Office of the Independent Inspector General

"[T]o detect, deter and prevent corruption, fraud, waste, mismanagement, unlawful political discrimination or misconduct in the operation of County government."

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Quarterly Report
2nd Quarter 2021

July 15, 2021

OFFICE OF THE INDEPENDENT INSPECTOR GENERAL
Patrick M. Blanchard, Inspector General
69 West Washington Street | Suite 1160 | Chicago, IL 60602 | (312) 603-0350

July 15, 2021

Transmittal via electronic mail

Honorable Toni Preckwinkle
and Honorable Members of the Cook County
Board of Commissioners
118 North Clark Street
Chicago, Illinois 60602

Re: Independent Inspector General Quarterly Report (2nd Qtr. 2021)

Dear President Preckwinkle and Members of the Board of Commissioners:

This report is written in accordance with Section 2-287 of the Independent Inspector General Ordinance, Cook County, Ill., Ordinances 07-O-52 (2007), to apprise you of the activities of this office during the time period beginning April 1, 2021 through June 30, 2021.

OIIG Complaints

The Office of the Independent Inspector General (OIIG) received a total of 182 complaints during this reporting period.[1] Please be aware that 24 OIIG investigations have been initiated. This number also includes those investigations resulting from the exercise of my own initiative (OIIG Ordinance, Sec. 2-284(2)). Additionally, 66 OIIG case inquiries have been initiated during this reporting period while a total of 65 OIIG case inquiries remain pending at the present time. There have been 55 matters referred to management or other enforcement or prosecutorial agencies for further consideration. The OIIG currently has a total of 35 matters under investigation. The number of open investigations beyond 180 days of the issuance of this report is seven due to various issues including the nature of the investigation, availability of resources and prosecutorial considerations.

OIIG Summary Reports

During the 2nd Quarter of 2021, the OIIG issued 12 summary reports. The following provides a general description of each matter and states whether OIIG recommendations for

[1] Upon receipt of a complaint, a triage/screening process of each complaint is undertaken. In order to streamline the OIIG process and maximize the number of complaints that will be subject to review, if a complaint is not initially opened as a formal investigation, it may also be reviewed as an "OIIG inquiry." This level of review involves a determination of corroborating evidence before opening a formal investigation. When the initial review reveals information warranting the opening of a formal investigation, the matter is upgraded to an "OIIG Investigation." Conversely, if additional information is developed to warrant the closing of the OIIG inquiry, the matter will be closed without further inquiry.

remediation or discipline have been adopted. Specific identifying information is being withheld in accordance with the OIIG Ordinance where appropriate.[2]

IIG19-0405. This matter involved a Post-SRO Complaint filed by a Juvenile Temporary Detention Center (JTDC) employee pursuant to the *Supplemental Relief Order* ("SRO") entered in connection with the *Shakman v. Cook County*, 69 C 2145 (N.D. Ill.) litigation. The complaint alleged that the Chief Judge of the Circuit Court of Cook County, the Superintendent of the Cook County Juvenile Detention Center, and members of the Superintendent's executive staff did not permit him to perform his job due to political interference. Complainant stated in his complaint that, as Acting Director of the JTDC's Internal Investigations Division, he was excluded from investigations, was not paid the salary for the position in which he served for eight months and was not allowed to supervise an investigator who he believed was provided special treatment.

Section V.A., Paragraph 9 of the SRO charges the OIIG with investigating whether impermissible political factors were considered in an employment decision regarding the complainant. This office first had to determine as a threshold issue whether an employment action has taken place. In making such a determination, we look to the courts for guidance. The U.S. Supreme Court has held that "[a] tangible employment action constitutes a significant change in employment status, such as hiring, firing, failing to promote, reassignment with significantly different responsibilities, or a decision causing a significant change in benefits." *Burlington Industries v. Ellerth*, 524 U.S. 742, 761 (1998). The United States Court of Appeal for the Seventh Circuit has held that a "[m]ere inconvenience or an alteration of job responsibilities" or "[a] bruised ego" is not enough to constitute an adverse employment action. *Flaherty v. Gas Research Inc.*, 31 F.3d 451,456 (7th Cir. 1994).

Complainant made several allegations about his work environment which, although they include circumstances with which he is neither comfortable nor satisfied, do not involve allegations of an employment action affecting him. These types of workplace interactions, though perhaps uncomfortable, do not constitute adverse employment actions. Adverse employment actions include, *inter alia*, suspension, firing, failing to promote, reassignment with significantly different responsibilities. The majority of actions of which the complainant alleges are more appropriately characterized as personality conflicts in the workplace and are not employment actions under the law.

However, the complainant has made two allegations that involve employment actions; namely the failure of the JTDC to hire him permanently as the Director of Investigations and the failure of the JTDC to compensate him for the entire time he acted in the role of Interim Director of Investigations. Thus, this office had to determine whether political factors were involved in those employment decisions. In determining whether impermissible political factors were

[2] Please note that OIIG Quarterly Reports pertaining to the Metropolitan Water Reclamation District of Greater Chicago (MWRD) are reported separately. Those reports can be found at https://www.cookcountyil.gov/service/metropolitan-water-reclamation-district-greater-chicago.

considered in an employment decision, this office relies on First Amendment case law for guidance. To make a *prima facie* claim for a First Amendment violation, an individual must present evidence that (1) the speech is constitutionally protected; (2) the individual suffered a deprivation likely to deter free speech and (3) his speech caused the employer's action. *Gunville v. Walker*, 583 F.3d 979, 983 (7th Cir. 2009). If an individual can make a *prima facie* claim, the burden shifts to the employer to show that there was a legitimate, non-political reason for the employment decision. *Zerante v. Deluca*, 555 F.3d 582, 584 (7th Cir. 2009).

In the present case, the employment actions of which the complainant alleges are the failure of the JTDC to pay him certain wages while serving as Interim Director of Investigations and for not retaining him in that role permanently. However, the preponderance of the evidence developed by the investigation revealed that the complainant was not retained as Director of Investigations because he failed to meet the minimum qualifications for the position. This office reviewed the job description and concluded that the minimum qualifications for the position included a law degree. This evidence was corroborated by the JTDC Superintendent where he indicated that the complainant's lack of a law degree meant that he was not eligible to permanently staff the position. Regarding the claim that the JTDC failed to pay complainant for the full duration of his interim assignment, the documents produced establish that the JTDC did in fact enter into an agreement with complainant to pay him an increased wage while acting up in the position. That the implementation of the higher wage was delayed does not appear to be an act of unlawful political discrimination but of bureaucratic difficulties.

Thus, for the reasons outlined above, we concluded that no political factors were involved in the employment decisions made with respect to the complainant.

IIG19-0443. This investigation involved an allegation that a certain property located in Chicago was acquired by the Cook County Land Bank Authority (CCLBA) in a scavenger sale and held for two years and then returned to the Treasurer's office for inclusion in the following tax sale. During the time period in which the CCLBA acquired the property and returned it to the Treasurer's Office, the owner of the property maintained legal ownership without property tax payments being made. These allegations raised the possibility that CCLBA officials breached their fiduciary duties as enumerated in Sec. 2-571 of the Cook County Ethics Ordinance.

The evidence developed during the course of this investigation revealed vulnerabilities in the CCLBA's process of reviewing and approving potential property acquisitions. The CCLBA's overreliance on the legal review process of the outside attorneys to identify inadequacies in the conveyance of properties is not an effective internal control procedure and exposes the CCLBA to potential unnecessary legal liabilities if the attorneys fail to identify fraudulent transactions. Moreover, the time and resources expended by the CCLBA on a conveyance that has no apparent value to the operations of the CCLBA demonstrates an inefficient use of CCLBA resources.

The evidence also revealed that CCLBA senior officials failed to conduct sufficient analysis of the subject property acquisition when the substance and nature of the potential

conveyance became problematic or even unclear. The senior officials demonstrated an inability to recognize "red flag" issues when, as a reasonable interpretation of the email activity reveals, they were confronted with them and failed to react. We believe these circumstances reveal a lack of judgment on the part of CCLBA senior officials.

However, notwithstanding the foregoing, the preponderance of the evidence developed failed to support the conclusion that CCLBA officials' conduct rose to a level constituting a breach of their fiduciary duties as enumerated in Sec. 2-571 of the Cook County Ethics Ordinance.

Based upon the foregoing, we recommended the following:

1. The CCLBA should re-evaluate the process by which it relies on outside attorneys to identify significant related party transactions. In doing so, the CCLBA should develop a more robust and thorough process at the beginning of the acquisition process and discontinue the acquisition when evidence is identified that is not in compliance with CCLBA mission and objectives and violates relevant tax codes.

2. On September 18, 2020, approximately one year after the CCLBA terminated the subject property transaction, CCLBA updated Section 3 (*Priorities for Property Transferees*) part 33 (*Reserved Discretion*) of its Policies and Procedures to include part 33(g), which states CCLBA has the discretion to decline applicants and proposed transaction agreements from individuals and entities when a "prospective transferee/developer has a personal or professional affiliation with the former owner of the property which would allow the former owner to benefit from the abatement of delinquent real estate taxes." We encourage the CCLBA to continue its efforts to strengthen its controls over the acquisition process by analyzing its practices and procedures and developing requisite policies.

In response to the OIIG recommendations, the CCLBA stated that the transaction at issue was novel, involved atypical counterparties and erroneous reporting of property information. The CCLBA also noted that it has increased staff training and created a more rigorous property search protocol through amendments to the CCLBA Board policy in 2020 and will continue to modify its procedures to aid staff in acquiring and restoring abandoned properties with integrity and transparency in support of its mission.

IIG19-0554. The OIIG received information alleging that a property located on Berteau Ave., Chicago was improperly granted a reduction in assessed value for the 2018 assessment year by the BOR. It was further alleged the homeowner has a personal relationship with a BOR Commissioner which may have influenced the BOR's decision to grant the reduction. Accordingly, the OIIG initiated this investigation to ascertain whether the reduction in assessed value was influenced by the alleged relationship between the Commissioner and the taxpayer or whether proper procedures were followed.

During this investigation, the OIIG reviewed tax appeals filed by the taxpayer with the Cook County Assessor's Office (CCAO) and BOR, interviewed personnel from both offices in connection to the appeals filed, and reviewed emails concerning the subject property.

The preponderance of evidence developed during the course of this investigation failed to support the allegation that the reduction in assessed value to the subject property was attributable to the taxpayer having a personal relationship with a BOR commissioner.

During the course of this investigation, however, the evidence reflected the BOR's failure to recognize and incorporate the recent sale of the subject property in its decision to grant a reduction in assessed value. BOR Official Rule 19 states in part, "[a] taxpayer shall disclose the purchase price of the property and the date of purchase if it took place within three years of the lien date and shall file with the Board appropriate relevant sales documents …." We noted the taxpayer did not disclose the recent sale and the BOR's process of reviewing the appeal failed to capture the sale. As a result, the taxpayer wrongfully received a reduction in assessed value, which led to underassessment of the subject property and a reduction in tax liability for the property during tax year 2018.

