

THE BOARD OF COMMISSIONERS

TONI PRECKWINKLE
PRESIDENT



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April 15, 2016

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

Re: Independent Inspector General Quarterly Report (1st Qtr. 2016)

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 January 1, 2016 through March 31, 2016.

OIIG Complaints

The Office of the Independent Inspector General (OIIG) received a total of 79 complaints during this reporting period.¹ Please be aware that 13 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, 15 OIIG case inquiries have been initiated during this reporting period while a total of 144 OIIG case inquiries remain pending at the present time. There have been 4 matters referred to management or other enforcement or prosecutorial agencies for further consideration. The OIIG currently has a total of 55 matters under investigation. The number of open investigations beyond 180 days of the issuance of this

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.

report is 51 due to various issues including the nature of the investigation, availability of resources and prosecutorial considerations.²

OIG Summary Reports

During the 1st Quarter of 2016, the OIG issued 14 summary reports. The following is a general description of each matter and whether an OIG recommendation for remediation/discipline has been adopted, if applicable, due to the time permitted for corrective action. Specific identifying information is being withheld in accordance with the OIG Ordinance where appropriate.

IIG12-0234. The OIG opened this investigation after a complainant provided information regarding an employee in the Office of the Cook County Recorder of Deeds. According to the complainant, the subject employee offered to prepare a false and back-dated quit claim deed in exchange for a cash bribe. OIG investigators worked with law enforcement and prosecutors who indicted the subject employee for wire and mail fraud. The subject employee resigned her employment with the Recorder's Office during the course of the investigation and eventually pled guilty to one count of mail fraud. We recommended that the Recorder's Office place the subject on its *Do Not Rehire List*. The Recorder's Office failed to respond to our recommendation within 30 days as required by ordinance.

IIG13-0376. This case involved allegations that a maintenance employee in the Forest Preserve District (FPD) purchased supplies and equipment from an unauthorized vendor and performed tasks for his personal business while on FPD time. The evidence obtained during the investigation confirmed that the subject FPD employee made purchases from an unauthorized vendor. The evidence did not support the allegations that the employee was engaged in personal business during FPD work hours. The OIG recommended that the FPD consider amending its purchasing policy to include a provision addressing the protocol for vendor registration and maintenance of the approved vendor list. Also, it was discovered that the subject employee's Dual Employment form was old and lacked required signatures. This office recommended the implementation of additional internal controls to ensure that all FPD employees are submitting complete Dual Employment forms in a timely manner.

IIG14-0080. This investigation involved a post-SRO complaint filed pursuant to the *Supplemental Relief Order for Cook County* ("SRO") entered in connection with the *Shakman v. Cook County*, 69 C 2145 (N.D. Ill.) litigation. The complainant alleged that he was subjected to retaliatory treatment for having filed a prior, successful post-SRO complaint. As a result of a settlement in his prior post-SRO complaint, the complainant was to receive both a specified cash amount and a certain employment position at the Cook County Health and Hospitals System (CCHHS). CCHHS paid the monetary portion of the settlement though later refused to place the

² This office is currently transitioning to a new case management system that will enable the office to more effectively retrieve case related information and perform link and trend analysis of case data.

complainant in the employment position after learning during processing for the position that the complainant failed to disclose an incident where he was ticketed for driving with a suspended driver's license. According to CCHHS, the complainant's failure to list the traffic citation (a misdemeanor) violated the Conditional Employment Affidavit which thus rendered him ineligible for the painter position. However, the OIIG investigation revealed that the County, along with CCHHS, utilized a different process for other applicants who, contemporaneous to the complainant, failed to disclose such convictions. Specifically, Human Resources requested explanations from applicants having convictions that had not been disclosed. In more than one case, CCHHS chose to hire an applicant despite the initial failure to disclose such circumstances. Thus, the evidence supported the conclusion that, in denying the complainant employment, CCHHS treated the complainant differently than applicants who had not filed post-SRO claims. Therefore, the complainant's claim was sustained.

IIG14-0368. This investigation was initiated by the OIIG following the receipt of allegations involving a Cook County Health and Hospitals System (CCHHS) employee working outside employment while on FMLA status. The subject had previously requested vacation leave for several weeks. That request was denied because the subject had not accrued enough seniority to qualify for such a lengthy vacation. The subject then requested to be placed into FMLA status due to stress. The subject's request was subsequently approved by CCHHS management. While on FMLA status, the employee left the United States and engaged in an outside business practice that had been previously disclosed by him on his dual employment form.

During our investigation to determine whether any violations had occurred, OIIG investigators interviewed various employees at CCHHS regarding FMLA leaves and dual employment. One witness stated that once a CCHHS employee is placed on FMLA status, there are few restrictions placed upon such employees relating to outside employment. This witness added that the only restriction that can be placed upon such an individual would involve the employee's compliance with the scope of a valid dual employment form. Another witness stated that CCHHS employees who are on FMLA status have the right to engage in outside employment provided that they have a current form on file. The witness indicated that CCHHS is bound by the FMLA guidelines which do not impose any restrictions on the outside employment of employees on FMLA status. Another witness from Human Resources explained that the number of CCHHS employees seeking approval for FMLA status affects the ability of CCHHS to perform its mission. The witness indicated that over 100 CCHHS employees apply for FMLA status each month resulting in an impact on the staffing levels of all CCHHS facilities. The witness indicated that approximately 40% of all CCHHS employees are on some form of FMLA status at any given time.

