle 12 – Implement Control Activities: 12.01 Management should implement control activities through policies.

Risk: The inconsistencies and lack of finalized policies and procedures may lead to non-compliance with ADA requirements, potential legal challenges, and a lack of trust and confidence among employees requiring accommodations.

Cause: The Planning Department has not prioritized the finalization and approval of the ADA reasonable accommodation policy and standard operating procedures. Additionally, there is a lack of standardization in the review and approval process and inconsistencies in the ADA Accommodation Request Form used.

Issue Risk: High

¹ According to Ms. Simmon's ADA Request form her intake process was conducted and completed on the same day.

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Recommendation: The OIG recommends the Department of Planning ensure the following:

- **Finalize Policies and Procedures:** The Department must prioritize the review and approval of the draft ADA reasonable accommodation policy and procedures to ensure it is finalized and properly implemented.
- **Develop Updated ADA Forms:** Create updated ADA forms that clearly determine the authorization levels required, ensuring consistency across all forms.
- **Segregation of Duties:** Implement segregation of duties when employees within the Department's Human Resources Office request an ADA reasonable accommodation to avoid any conflicts of interest.
- **Transparency in ADA Intake Process:** Ensure sufficient transparency in the ADA intake process by including the Planning Director and documenting the completion of steps taken and discussions held.

Management Response: Concur. Since ADA is a federal civil rights law, the Planning Department will need on-going support from Corporate Human Resources to ensure that ADA forms, policies and procedures required to be implemented at the departmental level, are in accordance to M-NCPPC's guidance for consistency purposes. Additionally, the Planning Department will work with Corporate Human Resources on an effort to make the intake and investigation process clear and concise to follow for Department staff. [REDACTED]

[REDACTED] will be a priority upon finalizing the recruitment process for this position, as the Department looks forward to re-instituting the review of ADA reasonable accommodation to be conducted at the department level again.

Expected Completion Date: December 2025

Follow-Up Date: January 2026

2. Enforce Commission's Telework Agreement Requirements

Issue: The Planning Department did not enforce and ensure consistency in requiring employees to submit telework agreements. [REDACTED] approved ADA accommodations that allowed certain employees to work 100% remote². These employees were not required to submit a telework request form and such requests were not coordinated with the Planning Director as required by Commission policy.

Criteria: Per Administrative Procedures No. 03-01, Telework Program, the Commission requires an employee to complete an application using the *Telework Screening Survey and Agreement* in advance of the telework arrangement. The supervisor and division chief must review the employees' request. Based on the review, the supervisor and division chief recommend approval or denial of the employee's request and forwards the signed telework application to the Department Head.

The Department Head reviews the telework forms and associated documentation and approves or denies the employees' request. If the telework request involves 100% remote work for more than two weeks, the Department Head must consult with the Human Resources Director and General Counsel, or their designees, to evaluate the reason for the request and ensure consistent review across the Commission. In all cases, the Department Head's decision is final and is not grievable.

Risk: The lack of enforcement and coordination leads to non-compliance with the Commission's Telework Program policy, which can result in administrative and legal repercussions for the department.

Cause: Management within the Planning Department did not enforce the requirement for employees to submit telework agreements for review and approval. In addition, the [REDACTED] did not properly coordinate with the Planning Director to ensure employees were adhering to Commission policy for telework requests.

Issue Risk: Medium

Recommendation: The Planning Department should enforce the requirement for employees to submit telework agreements for review and approval. The Human Resources Manager should coordinate all telework requests, even those associated with ADA accommodations, with the Department management and the Planning Director to ensure compliance with Commission policy. Additionally, training should be

² During the OIG's review, we identified certain employees were allowed to work remote during the pandemic while on ADA accommodation. Subsequently, their ADA close-out letters were updated to require stipulations for limited in-office presence. However, those employees did not submit a telework agreement request.

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provided to the Human Resources Manager and other relevant staff on the proper procedures for handling telework requests and ADA accommodations.