Based on the foregoing, we recommended the following:

1. The BOR should conduct a review of the 2018 appeal and incorporate the recent high value sale (June 2017) of the subject property. The BOR should consult with applicable County agencies to ascertain the necessary back-taxes, late interest, and penalties owed by the taxpayer and take any actions deemed necessary to collect monies owed as a result of the erroneous omitted assessment.

2. The BOR should conduct an analysis of its internal systems and processes to ensure the BOR has consistent access to the most accurate and up-to-date sales data.

3. With regard to the processing of appeals, the BOR should institute uniform rules whereby analysts are required to follow standard procedures in processing the appeals and documenting the appeal files to support the reason for granting or denying an appeal.

These recommendations are currently pending.

IIG19-0568. This investigation involved a complaint alleging that the Chief of Staff for an elected official engaged in sexual harassment towards a staff member in the elected official's office by, among other things, sending sexually explicit text messages. It was further alleged that the Chief of Staff and elected official retaliated against the complainant when she reported the sexual harassment.

This investigation consisted of interviews with the complainant, the complainant's family members, a former member of the subject elected official's staff, the subject elected official, and the subject Chief of Staff. The OIIG also reviewed relevant recovered text messages.

The preponderance of the evidence developed during the course of this investigation supports the conclusion that the Chief of Staff violated Cook County Equal Employment Opportunity Policy Section VII, Prohibited Conduct (C) Sexual Harassment. The Cook County EEO Policy states: Sexual harassment includes any unwelcome sexual advances, request for sexual favors, or conduct of a sexual nature when, "[s]uch conduct has the purpose or effect of interfering with the work performance of an employee or creating an intimidating, hostile or offensive work environment." This conclusion is based on the substantial text message evidence gathered as well as the Chief of Staff's acknowledgement in sending the sexually explicit text messages. The messages document a pervasively harassing work environment caused by the complainant's supervisor. The evidence also includes inappropriate physical contact of a sexual nature occurring, as recalled by the complainant, when the Chief of Staff "tap[ped] her butt" triggering a strong statement of disapproval from the complainant. A former staff member in the office stated that complainant reported this information to her at or near the time of the occurrence. The text messaging also included a sharp rebuke by the complainant when she told the Chief of Staff to cease sending the explicit text messages.

In his interview, the Chief of Staff suggested that his behavior, while inappropriate, should be considered in the context of a thirty-year personal relationship involving social interactions that pre-dated their work with Cook County government. However, the policy prohibiting such conduct offers no mitigating considerations to relieve the Chief of Staff from his misconduct and falls flat in light of the rebukes made by the complainant. Moreover, the Chief of Staff's status as the complainant's direct supervisor represents an aggravating factor that could support a recommendation for the imposition of a significant level of disciplinary action against the Chief of Staff.

When the complainant reported the allegations to the elected official near the time of the occurrences, the elected official held a meeting to address the complainant's concerns. The elected official concluded that the Chief of Staff "crossed the line" with his behavior and admonished him to limit the nature of his communications with complainant to business only. We view the elected official's verbal admonishment of the Chief of Staff to be disciplinary action. Therefore, no further disciplinary action of a different nature or scope can be imposed at this juncture. This is because disciplining an employee twice for the same act represents double jeopardy and implicates due process concerns. *See Auto Mechanics Local 701 v. Ed Napleton Oak Lawn*, 2011 U.S. Dist. LEXIS 139174 (N.D. Ill. Dec. 2011); *Messina v. Chicago,* 145 Il. App. 3d 549, 556 (1st Dist. 1986). Therefore, no further disciplinary action is being recommended in relation to the Chief of Staff's violation of the sexual harassment policy.

The preponderance of the evidence developed also supports the conclusion that the Chief of Staff and the elected official violated Cook County Equal Employment Opportunity Policy Section VII – Prohibited Conduct (E) Retaliation, which states:

> It is a violation of this Policy to retaliate against any person who asserts their rights by opposing discriminatory practices in the workplace; complaining about conduct prohibited by this Policy; or complaining to, cooperating with or assisting the EEO Office in resolving a complaint of discrimination or harassment. Retaliatory actions include, but are not limited to, refusal to hire, denial of promotion or job benefits, demotion, suspension or discharge, or any other actions affecting the terms or conditions of employment.

The complainant stated that as a result of her reporting the sexual harassment by the Chief of Staff to the elected official she began to experience retaliation by both the Chief of Staff and the elected official. The County's EEO policy prohibits retaliation against any person who asserts their rights against discriminatory practices in the workplace. Through OIIG interviews, this office corroborated the complainant's allegations that adverse employment actions affecting the terms or conditions of her employment occurred. Of primary concern is complainant's allegation that she was not provided with work assignments any longer including specific assignments related to attending events as a representative of the office on behalf of the elected official. A former staff member in the office stated that the elected official no longer provided her with the information to relay to the complainant for events that the complainant was to attend as she had in the past. The former staff member also informed the OIIG that she had witnessed firsthand that the relationship between the elected official, the Chief of Staff, and the complainant had significantly changed (after the meeting took place), adding that the environment became hostile. Evidence further suggests that after the complainant reported the harassment by the Chief of Staff, close monitoring of her daily activities and change in work responsibilities resulted. It is asserted that these restrictions are continuing in nature.

This office has been presented with no evidence to support the notion that the removal of work assignments away from the complainant were necessary or related to a valid employment action involving the complainant. The elected official stated in her OIIG interview that she had developed concerns about the complainant's behavior, both personally and professionally, before the misconduct of the Chief of Staff was reported to her. The elected official also stated that the complainant does not have a "filter" and cited an example involving their homeowner's association (of which both are members) declining to appoint her as President of the association due to these behaviors. While we recognize that circumstances could exist requiring a sudden transfer of responsibilities from the complainant, no tangible evidence of this occurring is available and no record of any disciplinary action following unacceptable behavior by complainant has been documented. Moreover, the vague suggestion by the elected official of complainant's odd behavior

cannot overcome the proximate and abrupt change of complainant's job duties in relation to her sexual harassment complaint to the elected official of the Chief of Staff's conduct.[3]

Accordingly, we recommended an appropriate level of disciplinary action be imposed in light of the Chief of Staff's conduct in violation of Section VII (E) consistent with other similar cases. Additionally, we recommended that both the elected official and Chief of Staff receive training and instruction with respect to their responsibilities under related workplace policies.

In response to the OIIG report, the subject elected official agreed that the Chief of Staff had already been admonished for sexual harassment. The elected official disagreed with the OIIG finding of retaliation and rejected the OIIG recommendation for discipline of the Chief of Staff on that charge. The elected official adopted the recommendation to attend additional training regarding the prohibition of sexual harassment and that the Chief of Staff attend such additional training as well.

IIG20-0439. The OIIG received information that a uniform manufacturing company, failed to utilize a Minority-Owned Business Enterprise Subcontractor (hereinafter "MBE A.") as set forth in Cook County contracts with the company. This office reviewed the company's contracts with Cook County, the Minority-Owned and Women-Owned Business Utilization Plans, payment information, and Contract Compliance documents to evaluate whether company officials failed to comply with its Utilization Plans. Company officials did not respond to this office's requests for interviews.

The preponderance of evidence demonstrated the following:

- The subject company committed to use MBE A in the amount of $121,646.16 and a Women-Owned Business Enterprise (WBE) in the amount of $34,756.00 in a contract for the Juvenile Temporary Detention Center (JTDC). However, the subject company paid the WBE only $16,890.74 and did not utilize MBE A whatsoever.

- The subject company committed to use MBE B in the amount of $152,139 and to use a WBE in the amount of $60,855.95 in a contract for the Sheriff. However, the subject company paid MBE B only $1,595.00 and did not use a WBE whatsoever.

- The subject company committed to use MBE C for 12.5% ($6,139.97) of a contract for the Medical Examiner's Office. The Board of Commissioners approved the contract on January 24, 2019 for the period from February 1, 2019 through January 31, 2022. As of the date of this report, the subject company had not yet utilized MBE C.

[3] Even if complainant's asserted odd behavior was a factor resulting in a change of her job duties, in light of the strong evidence of retaliatory motive, it represents a "mixed-motive" and does not alter our conclusions. *See Price Waterhouse v. Hopkin*s, 490 U.S. 228 (1989).

Upon previously being asked by the Cook County Compliance Officer why the subject company did not satisfy its goals in the contract for the JTDC, a manager for the subject company said that MBE A was "unable to meet the needs of the order." This assertion lacks credibility when considering the subject company has demonstrated a pattern of presenting Utilization Plans that match the MBE/WBE goals set for the contracts and then only minimally utilizing (or not utilizing) the MBE and WBE companies. We know that the subject company was aware of its obligations to submit written requests for changes to the Utilization Plans because it submitted such a request to replace MBE A with MBE B in the contract with the Sheriff. The subject company, however, never made any attempts to award any work to any of the MBE or WBE companies in another capacity outside of the Cook County contracts (as contemplated through the indirect use exception) or request modifications to the Utilization Plans to the Contract Compliance Directors. As a result, the evidence supports the conclusion that the subject company failed to comply with its Utilization Plans in good faith.

In addition, Section 2-285(a) of the OIIG Ordinance requires all County contractors to cooperate with the OIIG in the conduct of its investigations. This admonition is provided in all of the above-mentioned County contracts. Section 2-285 (b) further requires contractors to comply with OIIG requests in a timely fashion. This office requested the subject company to participate in an interview. An investigator subsequently forwarded the OIIG interview form and asked for the company manager's availability. The manager failed to respond to this email request and the follow-up attempts to contact her by OIIG Investigators all in violation of Sections 2-285(a) and 2-285(b).

Based on the foregoing, we recommended:

1. In accordance with Section 34-176 of the Cook County Code, the CPO should declare the subject company to be in material breach of the contracts above and that the CPO disqualify it from participation in any Cook County contracts and seek all available contractual remedies and penalties pursuant to the Procurement Code;

2. In accordance with Section 34-175 of the Cook County Code, the County should consider terminating the contract with the subject company and disqualifying it for a certain period due to the provision of false information in Utilization Plans concerning the existence of contractual participation with MBE and WBE subcontractors; and

3. In accordance with Section 2-291(b)(3) of the OIIG Ordinance, the subject company's existing contracts should be terminated and the company should be rendered ineligible for future contracts for a period of two years.

These recommendations are currently pending.