The preponderance of the evidence developed during the course of the investigation failed to support the allegation of a dual employment or FMLA violation. (This inquiry did not involve a review of the veracity of the subject's claimed medical condition under the FMLA. Because of the nature of the condition claimed, evidence demonstrating physical capacity while on FMLA holds little relevance.) Cook County and CCHHS are governed by Federal guidelines

regarding employees who are on FMLA status. Under the FMLA, an employee is not prohibited from engaging in outside employment while on FMLA status absent the employer instituting a policy placing restrictions on outside employment in such circumstances. CCHHS currently does not have such a policy restricting outside work by an employee on FMLA status. In this instance, the subject had an approved form on file, and the subject employee's outside employment was within the scope of that disclosure. Although there was no violation in this case, we recommended that CCHHS consider adopting a policy prohibiting employment during a leave period because of the overall impact the high incidence of FMLA leave participation has on CCHHS operations. This recommendation is pending.

IIG14-0404. In this matter, the OIIG received a complaint alleging that a Cook County Recorder of Deeds employee was wrongfully terminated for submitting a falsified physician statement to justify absence from employment. The investigation revealed that the subject employee had in fact submitted several letters containing erroneous and omitted information. As such, management had a legitimate basis to act as it did, and these circumstances fall short of a wrongful discharge. Accordingly, the allegation of wrongful discharge was not sustained. Nonetheless, this investigation exposed vulnerability in managing employee leave issues. We recommended that management review its current leave management protocols to ensure circumstances such as these are avoided in the future. The Recorder has adopted the recommendation.

IIG14-0503. This investigation involved a post-SRO complaint filed pursuant to the *Supplemental Relief Order for Cook County* ("SRO") entered in connection with the *Shakman v. Cook County*, 69 C 2145 (N.D. Ill.) litigation. The complainant is an employee with the Cook County Department of Transportation and Highways ("DTH"). The complainant asserts that on December 5, 2014 he was called for a meeting with high ranking DTH management officials and was unfairly admonished for "bullying" and other alleged workplace infractions. Complainant further asserts that (1) during that meeting, a high ranking official suggested that complainant begin to think about retirement and (2) this statement is evidence of retaliatory behavior as a result of the settlement of an earlier post-SRO complaint made by complainant.

Based on our investigation, we found that no adverse employment action has taken place in connection with the meeting of December 5, 2014. Rather, complainant was the subject of an informal counseling session and not the type of material adverse action required by law to state a claim. Additionally, even if this counseling did rise to the level of an adverse employment action, the preponderance of the evidence developed by the investigation reveals that DTH had legitimate non-retaliatory reasons for holding the meeting of December 5th. Accordingly, based upon all of the foregoing, we determined that impermissible factors were not implicated in connection with the December 5th meeting.

IIG15-0111. This investigation was initiated in response to an allegation that there has been possible fraudulent use of the Drug Enforcement Administration (DEA) numbers for three CCHHS physicians. Specifically, the DEA numbers were allegedly used to acquire controlled substances for individuals having never received treatment from the physicians. Additionally,

one of the physician's signatures and the physician's license number was forged onto a City of Chicago limousine driver's physical examination form.

Based on the preponderance of the evidence developed in this inquiry, the allegations of negligence or willful misconduct are not sustained. No CCHHS employee has been identified as misusing the DEA numbers or negligently managing the numbers and this office identified no correlation between the people attempting to fill the prescriptions and any CCHHS employees. Moreover, none of the persons named on the prescriptions were CCHHS patients. Accordingly, no further action was recommended in connection with the alleged misuse of the DEA numbers or related efforts to illegally acquire controlled substances.

However, during the course of this investigation, we could not identify the existence of a clear protocol or guidance to direct staff on the appropriate course of conduct should they learn that a DEA number has been compromised. Although the Compliance Officer published a September 2015 "advisement" regarding the protocol a provider could take in order to monitor DEA number activity through the Illinois Prescription Monitoring Program, the advisement does not represent policy and does not specifically address related circumstances, such as if a provider is notified by an outside pharmacy that a DEA number has been fraudulently used to acquire controlled substances. We believe it important that providers know the appropriate reporting protocol. Accordingly we recommended that (a) CCHHS should consider creating a uniform policy directing medical providers to, among other things, report all incidents of misuse of DEA numbers to the Compliance Officer, Stroger Police and the DEA and (b) CCHHS should enforce a policy directing medical providers to monitor their DEA numbers with the Illinois Prescription Monitoring Program. CCHHS has not responded to our recommendations within 30 days as required by ordinance.