Management Response: Concur. Since 2024, the Planning Department has prioritized the reauthorization of annual telework agreements for eligible employees. The Planning Department's Human Resources team routes all telework agreements to the Department Head for approval, in accordance with Commission policies and procedures. The Department is tracking its progress in this area to ensure compliance. With the permanent hiring of the [REDACTED], the department will prioritize additional staff training, including as part of standardized Mandatory Supervisory Training and will coordinate with Corporate Human Resources where appropriate. Lastly, a department standard operating procedure will be completed as part of this process, to ensure compliance with M-NCPPC's policies and procedures.

Expected Completion Date: December 2025

Follow-Up Date: January 2026

3. Formally Designate a Central ADA Coordinator (REPEAT FINDING)³

Issue: The Commission has not formally designated a central ADA Coordinator to guide the agency's compliance activities and to ensure consistency across all departments (i.e., Prince George's County Department of Parks and Recreation, Prince George's County Planning Department and Planning Board, Montgomery County Department of Parks, Montgomery County Planning and Planning Board and Central Administration Services).

Given the Commission's organizational structure, ADA related work activities are decentralized throughout the agency. Assigned staff members within the individual departments perform the functions of coordinator, as the ADA law mandates the appointment of a knowledgeable person to coordinate the agency's efforts to comply with Title II. Although individuals across the various departments are acting in this capacity, the agency would benefit from formally assigning an employee with the role and responsibilities of central ADA Coordinator for the organization, as a best practice. A central coordinator should mitigate the potential operational risk of inconsistent practices across the organization.

Criteria/Risk: Title II of the ADA law mandates that a public entity with 50 or more employees is required to designate at least one responsible employee to coordinate ADA compliance. However, a public entity may elect to have more than one coordinator. Failure to designate a central ADA Coordinator may result in inconsistent practices across departments and may ultimately lead to noncompliance with the law.

Risk: High

Recommendation: The OIG recommends Corporate Human Resources to:

- Formally designate an employee for the role and responsibilities of central ADA Coordinator for the organization, as a best practice.
- Ensure that members who currently perform coordinator functions should continue to do so and report the results of ADA related activities to the designated central ADA Coordinator.

Management Response: Concur. Corporate Human Resources (the Human Resources Division in the Department of Human Resources & Management, "DHRM") has already selected a candidate for hire into the new Corporate ADA Coordinator

³ The OIG issued this audit finding in the report entitled, Americans with Disabilities Act Compliance, Report No. CW-004-2018 dated July 26, 2018. This audit recommendation was not implemented and remained partially resolved due to the Commission not officially designating at least one responsible employee to coordinate ADA compliance.

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position. The selected incumbent will be starting in the Corporate ADA Coordinator position on June 9, 2025, and will specialize in both Title I and Title II ADA activities including but not limited to ensuring compliance and consistency across the entire agency and all M-NCPPC departments. The Corporate ADA Coordinator will be part of DHRM's Employee and Labor Relations team; therefore, will have necessary background from other specialized human resources staff in the areas of employee relations and employment laws including ADA.

The Corporate ADA Coordinator and the Corporate Employee and Labor Relations team can collaborate with all departmental staff performing ADA activities to ensure agency-wide compliance, consistency, and guidance. This centralized team can assist the Prince George's Planning Department as well as all the other M-NCPPC departments in providing support and agency-wide standardization with such activities as ADA forms, ADA standard operating procedures/policies, ADA guidance/consultation services, and ADA trainings/briefings. Of note, since approximately October 2024, the Corporate Employee and Labor Relations has already been working with the Prince George's Planning Department's Human Resources staff and their Acting Human Resources Manager in ensuring that ADA Title I (employment) activities are appropriately handled and are in accordance with both the ADA and M-NCPPC policies.

Expected Completion Date: December 2025

Follow-Up Date: January 2026

C. Conclusion

We believe the findings identified and communicated are correctable and that management's responses to all recommendations satisfactorily address the concerns. It is the responsibility of management to weigh possible additional costs of implementing our recommendations in terms of benefits to be derived and the relative risks involved.

We wish to express our appreciation to the Prince George's County Department of Planning management and staff for the cooperation and courtesies extended during the course of our review.

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May 27, 2025