IIG20-0514. This case involved a former Administrative Assistant in Facilities Management (hereinafter "Complainant") who sent an email to various employees in Human

Resources, Facilities Management, the President's Office, and Enterprise Resource Planning alleging that a Manager of Custodial Services (hereinafter "Manager") used profanity and vulgar language in a phone conversation with her after the Manager discovered that Complainant had not returned to work in person during the Covid pandemic. The Complainant also alleged that after she applied for and received approval for emergency FMLA leave, the Manager repeatedly asked Complainant to terminate her leave and return to work.

The evidence developed regarding Complainant's allegation that Manager used vulgar language in a conversation with her is inconclusive due to conflicting versions by those involved. The Complainant also asserted that the Manager directed Complainant to complete work during her FMLA leave or to return to work while on FMLA leave. There were no emails between the Complainant and Manager to corroborate this claim and no other emails between them that corroborate the Complainant's allegations generally, such as a pattern of negative emails between them that pertained to another subject. Accordingly, this matter was not sustained and no further action was recommended.

IIG20-0553. This investigation was initiated based on a complaint alleging that a Department of Transportation and Highways (DOTH) employee, who is also an elected official in a suburban municipality, falsified prior employment applications for positions he held at Cook County. It was further alleged that the subject employee, while on compensated County time, was utilizing Facebook to make posts that were (1) political in nature and (2) related to his work as an elected official in the suburban municipality. These allegations raised the possibility that the subject employee violated the following personnel rules and ordinances: (1) Ch. 44, Art. I, Sec. 44-54 of the Cook County Code (False statements in seeking promotion); (2) Cook County Personnel Rule 13.2(b): Failure to report outside employment; (3) Ethics Ordinance - Cook County Code, Article VII. Section 2-583(c): Performing prohibited political activity during compensated time; and (4) Cook County Personnel Rule 8.2(b)(23): Engaging in non-County business on County time.

During this investigation the OIIG reviewed Cook County employee time and attendance records (CCT), the subject employee's Facebook account, personnel files, online records related to the employee's prior Cook County employment applications, the suburban municipality's financial reports, and the subject employee's current LinkedIn profile. Below are the OIIG findings, conclusions and recommendations regarding the various alleged violations by the subject employee.

Section 44-54[4]

[4] Section 44-54(b) of the Cook County Human Resources Article provides that "No persons shall make any false statement, certificate, mark, rating or report with regard to any test, certification or appointment made under any provisions of this article or in any manner commit or attempt to commit any fraud, prevent the impartial execution of this article and any rules issued under this article."

The preponderance of the evidence developed during the course of this investigation establishes that the subject employee did not meet the minimum qualifications when he applied for a Highway Engineer position. For that application, the subject employee was required to have four years of full-time engineering experience. At the time of his application, the subject employee had 30 months of full-time experience. Nonetheless, the subject employee represented in his application that he possessed at least 48 months of full-time engineering experience. When asked by OIIG Investigators why he stated this in his application, the subject employee stated that he believed his 14 months of part-time internship experience was the equivalent of the full-time experience he did not possess. However, the subject employee was missing 18 months of full-time engineering experience. It is patently unreasonable to assert that 14 months of half-time experience is the equivalent of 18 months of full-time experience. Therefore, it was false and misleading for the subject employee to represent he possessed 48 months of full-time engineering experience in this application. As such, the provision of this false information constitutes a violation of Section 44-54 of the Human Resources Article.

Dual Employment

The preponderance of the evidence developed during the course of this investigation establishes that the subject employee violated Personnel Rule 13.2 Report of Dual Employment which requires Cook County employees to disclose outside employment. This rule plainly requires employees to file a new dual employment form should they begin outside employment. The subject employee, upon his hire in 2017, executed just such a form stating he had no outside employment. That later changed when the subject employee was elected as an official in a suburban municipality yet no updated form was filed as required.

Cook County Ethics Ordinance

The preponderance of the evidence developed during the course of this investigation establishes that the subject employee violated Cook County Ethics Ordinance Article VII. Section 2-583(c) which prohibits performing prohibited political activity during compensated time.[5] The subject employee's Facebook page contains posts in support of his political party made during times when he was swiped into CCT. Although the subject employee initially stated to this office that his girlfriend makes the posts using the subject employee's Facebook account when the subject employee was working at DOTH during the day, he later retreated from that position by stating that both he and his girlfriend use the subject employee's phone to make the posts and that he may have made the posts himself. As such, the preponderance of the evidence supports the conclusion that the subject employee made political posts on compensated time in violation of the Code of Ethics.

[5] Prohibited political activity includes participating in any political meeting, political rally, political demonstration or other political event. (Cook County Code of Ordinances, Article VII, Section 2-562).

Cook County Personnel Rule 8.2(b)(23)

The preponderance of the evidence developed during the course of this investigation establishes that the subject employee violated Cook County Personnel Rule 8.2(b)(23) which prohibits the performance of non-County business during compensated time. As stated above, the subject employee has stated that he makes Facebook posts related to his other employment and acknowledged he may have made the posts himself during compensated time. Therefore, the preponderance of this evidence also supports the conclusion that the subject employee has posted, during compensated time, posts related to his other work as an elected official of a suburban municipality.

Based on the above, the OIIG made the following recommendations:

(1) By providing false information in his application for employment as a Highway Engineer position, the subject employee stands in violation of the above Human Resources Article.[6] Section 44-54 is explicit where it requires termination and a five-year employment ban for a violation. As such, we recommended that the County terminate the employment of the subject employee and regard the subject employee as ineligible for County service for a period of five years by placing him on the *Ineligible for Hire List*.

(2) By making Facebook posts regarding political matters during compensated County time, the subject employee violated the Cook County Ethics Ordinance as outlined above. This office recommended the imposition of discipline consistent with the treatment of past infractions of a similar nature.

(3) By making Facebook posts regarding business related to his duties as an elected official of a suburban municipality during compensated County time, the subject employee violated Personnel Rule 8.2(b)(23). This office recommended the imposition of discipline consistent with the treatment of past infractions of a similar nature.

(4) By failing to file a dual employment form upon gaining outside employment the subject employee violated Cook County Personnel Rule 13.2(b). Similarly, we recommended the imposition of discipline consistent with the treatment of past infractions of a similar nature.

These recommendations are currently pending.

IIG20-0583. In this case, the OIIG received information that a Cook County Clerk Office (CCCO) employee (New Hire) received special consideration and was hired as an External

[6] Section 44-54 (e) provides, in part "[A]ny person who is found to be in violation of this section shall, for a period of five years, be ineligible for appointment to or employment in a position in the County service."

Security Officer without a job posting or otherwise going through the formal hiring process. During its investigation, the OIIG reviewed the standard job description, applicant resumes, interview evaluation forms, and the CCCO Human Resources (HR) Policy Manual. The OIIG also interviewed several Clerk employees with involvement in the hiring process.

The preponderance of the evidence developed during the course of this investigation failed to support the allegation that the New Hire received special consideration during the hiring process or was hired for the position of Security Officer in the absence of a public posting or a formal hiring process. Rather, the evidence developed by the investigation revealed that the position at issue had an open two-week application period. Further review revealed that approximately 28 applicants, including the New Hire, applied for the position online. Finally, the evidence revealed that two interviews took place and the New Hire received a score higher than that of the other interviewee.

However, the investigation also revealed evidence indicating the CCCO HR department did not comply with CCCO HR policy regarding the validation of applicant resumes, establishing an interview list of eligible applicants[7] or criteria for interview panel selection.[8] Further, the former HR Director acknowledged that during the validation of the New Hire's application she overlooked that he failed to list a valid Permanent Employee Registration Card (PERC) which was a minimum requirement for the position and indicated that the New Hire should not have been considered for an interview. The former HR Director also acknowledged that she did not establish a list of all eligible candidates because she was only able to retrieve a fraction of applicant profiles created. Further, information obtained during this investigation revealed that during the interview of the first candidate, the former HR Director was the sole interviewer and for the interview of the New Hire, only the former HR Director and Deputy Clerk for Security conducted the interview in contravention to the manual due to the limited composition of the panel.

Because the subject HR Director is no longer with the office or working within Cook County government, no disciplinary action was recommended.

IIG21-0025. The subject of this investigation is a supervisor assigned to Cook County Animal and Rabies Control (CCARC). The OIIG received an allegation that while CCARC employees were on the scene of a hoarding call, the subject supervisor loudly and profanely berated two CCARC Animal Control Wardens on a cellular phone call while the phone was on speaker. It was further alleged that the subject supervisor's outburst was heard by two Cook County

[7] CCCO HR Policy Manual Section 4.5 (g)(1) Deputy Clerk or their designee shall schedule interviews of all candidates listed on the final interview list.

[8] CCCO HR Policy Manual Section 4.5 (g)(2) - The Deputy Clerk of HR in consultation with the Deputy Clerk of the Hiring Department, shall select the Interview Panel consisting of (i) the Deputy of the Hiring Department and (ii) two or three management level Employees in the Hiring Department with knowledge and competence in the skills and abilities sought of the Position to be filled. At least one of the members of the Interview Panel must have first-hand knowledge of the job duties and Minimum Qualifications of the Position.

Sheriff's Police Animal Crimes officers who were present at the scene assisting CCARC, as well as the resident who was the subject of the hoarding complaint. These allegations raised the possibility that the subject supervisor violated the following Cook County Personnel Rules: (1) Personnel Rule 8.2(b)(5) (Employee abuse including, but not limited to, racial and ethnic slurs); and (2) Personnel Rule 8.2(b)(36) (Conduct unbecoming an employee or conduct which brings discredit to the County).

During its investigation, this office interviewed two CCARC employees and one of the Cook County Sheriff's Police officers who were at the hoarding scene, as well as the subject supervisor, and considered the CCARC's "Policies and Procedures" manual.

The preponderance of the evidence developed in this investigation supports the conclusion that the subject supervisor's conduct represents a violation of Cook County Personnel Rule 8.2(b)(5), which provides that it is improper conduct to engage in "patient, employee or visitor abuse or harassment including, but not limited to, racial and ethnic slurs." While the subject supervisor's outburst did not include racial or ethnic slurs, it did contain profanity and was directed at two subordinates who were simply requesting his assistance as they performed their official duties. Moreover, the subject supervisor's language and tone served no legitimate purpose other than to be abusive and is further aggravated due to the fact that his language was overheard by three other individuals, including the subject of the animal hoarding.

Similarly, Personnel Rule 8.2(b)(36) prohibits "conduct unbecoming an employee or conduct which brings discredit to the County." In the instant case, the subject supervisor's profane outburst was not only unbecoming as it related to the wardens present but was also audible to a resident of Cook County and two Sheriff's Police Officers, one of whom told us that he found the supervisor's behavior to be "unprofessional and completely inappropriate," and that a member of the public was "100% offended."

Also of concern to our office are reports to us that the subject supervisor had engaged in this type of behavior in the past. During an interview, one warden expressed fears for her physical safety in the workplace due to the subject supervisor's volatile nature and feared that one day he would "lose it," an apparent reference to behavior which could escalate beyond mere verbal outbursts.

Based on all of the foregoing, we recommended that disciplinary action be imposed upon the subject supervisor consistent with the factors set forth in Personnel Rule 8.3(c), including past practice involving similar cases. This recommendation is currently pending.

IIG21-0039. In this case, the OIIG received a complaint alleging that on January 25, 2021, a high-ranking Cook County official arrived at the Tinley Park Convention Center (TPCC), a mass COVID-19 vaccination site, and utilized her government position to bypass the registration process and facilitate the early vaccination of her elderly mother and grandmother without an appointment. It was later determined that the TPCC did not become operational and begin providing the COVID-19 vaccine to the general public, who met Phase 1a and 1b vaccination criteria, until January 26,

2021. January 25, 2021 was considered a "soft opening" at the TPCC and only select Cook County employees and elected officials over the age of 65 years of age, along with U.S. military personnel associated with the vaccination operation were to receive the COVID-19 vaccine.

The OIIG coordinated with and reviewed information from Cook County Health (CCH) and Cook County Department of Public Health (CCDPH) employees. The OIIG also conducted interviews of Cook County employees including the subject official.

The preponderance of the evidence developed during the course of this investigation supports the allegation that the subject official misused her position as a County employee to circumvent the COVID-19 vaccination registration process to provide a benefit to her family members that was not otherwise available to members of the general public. By her own admission, the official obtained access to the TPCC when it was closed to the public and secured vaccinations for her mother and aunt using her position by relying on her professional association with another high-ranking Cook County official who escorted them into the closed facility and served as an intermediary with the workers at TPCC to secure the vaccinations. Although the subject official's mother and aunt were qualified to receive the vaccine under IDPH Phase 1b vaccination criteria, they were not authorized to do so on January 25, 2021 at the TPCC because it was unavailable to all similarly situated members of the general public. Rather, the subject official utilized her position to gain access to the event, move her family members to the front of the line and acquire the vaccination. In doing so, the subject official circumvented the registration process and secured a specific benefit to her family in violation of the Code of Ethics, Sec. 2-571(b)(1) - avoiding the appearance of impropriety.

In her OIIG interview, the subject official stated that she and her elderly mother both mistakenly went to the TPCC the day of the soft opening after seeing information on the news regarding the opening of the TPCC on January 25, 2021. According to the subject official, neither her mother nor aunt had sought to pre-register for an appointment. However, certain statements made by another high-ranking Cook County official in his OIIG interview contradicted statements made by the subject official regarding her mistaken arrival on January 25, 2021 in several respects:

- The subject official reported to investigators that she met the other official once on site after realizing she was there on the wrong date. According to the other official, he received a phone call from the subject official while he was driving to the TPCC inquiring when she should arrive with her mother and aunt to receive the vaccine. The other official related that he instructed the subject official to come after the press conference had concluded. He later received a second call from the subject official after she arrived at the TPCC. At that time, he went outside to the parking lot and escorted all three into the facility.

- The subject official reported to investigators that once she realized she was at the TPCC on the wrong date, the other official advised her that it was ok to stay and for her relatives to receive the vaccine because he needed "press footage and to test the system." The other official however denied knowing that the subject official's relatives were not supposed to

be at the event and stated that he did not have the authority to authorize the vaccination of anyone. He was there to attend the press conference while CCH controlled who received the vaccine.

The contradicting statements are difficult to reconcile and could be the result of a failed recollection or misunderstanding of the circumstances by either or both the subject official and the other official or the result of the provision of false information to this office. However, the evidence supporting our conclusion rests on the decision of the subject official to push forward knowing that she was at the TPCC on a date and time in which her mother and aunt were not authorized to receive the vaccination. That is, as soon as it became apparent to the subject official that the TPCC was not open to the general public, including her mother and aunt, she should have stopped, turned around and left. Instead, the subject official used her position to gain access through security and proceeded to arrange for the vaccination of her mother and aunt which triggered a complaint to the OIIG. The subject official's decision to invoke her official standing to secure a private benefit represents a lapse in judgement and is in breach of her fiduciary duty to Cook County. Accordingly, we recommended the imposition of an appropriate level of discipline on the subject official consistent with other similar cases of misuse of position.

Our recommendation to impose discipline was adopted, and the subject official was counseled on her duty to avoid any appearance of impropriety.

IIG21-0152. In this case, the complainant alleged that a Cook County Health Police Department (CCHPD) Sergeant engaged in excessive force and battery when he engaged in a physical altercation with an unknown male outside of the entrance at John H. Stroger, Jr. Hospital. According to the complainant, during the altercation, an individual was knocked to the ground by the subject Sergeant. While the individual appeared to be defenseless, the Sergeant allegedly continued to repeatedly strike the unknown individual in the head and face area while the unknown male was not resisting. The unknown male was arrested and charged with aggravated battery to a police officer. CCHPD management was aware of the incident and did not take any disciplinary action against the Sergeant.

These allegations raised the possibility that the subject Sergeant engaged in Official Misconduct under 720 ILCS 5/33-3(a)(2) and violated CCHPD General Order 03.1(d) relating to use of force reports. Under the Official Misconduct statute, a public officer or employee commits misconduct when, in his official capacity, he or she knowingly performs an act which he knows he is forbidden by law to perform. The purpose of General Order No. 03 sets forth the policy of the Cook County Health Police on the Use of Force and the Use of Weapons. The CCHPD Use of Force Policies and Procedures provide mandatory guidelines for officers who must make decisions regarding the use of force under the most trying of circumstances. CCHPD has adopted the "Reasonable Man" standard in the use and application of force. It is the policy of CCHPD that only the minimum amount of force necessary is to be used by CCHPD to effect arrests and control violent situations. Pursuant to CCHPD General Order 03.1(d), all incidents involving the Use of Force shall be documented by the officer involved and reviewed by the officer's supervisor and

the watch commander. The report should include information on the subject, the circumstances that led to the incident, a description of the force used and how it was used, as well as the disposition of the incident.

During its investigation, the OIIG reviewed surveillance video of this incident and interviewed the CCHPD Director, the CCHPD Watch Commander, and the subject Sergeant. This office also considered various state statutes and CCHPD General Orders.

The preponderance of the evidence developed during the course of this investigation does not support the allegation of official misconduct and excessive use of force by the subject Sergeant. Pursuant to CCHPD Policies and Procedures, the subject Sergeant appropriately used the minimal amount of force necessary to effect the arrest of the unknown male and controlled the situation initiated by his contact. The subject Sergeant stated that he used physical force against the unknown male only after he was struck in the face and did not continue to strike him after he stopped fighting. The video recording of this incident confirmed that the unknown male initiated contact and struck the subject Sergeant in the face with a plastic bag containing personal items. The unknown male lost his balance and fell to the ground on his back and continued to kick the subject Sergeant, injuring his right knee. The subject Sergeant struck the unknown male twice and the unknown male stopped fighting. The subject Sergeant did not continue to strike after that point.

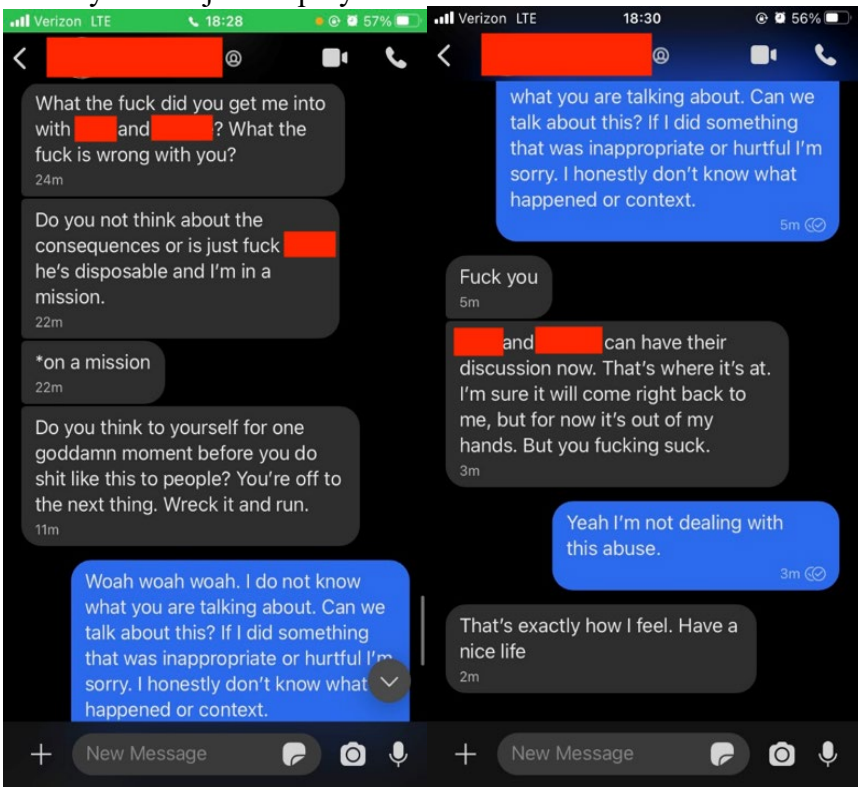
A CCHPD Director and another Sergeant stated that after talking to the subject Sergeant and viewing the video recording of this incident, they determined that the subject Sergeant did not apply an excessive amount of force after being struck in the face and kicked in the knee by the unknown male. The Director and other Sergeant concurred that the subject Sergeant used the minimal amount of force necessary to effect the arrest of the subject and control the situation.

However, our review of the CCHPD General Orders revealed that the subject Sergeant failed to complete a Use of Force Report following this incident. CCHPD policies and procedures dictate that all incidents involving the Use of Force shall be documented by the officer involved and reviewed by the officer's supervisor and the watch commander. The report should include information on the person involved, what circumstances led to the incident, what force was used and how it was used, as well of the disposition of the incident. The subject Sergeant stated he was not aware of these policies and procedures, has never reviewed them, and was not asked by anyone to write a Use of Force Report for this incident. The CCHPD Director acknowledged that pursuant to CCHPD General Orders, the subject Sergeant was required to submit a Use of Force Report for this incident and failed to do so. The Director stated this was an "oversight" initially by the other Sergeant and ultimately by him. The other Sergeant stated that CCHPD has no official Use of Force form and incorrectly indicated that there is "nothing in place" requiring that a Use of Force Report be completed following a use of force incident. The other Sergeant further stated that she was not aware of a CCHPD Use of Force Policy contained in the CCHPD General Orders and that the department has not been completing Use of Force Reports. Importantly, the other Sergeant is a 20-year veteran of CCHPD and is also a certified use of force instructor. The subject Sergeant

is a 14-year veteran of CCHPD. Both should reasonably be expected to be fully aware of all CCHPD policies and procedures contained in the CCHPD General Orders. Our finding that neither were aware of the requisite Use of Force Report requirements may be indicative of a widespread weakness in the lack of understanding and awareness of these requirements and an appreciation for their importance.

Based on the foregoing, we recommended that additional, comprehensive training be provided to all CCHPD personnel highlighting the policies, procedures, and documentation requirements of CCHPD General Order 03, Use of Force and Weapons, to ensure future compliance. CCH adopted this recommendation.

IIG21-0174. In this case the OIIG received a complaint containing allegations that a Bureau of Technology (BOT) employee received a series of text messages from a co-worker that included foul language and made her feel unsafe. These allegations raised the possibility that the subject BOT employee had violated the following County policies: (1) Equal Employment Opportunity Policy (EEO) Section VII (b) Harassment in the Workplace; (2) Cook County Violence-Free Workplace Policy Section J.(1)(a)-Prohibited Conduct; and (3) Personnel Rule 8.2(b)(36) - Conduct unbecoming an employee or conduct which brings discredit to the County. During its investigation, the OIIG conducted an interview with the complainant as well as the subject BOT employee. The OIIG also reviewed screenshots of text messages sent to the complainant by the subject employee which are included below in redacted form:



The preponderance of the evidence developed during the course of this investigation failed to support the conclusion that the subject employee violated the Cook County EEO policy, Sec. VII(b). According to the policy, "Harassment" is unwelcome verbal or physical conduct directed toward, or differential treatment of, an employee because of his/her membership in any protected group or any other prohibited basis, which has the purpose or effect of unreasonably interfering with an employee's work performance or creates a hostile, intimidating or offensive working environment. Although, the text messages were unwelcome contact, the subject employee did not send the messages to the complainant because of her membership in any protected group. The messages did not include any threats, slurs or epithets and the messages according to the complainant were not harassing to her and did not create a hostile working environment.

The preponderance of evidence also failed to support the conclusion that the subject employee violated the Cook County Violence-Free Workplace policy, Sec. J.(1)(a). According to the policy, "Violence" means any act of physical violence, threat of physical violence (verbal, written, electronic or otherwise), intimidation, or threatening behavior towards an individual, which cause emotional or physical harm to the individual. Again, the text messages that the subject employee sent did not include any threats to the complainant, and the complainant did not feel intimidated or threatened by the messages.

The preponderance of evidence does support a violation of Cook County Personnel Rule 8.2(b)(36). The subject employee's conduct was unbecoming of an employee of Cook County. The messages that were sent to the complainant were work related. The subject employee has a responsibility to interact responsibly with other individuals in connection with his employment. Having the ability to appropriately articulate a point of view, even when upset at the actions of others, is an essential workplace skill. The profane language and tone that was used in the messages were rude, offensive and inappropriate. In mitigation, the subject employee acknowledged that his behavior was inappropriate and attempted to apologize to the complainant shortly after the incident. According to the complainant, the conduct of the subject employee was out of character for him as he was normally a pleasant person with whom to work. Notwithstanding, the subject employee's conduct in sending the profanity filled messages was unbecoming of a Cook County employee.

Based the foregoing, we recommended that disciplinary action be imposed upon the subject employee consistent with the factors set forth in Personnel Rule 8.3(c)(1-7), including past practice involving similar cases. BOT adopted our recommendation to impose disciplinary action on the subject employee and issued him a written reprimand. BOT also counseled the subject employee concerning the serious nature of his misconduct and indicated that any further violation of Personnel Rule 8.2(b)(36) would result in progressive discipline.

Outstanding OIIG Recommendations

In addition to the new cases being reported this quarter, the OIIG has followed up on outstanding recommendations for which no response was received at the time of our last quarterly

report. Under the OIIG Ordinance, responses from management are required within 45 days of an OIIG recommendation or after a grant of an additional 30-day extension to respond to recommendations. Below is an update on these outstanding recommendations.

From the 1st Quarter 2021

IIG19-0636. The subjects of this investigation are an Investigator Supervisor assigned to the Cook County Public Defender's Office (CCPD) and Investigator A, also assigned to the CCPD. The Investigator Supervisor was disciplined by the CCPD based on an interaction with three probationary Investigators, Investigator A, Investigator B, and Investigator C, whom he was training. The Investigator Supervisor grieved the discipline. An arbitration hearing was held, and this office received information that the Investigator Supervisor was observed speaking to a subordinate CCPD Investigator (Investigator A) who was scheduled to testify at the Investigator Supervisor's arbitration hearing. It was also alleged that Investigator A then testified at the arbitration hearing in a way which was materially different than information he had provided during the internal investigation conducted by the CCPD. The difference in Investigator A's testimony was alleged to favor the position of the Investigator Supervisor.

This office interviewed several of the CCPD employees who testified at the Investigator Supervisor's arbitration hearing, including the Investigator Supervisor. We reviewed the award issued by the arbitrator who presided over the hearing. We reviewed records associated with the internal investigation by the CCPD concerning the Investigator Supervisor's interaction with the probationary Investigators and the Investigator Supervisor's resulting internal discipline. We also considered provisions of the Cook County Personnel Rules, the Cook County Ethics Ordinance, and relevant portions of the Cook County Public Defender's Personnel Manual. Finally, we considered relevant provisions of Illinois statutes which address perjury and witness tampering.

Background

Our office reviewed the record of the Investigator Supervisor's appeal to arbitration. These documents indicated that CCPD had conducted its own internal investigation of the allegation of wrongdoing on the part of the Investigator Supervisor. The CCPD's investigation was conducted by two Deputy Chiefs in the CCPD's Investigations, who forwarded their findings to the CCPD's Chief of Investigations.

According to interviews and the CCPD records, the incident for which the Investigator Supervisor was investigated and ultimately disciplined occurred on or about September 4, 2018. The Investigator Supervisor had been assigned to train three probationary investigators (Investigators A, B, and C) assigned to the CCPD. During the training session, the Investigator Supervisor was driving a car in which the three probationary investigators were passengers. The Investigator Supervisor, aware that Investigator C was a retired police officer, allegedly began a long diatribe against police officers, during which he allegedly stated that "all cops are dirty" and told Investigator C, "you can't tell me you never crossed the line." The Investigator Supervisor

was alleged to have called Investigator C a "liar" when he denied ever having engaged in misconduct as a police officer. The Investigator Supervisor had also allegedly in the past (not during the car trip) showed pink slips to the three probationary Investigators, telling them they were "at will" employees and that employees in their position often received pink slips during budget time.

Investigator C did not report the incident to CCPD management immediately. It came to light during the exit interview of Investigator C, who resigned from the CCPD shortly after the incident.

During the ensuing internal investigation of the Investigator Supervisor's conduct by the CCPD, both of the other probationary Investigators (Investigator A and Investigator B) who were in the car and witnessed the language and behavior of the Investigator Supervisor corroborated the allegations against him.

The CCPD Deputy Chiefs interviewed Investigators A and B and prepared a memo summarizing the interviews. The memo, which was drafted in bullet point format, attributed three statements to Investigator A which are at issue in this investigation: first, that Investigator A said that the Investigator Supervisor said to Investigator C, "I don't believe you, you're a liar;" second, that the Investigator Supervisor said that "police officers are scheming, dirty, and all cops are bad;" and third, that Investigator A told CCPD investigators, "[the Investigator Supervisor] consistently reminds us that we are on probation and showed us a pink slip and said that investigators get those around budget time, however, most people don't get fired."

Following the internal investigation, the CCPD's Chief of Investigations sent the Public Defender a letter in which he recommended the Investigator Supervisor receive unspecified discipline for his behavior. The Investigator Supervisor was ultimately disciplined by the CCPD. He grieved the discipline through his union, the American Federation of State, County, and Municipal Employees (AFSCME).

During his OIIG interview, Senior Labor Counsel told us that he believed that Investigator A's testimony at arbitration differed from his statements during the internal investigation in two respects. First, during the internal investigation, Investigator A recalled the Investigator Supervisor telling Investigator C, "I don't believe you, you're a liar." During arbitration, Investigator A testified he did not remember the Investigator Supervisor saying that. Second, during the internal investigation, Investigator A recalled the Investigator Supervisor displaying pink slips to the three probationary Investigators and reminding them they were on probation. During the arbitration hearing, Investigator A testified that he did not remember the Investigator Supervisor saying that.

Senior Labor Counsel said he initially attributed these discrepancies to a memory lapse on the part of Investigator A. However, Senior Labor Counsel received a telephone call from the Chief of Investigations, who told Senior Labor Counsel that someone reported to him having

observed the Investigator Supervisor and Investigator A having a one-on-one conversation prior to the arbitration hearing.

Perjury Allegation Against Investigator A

Our office considered the first allegation made by the complainant: whether Investigator A made false statements at the arbitration hearing when he testified that the Investigator Supervisor "definitely implied" that Investigator C was a liar and said he did not believe Investigator C; when he testified that the Investigator Supervisor "hinted" that he believed Investigator C had engaged in misconduct by virtue of having been a police officer; and when he testified that the Investigator Supervisor did not display pink slips to the probationary Investigators in an intimidating manner. Our office did not sustain this allegation by a preponderance of the evidence standard.

Investigator A told us that he testified that the Investigator Supervisor displayed pink slips as a way of explaining the probationary period to them, the responsibilities of the job, and how those responsibilities change from year to year. Investigator A told our agency and the arbitrator during the hearing that the internal CCPD memo attributing that statement to him was inaccurate. Investigator A's testimony and his statement to the OIIG were consistent on this point. Based on a preponderance standard and taking into consideration the problems presented by the CCPD's internal memo purporting to memorialize Investigator A's initial statements, discussed below, we cannot determine that Investigator A presented false testimony on this issue.

This leaves two remaining points on which Investigator A could have potentially presented false statements: his testimony that the Investigator Supervisor "definitely implied" and "hinted" that Investigator C was a liar and committed misconduct contrasted against what Investigator A allegedly said during the internal investigation: that the Investigator Supervisor called Investigator C a "liar" and accused him of committing misconduct as a police officer outright. We note that Investigator A's arbitration testimony does present a softened representation of the Investigator Supervisor's statements to Investigator C compared to what he allegedly said during the CCPD's internal investigation.

This office could not conclude that Investigator A presented false testimony on these issues either. These discrepancies are relatively fine distinctions which may be attributable to the passage of time or an inaccuracy in the documentation of witness statements during the internal investigation. We found the CCPD memo memorializing the statements of Investigator A and Investigator B during the internal investigation to be confusing and very general. The memo presented witness statements in bullet point format and at certain points attributed the same statement to both Investigator A and Investigator B. The memo appeared to quote Investigator C when it was apparent that statements attributed to him were actually being relayed to the interviewers by Investigator A or Investigator B. The memo contained language which appeared to constitute direct quotes from Investigator A and Investigator B; however, because the memo did not consistently utilize quotation marks, we were unable to determine what were quotes and what was paraphrasing by the drafter. In short, the CCPD memo is not reliable such that it can be used

to distinguish Investigator A's statements during the internal investigation from his subsequent testimony.

Ethics Allegation Against Investigator Supervisor

The preponderance of the evidence developed in this investigation supports the conclusion that the Investigator Supervisor's interaction with Investigator A regarding Investigator A's pending testimony in the Investigator Supervisor's arbitration hearing constituted a violation of County policy.

Notwithstanding the Investigator Supervisor's representation to us that he "did not recall" speaking to Investigator A about the upcoming arbitration hearing, Investigator A's recall of that event and its substance was consistent and clear as he relayed it to both Senior Labor Counsel and the OIIG. The interaction was witnessed by Investigator D, who recounted it to OIIG Investigators, and the unidentified person who reported it to the Chief of Investigations. It is clear that the conversation between the Investigator Supervisor and Investigator A indeed occurred and touched on Investigator A's upcoming testimony. Additionally, our investigation revealed that Investigator A was, at the time of the Leighton Courthouse conversation, in a subordinate position to the Investigator Supervisor.

Such conduct violates Section 2-571(b)(1) of the Ethics Ordinance, which provides that part of the fiduciary duty all County employees owe the County is the "duty to avoid the appearance of impropriety." Multiple persons (Senior Labor Counsel, Investigator A, the Chief of Investigations, and the unknown observer of the meeting between the Investigator Supervisor and Investigator A) viewed the Investigator Supervisor's interaction with Investigator A as concerning and possibly worse. The unknown reporter of the interaction between the Investigator Supervisor and Investigator A considered the very appearance of their interaction to be sufficiently troubling as to report it to the Chief of Investigations. Exacerbating the impropriety of the appearance of the interaction is the fact that the Investigator Supervisor is a supervisor who not only was a long-time investigator well versed in testifying and training new investigators, but was a long-time union leader who had represented employees in disciplinary matters and who was in a supervisory position over the person who was to be a witness providing testimony in a proceeding in which the Investigator Supervisor had a direct personal interest. Investigator A told us that he felt the Investigator Supervisor's contact with him to be "witness tampering, in a sense," and that it made him "super uncomfortable.

The Investigator Supervisor had every reason to understand that his contact with Investigator A when he sought to discuss the arbitration before the arbitration would present the appearance that something inappropriate was transpiring. In other words, whether the Investigator Supervisor's motive was benign or an effort to influence Investigator A's testimony, it was inappropriate because of its appearance.

Accordingly, the preponderance of the evidence demonstrates that the Investigator Supervisor's interaction with Investigator A concerning Investigator A's testimony presented the appearance of impropriety in violation Cook County Ethics Ordinance Section 2-571(b)(1). This violation in turn is a predicate to the violation of Cook County Personnel Rule 8.2(b)(33) which requires County employees to follow the provisions of the Cook County Ethics Ordinance.

Based on all of the foregoing, we recommended that disciplinary action be imposed upon the Investigator Supervisor consistent with the factors set forth in Personnel Rule 8.3(c)(1-7), including past practice involving similar cases. The CCPD adopted our recommendation to impose disciplinary action and issued an oral reprimand to the Investigator Supervisor.

IIG20-0149. This investigation was initiated based on a complaint alleging a Clinical Nurse at Cook County Health (CCH) failed to disclose secondary employment. The complaint also alleged that the subject nurse filed a false grievance statement claiming that when CCH hired her, she was denied health insurance benefits in violation of her Collective Bargaining Agreement. This investigation consisted of an interview of the nurse, a review of her CCH personnel file, documents provided by the Cook County Department of Risk Management, and documents produced pursuant to subpoena by the nurse's secondary employer.

The preponderance of the evidence developed in this investigation supports the conclusion that the subject nurse failed to disclose her secondary employment, a violation of CCH Personnel Rule 12.3(1) which states:

> The System Report of Dual Employment Form must be completed and signed by CCHHS Employees annually, whether or not the Employee engages in outside activities, and must be submitted by the Employee to his/her direct supervisor for placement in the Employee's personnel file. Employees must complete, sign and submit the Report of Dual Employment Form prior to engaging in outside activities.
>
> The Report of Dual Employment Form must be completed and signed by the following:
>
> 1. Persons initially entering County service and assigned to work in the System.

As outlined above, the nurse was hired in June 2019 yet failed to disclose her secondary employment until December 2019. As acknowledged by the nurse in her OIIG interview, this represents a violation of CCH policy. Additionally, as demonstrated by the payroll records produced by her secondary employer, the nurse worked full-time (in excess of 20 hours per week) there for approximately five weeks while she worked at CCH. In this regard, the nurse also violated CCH Personnel Rule 12.4(a)(1) which limits secondary employment. Finally, the nurse violated CCH Personnel Rule 12.04(a)(2) by not having her secondary employment approved by her department head. This violation of CCH personnel rules stems from the nurse not initially

submitting her dual employment form to make her department head aware that she had secondary employment.

Based on the preponderance of the evidence developed in this investigation, we believe the evidence fails to support the allegation that the nurse intentionally filed a false grievance alleging that she was denied health benefits as outlined in the applicable CBA. Although evidence supports the fact that a 3rd step grievance was filed, by the time the grievance was escalated to the 3rd step, the nurse had already obtained health benefits based upon a qualifying life event. The nurse provided documentation to the Cook County Department of Risk Management that she had lost benefits from her secondary employer, who provided her with a COBRA letter. Therefore, it ultimately allowed the subject nurse to obtain the benefits her grievance was premised upon. In other words, there was simply an error in the timing of when the 3rd step grievance was ultimately filed.

As presented above, the circumstances that prevented the subject nurse from enrolling in County health benefits were based upon her inactions and negligence upon entry to service at CCH. During her OIIG interview, the nurse admitted that she was careless in her responsibilities as a new CCH employee. According to the nurse, she was "too busy" and was unsure that she would keep the position at CCH due to various issues in her personal life at the time. Moreover, the nurse acknowledged that she was aware that there were deadlines for enrollment but failed to appreciate their importance. The nurse's general nonfeasance, coupled with the knowledge that she and her family were covered under existing benefits provided by her secondary employer resulted in her not enrolling and receiving benefits.

Based on all of the foregoing, we recommended that disciplinary action be imposed on the subject nurse consistent with the factors set forth in CCH Personnel Rule 8.3(a), including past practices involving similar cases. These recommendations are pending.

IIG20-0599. This investigation was initiated based on a complaint alleging a Stroger Hospital Department of Public Safety and Security (SHPSS) Sergeant refused to provide his name and badge number while on duty to a member of the public who requested it. It is further alleged that the Sergeant was discourteous towards the complainant and threatened to write his wife a ticket. This investigation consisted of an interview of the complainant, an interview of the Sergeant, a review of video provided by the complainant posted on Facebook, and a video provided by the SHPSS.

The preponderance of the evidence developed during the course of this investigation failed to support the conclusion that the Sergeant violated Personnel Rule Section 8.03(a)(4) by engaging in employee abuse or harassment of patients, visitors, employees or any other person while on duty. The video recording does not contain audio and the actions of the Sergeant coincide with his version of events provided during his interview. However, this is not to say that the complainant's frustration with the Sergeant was not real or that the Sergeant may have been abrupt during the encounter.

Based on all of the foregoing, we recommended that the SHPSS adopt a formal policy similar to those adopted by other Cook County law enforcement agencies and other local law enforcement agencies that require employees and officers to provide their name and badge number to any member of the public who makes a reasonable inquiry.[9] While certain officers may find this policy unnecessary, we believe that our focus on these details further underscores the importance of police and public interaction. SHPSS adopted this recommendation and amended its general orders to include this requirement of its police personnel.

IIG20-0608. This case involves a CCH employee who is also an elected member of the (MWRD) Board of Commissioners. During a regular meeting of the MWRD Board of Commissioners on October 1, 2020, at 10:30 a.m., the subject CCH employee participated in the Board meeting remotely. The subject CCH employee was in an office alongside birthday balloons and various flags were visible in the background. An OIIG Investigator traveled to the CCH employee's CCH office and confirmed his presence in his CCH office while the MWRD meeting was still being conducted. The purpose of the investigation was to determine whether the CCH employee was participating in the MWRD Board of Commissioners meeting during the County workday while in his office located inside the CCH Public Administration Building in violation of the Code of Ethics.

During its investigation, the OIIG reviewed employee time and attendance records (Cook County Time (CCT)), the CCH Personnel Rules, the Cook County Ethics Ordinance, all recorded videos of the 2020 MWRD Board of Commissioners meetings, conducted site inspections at CCH and interviewed the subject CCH employee/MWRD Commissioner.

The preponderance of the evidence developed during the course of this investigation establishes that the subject CCH employee violated Section 2-576 of the Cook County Code of Ethics by using his CCH office on numerous occasions to remotely attend 2020 MWRD Board of Commissioners between January and December 2020. Additionally, the subject CCH employee remotely attended numerous MWRD meetings from his CCH office wherein he failed to take leave (in part) to participate in the meetings. The Cook County Code of Ethics specifies that County property shall only be used for official County business. The term County property as used in the Code of Ethics includes both County facilities as well as County time. Accordingly, the CCH employee's participation in numerous MWRD meetings during 2020 represents a violation of Section 2-576.

Because the subject CCH employee holds a management level position within CCH, the employee should reasonably be expected to fully appreciate prohibited conduct in the course of the CCH employee's duties. Based the foregoing, we recommended the imposition of disciplinary action consistent with other disciplinary cases of a similar nature. CCH adopted this recommendation.

[9] The Cook County Forest Preserve Department of Law Enforcement's Manual of Rules & Regulations, Public Relations section 115.1 states "Officers and civilians shall be courteous and efficient in their dealings with the public…. Upon request they shall supply their names, rank, and star number in a professional manner; …."

IIG20-0778. The OIIG opened this case after receiving information that a Stationary Operating Engineer with the Department of Facilities Management (DFM) assigned to the Leighton Criminal Courts Building (CCB) reported to the Cook County Sheriff's Office (CCSO) Court Services Department that he was in possession of a firearm. A consent search was executed on the Engineer's vehicle and a handgun, two fully loaded ammunition magazines, and an expandable baton (ASP) were recovered. When questioned regarding how he came to be in possession of the items, the subject Engineer provided conflicting information. It was later determined that the items were taken from the locker of a Cook County Adult Probation Department (APD) Probation Officer (PO) at the CCB.

During its investigation, the OIIG reviewed CCSO and Cook County Sheriff's Police Department (CCSPD) incident reports, as well as reports generated by the APD and Office of Chief Judge. Because the various reports address witness interviews important to our investigation that were prepared near in time to the relevant events, it was unnecessary for the OIIG to conduct additional interviews of those same witnesses. This office also conducted an interview of the subject Engineer.

The preponderance of the evidence developed during the course of this investigation supports the allegation that the subject Engineer did commit an act of violence[10] which had an impact on the workplace. The consent search of the Engineer's vehicle on December 11, 2020 conducted by the CCSO produced an unloaded Sig Sauger handgun with two fully loaded ammunition magazines that were retrieved from the rear passenger area of the vehicle in an unlocked gun box along with an ASP baton. When questioned by the CCSO, the subject Engineer provided contradictory accounts of how he acquired the items, including that he found the items. A LEADS check, along with the Engineer's own admission, revealed that he did not possess a valid FOID card and was not authorized under Illinois law[11] to possess a firearm. Further, the items recovered were taken from the locker of a PO located within the CCB. That is, although the Engineer unlawfully possessed the Sig Sauer and ammunition in his private vehicle parked outside the CCB, its presence there under his unlawful control is inextricably intertwined with the workplace. The weapon itself was stolen from the CCB and irrespective of how the Engineer initially came into possession of the items, he himself brought these circumstances to the workplace, made contradictory reports to law enforcement at the workplace and coyly sought the direct involvement of the PO irrespective of police all of which had an impact on the workplace. Such conduct violates Cook County Violence-Free Workplace Policy (August 15, 2018), Section J.1.a - Prohibited Conduct and Personnel Rule 8.2(b)(36) – Conduct unbecoming an employee or conduct which brings discredit to the County.

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[10] Cook County Violence-Free Workplace Policy states; "Violence" includes, but is not limited to: The use or possession of any weapon and/or ammunition, unless the specific weapon and/or ammunition is authorized by the County for a particular work assignment and in accordance with applicable law.

[11] 720 ILCS 5/24-1 Ch. 38, par. 24-1 (4) Carries or possesses in any vehicle or concealed on or about his person except when on his land or in his own abode, legal dwelling, or fixed place of business, or on the land or in the legal dwelling of another person as an invitee with that person's permission, any pistol, revolver, stun gun or taser or other firearm.

We also believe that the following narrative offered by the subject Engineer to account for the way he acquired the items represent an independent basis for violation of Personnel Rule 8.2(b)(36):

- On December 8, 2020, he was approached by an unknown male near 26th and Western Ave, just blocks away from the CCB and asked if he would like to buy a gun for $800.00 that was stolen/taken from the locker of a PO who works in the CCB.
- On December 8, 2020, when he was approached by the unknown male and shown the gun, the business card of the PO was present in the gun case along with the other items.
- On December 8, 2020, during the initial encounter he was able to take the business card from the gun case without being observed by the unknown male.
- On December 11, 2020, while sitting in traffic near 26th and Western Ave., he was approached by the same unknown male and asked if he wanted to buy the gun for $400.00.
- On December 11, 2020, the unknown male, whom the subject Engineer could not identify by name gave him the gun without the exchange of any money, name or contact information, with the promise of the Engineer to return after he finished work at 10:00 pm to pay him $400.00.
- When he was initially questioned by the CCSO regarding how he came in possession of the items, he gave varying accounts of how he obtained the items.

The subject Engineer's uncorroborated account of how he acquired the items is implausible, if not inconceivable. However, even as stated by the Engineer, this narrative represents a course of conduct unbecoming an employee of Cook County.

Finally, the preponderance of the evidence also supports the conclusion that the subject Engineer was in the unauthorized possession of both County property and the personal property of a PO in violation of Cook County Personnel Rule 8.03(b)(10), which prevents theft or unauthorized possession of an employee or County property. The consent search of the subject Engineer's vehicle conducted by the CCSO produced a plastic gun case containing a handgun, two fully loaded ammunition magazines, which were the personal property of a PO and an ASP baton, which was the property of the Cook County Probation Department. It was subsequently determined that the items were taken from the locker of a PO without her consent sometime after October 2020. Accordingly, the subject Engineer also stands in violation of Personnel Rule 8.2(b)(10).

Based on all of the foregoing, we believe that the subject Engineer stands in violation of:

1. Cook County Violence-Free Workplace Policy (August 15, 2018), Section J.1.a – Prohibited conduct;

2. Personnel Rule 8.2(b)(36) – Conduct unbecoming an employee or conduct which brings discredit to the County;
3. Personnel Rule 8.2(b)(10) - Theft or unauthorized possession of patient, employee or county property.

In accordance with Personnel Rule 8.3(c), we recommended the imposition of substantial discipline consistent with the considerations set forth in 8.3(c)(1-7), including the "motives and reason for violating the rule." In the present case, the apparent motive underlying the misconduct relates to the subject Engineer's stated motive for possessing the items and related actions were to return the weapon and ammunition to the PO from whom the gun was stolen – a mitigating factor. DFM adopted our recommendation and issued a 5-day suspension to the subject Engineer.

IIG21-0001. This investigation was initiated based on a complaint alleging that a Forest Preserve District (FPD) Laborer was creating videos of a political nature while on FPD compensated time. It was further alleged that the subject Laborer uploaded the videos to the online social media platform TikTok.[12] This investigation consisted of reviewing videos uploaded to various social media platforms and interviews with FPD employees including the subject Laborer.

The preponderance of the evidence developed during the course of this investigation supports the conclusion that the subject Laborer violated Cook County Forest Preserve District Code of Ethical Conduct 1-13-2(A) Fiduciary Duty, which states: "Officials and Employees shall at all times in the performance of their public duties owe a fiduciary duty to the District." The cornerstone of this rule is the level of trust placed in all FPD employees to put the interests of the District first while carrying out their duties. The egregious nature of the Laborer's conduct and troublesome pattern – 46 videos created on District time involving offensive language of varying degrees, rises to the level of a breach of his fiduciary duty to the FPD.

The preponderance of the evidence developed during the course of this investigation also supports the conclusion that the subject Laborer violated Cook County Forest Preserve District Code of Ethical Conduct1-13-2(F) District Owned Property, which states: "No Official or Employee shall engage in or permit the unauthorized use of District-owned or -leased property. District-owned and District-leased property shall only be used for official District business." In his OIIG interview the Laborer admitted that he never had permission from the FPD to use its facilities or vehicles to make his videos.

The preponderance of the evidence developed during the course of this investigation further supports the conclusion that the subject Laborer violated Cook County Forest Preserve Code of Conduct District Vehicle Policy 1-14-4(A) Miscellaneous, which states in part: "Drivers of District Vehicles shall observe all traffic laws and regulations. Drivers and passengers in District Vehicles shall wear seat belts at all times and shall observe safe driving practices." At his OIIG interview, the Laborer stated that there were several occasions when he created his

[12] TikTok is a social media platform used as an outlet for users to share videos and other content to others.

videos while operating a FPD vehicle on the roadway. Aside from the FPD's policy, Illinois law also prohibits the use of hand-held cellphones, texting, or using other electronic communications while operating a motor vehicle.

Finally, the preponderance of the evidence developed during the course of this investigation supports the conclusion that the Laborer violated Cook County Forest Preserve Personnel Rule Section 8.03(a)(36), Conduct Unbecoming. The behavior exemplified by the Laborer in the videos he posted on his social media pages do not reflect well on him as an employee of the FPD and or the FPD itself.

Based on all of the foregoing, we recommended the imposition of significant disciplinary action consistent with the considerations contained in Personnel Rule 8.3(c)(1-7). During his interview with this office, the Laborer stated that his main goal in creating and posting the videos was to be funny, silly, and goofy and served no other value. Despite the Laborer knowing that his behavior violated various FPD policies, he continued the behavior and repeatedly posted the content without regard for his actions and their potential consequences. The FPD adopted our recommendation to impose significant disciplinary action against the subject Laborer and terminated his employment.

IIG21-0014. In this case, a complainant reported to her supervisors that a janitor with the Department of Facilities Management (DFM) had engaged in continuing behavior that made her feel uncomfortable and unsafe. The complainant's supervisors forwarded the complaint to officials within the DFM, Human Resources and this office. Management responded by directing the subject janitor to have no contact with the complainant in the future. On January 7, 2021, the Complainant reported another incident involving the subject janitor. DFM and Human Resources referred this matter to the OIIG for investigation. During the investigation, the OIIG interviewed the complainant, a manager of custodial services, and other witnesses including the subject janitor. The OIIG also reviewed surveillance video and witness notes.

The preponderance of evidence demonstrates that the subject janitor knowingly engaged in a course of conduct directed towards the complainant on at least two separate occasions which he knew or should have known would cause a reasonable person, and in fact caused, distress. The preponderance of evidence demonstrated that in about August 2020, the complainant told the janitor that she was married and not interested when he approached her and asked for her phone number. The preponderance of evidence also demonstrates that on September 30, 2020 at approximately 4:55 p.m., the janitor walked past the complainant at the East side entrance of the County Building as she was leaving for the day. The subject janitor subsequently followed the complainant to the Starbucks at Randolph and Clark Street, entered the Starbucks and stood there for few minutes before leaving without ordering anything. The preponderance of the evidence revealed that the complainant stayed in the Starbucks until she found someone to accompany her to her car while being watched by the subject janitor. Following the complainant's report to DFM, Human Resources and this office, the Manager of Custodial Services met with the subject janitor to discuss the circumstances surrounding these encounters and told him that he made the

complainant feel uncomfortable and directed him to stay away from and have no further contact with her. The janitor acknowledged this understanding.

The evidence also reveals that, in contradiction to the Manager of Custodial Services' admonition, the janitor, on January 7, 2021, followed the complainant off the elevator onto the 5th floor in the County Building after the complainant refused to enter the elevator after she saw the janitor on the elevator. The evidence further revealed that the janitor looked for the complainant after he exited the elevator and ran away from him and hid around the corner away from the elevator lobby as depicted in surveillance video. The evidence further revealed that the janitor walked eastbound towards the President's Office, and after seeing the complainant down the North Hall, walked directly towards her. The complainant responded by turning her back towards the janitor as he walked past her, walking the opposite direction and entering the President's Office. The evidence also revealed that the janitor had no legitimate purpose to be on the 5th Floor on that day and only exited the elevator after he saw the complainant. Ultimately, in his OIIG interview, the subject janitor admitted that he had no legitimate purpose for being on the 5th floor, that he pretended to look busy and that he was only on the 5th floor on the date in question to talk to the complainant.[13]

Based on all of the foregoing, the preponderance of the evidence supports a sustained finding of the following violations:

A. *Cook County Violence-Free Workplace Policy* (August 15, 2018) (Stalking) by engaging in a pattern of conduct directed to another individual that causes or would reasonably cause the individual to fear for their own safety;
B. Cook County Personnel Rule 8.2(b)(8) by failing to carry out a supervisory directive to stay away from the Complainant.

In accordance with Personnel Rule 8.3(c), we recommended that disciplinary action be imposed upon just cause and that the level of discipline be consistent with the factors and considerations outlined therein, including whether the subject has been warned and in consideration of the severity and circumstances of the particular misconduct in question. The clear warning provided to the janitor prior to the January 7, 2021 incident coupled with the serious and predatory nature of his conduct support our recommendation that he be terminated from County service.

The County adopted our recommendation and terminated the subject janitor's employment.

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[13] The janitor's attitude of mind was to mislead OIIG Investigators during his interview. Importantly, he only acknowledged the nature of his interactions with the complainant after being presented with the complainant's account and surveillance video capturing the January 7, 2021 encounter on the 5th Floor.

From the 4th Quarter 2020

IIG20-0436. This investigation involved an allegation that a Cook County Heath (CCH) employee submitted Transportation Expense Vouchers ("TEV") containing false information for mileage and per diem reimbursement payments. The issue arose after the employee submitted a grievance claiming she failed to receive reimbursement by CCH for travel expenses. At the center of this grievance was whether the employee was entitled to receive compensation for both mileage and a travel per diem payment for the same workday. The information also suggested that the subject employee supported her grievance with reimbursement requests related to days when she was not at work and received improper per diem compensation on days for which she also received mileage reimbursement.

The preponderance of the evidence developed during the course of this investigation revealed that the subject employee did submit TEVs which contained false information. The employee claimed and received per diem for 10 days when she was on vacation, sick leave, Family and Medical Leave Act leave or off for a CCH holiday. In addition, the employee submitted TEVs claiming reimbursement for both per diem and mileage for the same travel on 35 occasions. However, the investigation failed to demonstrate that the employee intentionally submitted false information. Rather, the preponderance of the evidence revealed that the employee was negligent when she drafted TEVs. Relying primarily on historic calendars contained within emails, the employee drafted TEVs *en masse* without regard to whether she had been on leave for a holiday, vacation or illness. The employee's negligence resulted in inaccurate TEV forms resulting in improper reimbursement and the mistaken belief that she was entitled to further compensation.

Although the employee had a plausible explanation for the errors contained in the TEVs, she nevertheless had an obligation to ensure that her expenses and related reimbursement requests were accurate and compiled with all applicable policies.[14] The evidence revealed that the employee had in fact already been paid for travel mileage and/or per diem and had been careless in drafting her reimbursement requests. Furthermore, the employee stated she was not aware that she was prohibited from claiming both per diem and mileage for the same day because the CBA is not clear. However, statements provided by CCH employees suggest that she was informed of the restriction. Minimally, management's practice of prohibiting both mileage and a per diem payment for the same date working was soundly in place.

The union contended that the CBA is ambiguous with regard to the reimbursement option of per diem on the basis of $5.00 for each day worked and makes no mention as to whether it can be claimed in lieu of or in addition to mileage. Management asserted the language in the CBA and related policy make clear that an employee has the option of taking either per diem or mileage, but

[14] The 2017 Cook County Travel and Business Expense Policy and Procedures states, Excessive costs or unjustifiable costs are not acceptable and will not be reimbursed. The individual requesting reimbursement is responsible for ensuring that his/her expense and related reimbursement request complies with all applicable policies, is properly authorized, and is supported with necessary receipts and documentation.

not both. The evidence demonstrates that management's interpretation has become the CCH policy, custom and practice on the issue. We concur with management's position on the issue. While the issue is not central to our recommendation pertaining to the subject employee, we recommended all staff be made aware of this practice, if it is not already clear, to avoid misunderstanding by staff.

In any case, the Cook County Travel and Business Expense Policy is clear regarding the responsibility to ensure the accuracy of expenses and related reimbursement requests. The subject employee failed to appreciate the importance of doing so and submitted requests in violation of the policy. Accordingly, we recommended CCH impose an appropriate level of discipline on the subject employee consistent with other similar cases of negligence in the course of duty. We also recommended that the subject employee repay Cook County for $235.00 in per diem travel reimbursement payments she was not entitled to receive.

These recommendations were made on December 11, 2020, and to date we have yet to receive a response.

IIG20-0539. The OIIG received information alleging that a CCH employee abused his position and received preferential treatment when he was scheduled for an elective surgical procedure on a weekend and requested specific staff members to assist in the procedure. It was also alleged that the subject CCH employee may not have been billed for the medical services rendered and that the staff member performing the procedure received overtime pay. The OIIG reviewed CCH medical and billing records as well as Cook County Workforce Time (CCT) records and the Stroger Operating Room (OR) staffing records. In addition, the OIIG interviewed multiple CCH employees in this matter.

The preponderance of the evidence developed during the course of this investigation does not support the conclusion that the subject CCH employee failed to pay for services rendered at CCH. The review of medical billing records revealed that the CCH employee's insurance providers were billed approximately $37,785.81. However, the investigation did produce evidence which revealed that the CCH employee was given preferential treatment on a Sunday for the surgical procedure which was permitted based upon past precedent. The evidence revealed that the employee was scheduled for a non-emergent, elective surgical procedure on a Sunday, which contradicts the standard OR protocol. Although no written policy could be located which designates what type surgical procedures are permitted to be performed on the weekend, interviews conducted with multiple CCH OR managers and staff confirmed that it is understood only emergency and medically necessary surgical procedures are performed during the weekend and no elective procedures are scheduled. Further investigation determined that the subject CCH employee was permitted to select two specific nursing staff members to participate in his surgical procedure who were subsequently compensated in overtime. A review of the OR staffing schedule for the Sunday at issue revealed that the nursing staffing level was adequate to cover the surgical procedures scheduled during the morning shift and the need for the two additional nurses brought in for the CCH employee's surgical procedure was not necessary, except to accommodate the

subject CCH employee's request for certain staff members in order to protect patient confidentiality which resulted in additional unnecessary expenses to CCH.[15]

Nonetheless, the investigation further revealed that it is a common practice for internal staff who have surgical procedures performed at Stroger to receive special considerations and are permitted to have elective surgical procedures scheduled during the weekend or other off hours to protect patient confidentiality.

Being provided the opportunity to select specific staff to cover one's own surgical procedure does not constitute a violation of CCH Rules. Nor does scheduling said procedures during weekend or early morning hours to allow for patient confidentiality. However, selecting or requesting specific staff members to come in on overtime when there is ample staff scheduled, qualified and available to work violates CCH Personnel Rule 8.3(c)(24) (Using Systems facilities or resources for personnel purposes).

Based on all of the foregoing, we made the following recommendations:

1. CCH should create a written policy addressing the category of surgical procedure permitted to be performed on the weekend, and include any exceptions to said policy, such as CCH staff undergoing surgical care who request additional confidentiality;

2. CCH should consider creating a policy that would allow internal staff and others such as high-profile patients to be subject to additional safeguards to enable confidentiality while receiving care;

3. Regarding the CCH employee's violation of CCH Personnel Rule 8.3(c)(24), we do not recommend any discipline because a conflict currently exists between Rule 8.3(c)(24) and an unwritten but apparently established management policy permitting the scheduling of specific staff members to come in on overtime even though there was ample staff scheduled to work. Going forward, CCH management should ensure that no policy or custom conflicts exist regarding these situations. If CCH elected to continue this practice, CCH should create a policy that would either prohibit employees receiving a procedure at the hospital from using any overtime staff for the subject procedure or require the patients-employee to cover the additional cost of any overtime expenses related to their procedures so as not to violate Rule 8.3(c)(24).

[15] Per Stroger Operating Room management, the weekend staffing level is three teams and a charge nurse per shift, which consist of 8 staff and two on-call staff nurses for any additional cases. All day shift nurses receive overtime on the weekend.

These recommendations were made on December 31, 2020 and to date no response has been provided.

Activities Relating to Unlawful Political Discrimination

In April of 2011, the County implemented the requirement to file Political Contact Logs with the Office of the Independent Inspector General. The Logs must be filed by any County employee who receives contact from a political person or organization or any person representing any political person or organization where the contact relates to an employment action regarding any non-Exempt position. The OIIG acts within its authority with respect to each Political Contact Log filed. From April 1, 2021 June 30, 2021, the Office of the Independent Inspector General received five Political Contact Logs.

Post-SRO Complaint Investigations

The OIIG completed three Post-SRO investigations this quarter.

New UPD Investigations not the result of PCLs or Post-SRO Complaints

Apart from the above Post-SRO activity, the OIIG has opened three additional UPD inquiries during the last reporting period. The OIIG also continues to assist and work closely with the embedded compliance personnel in the BHR, FPD, CCH, and Assessor by conducting joint investigations where appropriate and supporting the embedded compliance personnel whenever compliance officers need assistance to fulfill their duties under their respective employment plans.

Employment Plan – Do Not Hire Lists

The OIIG continues to collaborate with the various Cook County entities and the Cook County Compliance Administrator to ensure the lists are being applied in a manner consistent with the respective Employment Plans.

OIIG Employment Plan Oversight

Per the OIIG Ordinance and the Employment Plans of Cook County, CCH and the Forest Preserve District, the OIIG reviews, *inter alia*, (1) the hire of *Shakman* Exempt and Direct Appointment hires, (2) proposed changes to Exempt Lists, Actively Recruited lists, Employment Plans and Direct Appointment lists, (3) disciplinary sequences, (4) employment postings and related interview/selection sequences and (5) Supplemental Policy activities. In the last quarter, the OIIG has reviewed and acted within its authority regarding:

1. Five proposed changes to the Cook County Actively Recruited List;
2. Four proposed changes to the Public Defender Direct Appointment List;
3. Five proposed changes to the Public Defender Actively Recruited List

4. Six proposed changes to the CCH Direct Appointment List;
5. 13 proposed changes to the CCH Actively Recruited List;
6. The hire of 13 CCH Direct Appointments;
7. Five proposed changes to the Cook County Exempt List;
8. Six proposed changes to the Cook County Employment Plan.

Monitoring

The OIIG currently tracks disciplinary activities in the Forest Preserve District and Offices under the President. In this last quarter, the OIIG tracked (and selectively monitored) 38 disciplinary proceedings including EAB hearings. Further, pursuant to an agreement with the Bureau of Human Resources, the OIIG tracks hiring activity in the Offices under the President, conducting selective monitoring of certain hiring sequences therein. The OIIG also is tracking and selectively monitoring CCH hiring activity pursuant to the CCH Employment Plan.

Compliance Officer Selection

Please also be aware that the Inspector General recently took part in processes to select new Compliance Officers in the Assessor's Office and CCH.

Conclusion

Thank you for your time and consideration to these issues. Should you have any questions or wish to discuss this report further, please do not hesitate to contact me.

Very truly yours,

Patrick M. Blanchard
Independent Inspector General

cc: Attached Electronic Mail Distribution List

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