IIG15-0198. On June 23, 2015, a high ranking staff member for a Cook County elected official contacted this office to report the inadvertent misuse of a County email address list for political purposes which involved the issuance of a fundraising related invitation being sent to government email accounts. Both the subject staff member and elected official were interviewed. The investigation revealed that the subject staff member not only sent a political message to government email addresses but also did so using a laptop computer purchased with County funds. Although the elected official stated that his staff receives ethics training every year, the subject staff member stated that he did not realize that the use of all County instrumentalities, including computers, for political activity is prohibited pursuant to Code of Ethics, Sec. 2-576 (unauthorized use of County owned property) and Sec. 2-283(c) (prohibiting the misappropriation of County property for political purposes). Our office appreciated the fact that the initial violation was self-reported and that the elected official indicated that corrective action was planned. We concurred that corrective action was necessary and recommended additional training for all staff members and a letter of admonishment to the subject staff member.

IIG15-0199. This investigation involved a Post-SRO complaint filed pursuant to the *Supplemental Relief Order for the Cook County Recorder of Deeds* ("SRO") entered in

connection with the *Shakman v. Cook County Recorder of Deeds*, 69 C 2145 (N.D. Ill.) litigation. The complainant, a former employee with the Recorder of Deeds (CCRD), alleged that she was told she was being terminated for providing false information during an investigation into an incident that occurred in the CCRD office. However, the complainant alleges that she was actually fired because of her age and for political reasons.

The preponderance of the evidence developed in this investigation does not support the conclusion that political factors played a role in the complainant's termination. Instead, the evidence reveals that the CCRD's decision to terminate her was based on a legitimate, non-political reason - an investigation by the CCRD Director of Security concluding that the complainant committed a major cause infraction by making false statements during an investigation and for conduct including dishonesty or other conduct reflecting negatively on the office. While we have considered the question that the CCRD investigation and its conclusion were merely a pretext for a politically influenced termination, our review of the Director of Security investigation led us to a different conclusion. That is, the investigation documented interviews with all 11 individuals present during the alleged altercation and appears to be thorough. The statements of the individuals witnessing the interaction are consistent and contradict the allegation raised by the complainant. Accordingly, the preponderance of the evidence supported the conclusion that the complainant's termination was based upon a legitimate reason and that impermissible political factors were not the basis of her termination.

IIG15-0245. This investigation was initiated by the Cook County Office of the Independent Inspector General (OIIG) following the receipt of information from the Cook County Sheriff's Department (CCSD) indicating that six marriage license proofs were found during an inventory search of a vehicle that had been towed by the CCSD following a traffic violation. Based upon preliminary investigation by the CCSD, it was determined that the marriage proofs originated from the Skokie Branch of the Cook County Clerk's Office. Our investigation revealed that each marriage proof originated from one particular cashier employed at the Skokie Branch of the Cook County Clerk's Office. The subject employee initially indicated that he could not explain how the marriage license proofs ended up being found in the impounded vehicle though surmised that the proofs may have been accidentally picked up by him along with personal papers as he was leaving at the end of the workday.

While the preponderance of the evidence developed during the course of this inquiry supported the conclusion that the employee negligently removed license proofs from the Skokie facility, the evidence failed to support the allegation that the employee misappropriated the license proofs for an illegal purpose. That is, this office did not identify any evidence which would contradict the employee's explanation as to why the proofs were not shredded and ended up in the vehicle (owned by a related individual).

In connection with the issue that sensitive information contained in the marriage proofs may have been compromised, the OIIG recommended that the Clerk's office consider notifying each of the parties identified in the marriage proofs of the breach due to the possibility that the

information could have fallen into corrupt hands before it was discovered by the CCSD. The Clerk's Office adopted our recommendations by letter dated April 4, 2016.

IIG15-0266. The OIIG opened this investigation after receiving information that an employee at Stroger Hospital had been providing differing answers regarding whether or not she possesses a bachelor's degree when applying for positions with Cook County and the Cook County Health and Hospitals System (CCHHS). When interviewed, the subject employee admitted that she has asserted in several application submissions that she possessed a bachelor's degree although she does not. The subject employee stated that she felt that her experience and years of service were equivalent to a bachelor's degree because she was capable of doing everything that was required for the positions that required a bachelor's degree. She also admitted to investigators that she submitted false information because she knew that she would not otherwise be considered for the positions. Accordingly, the evidence from the investigation supports the conclusion that the subject employee violated Cook County Personnel Rule 8.03(b)(14) and CCHHS Personnel Rule 8.03(c)(26) by submitting false information on her 2012, 2013 and 2014 employment applications by stating that she possessed a bachelor's degree. We recommended that the subject employee be terminated and that she be ineligible for County or CCHHS employment for a period of five years. CCHHS is currently seeking discipline against the subject employee and has requested an extension as the matter is currently subject to an ongoing disciplinary proceeding.

IIG15-0346. The OIIG opened this investigation after reviewing a Request to Hire packet in support of a candidate for direct appointment for a position at the Cook County Health and Hospitals System (CCHHS). The initial review revealed discrepancies between the information contained on the candidate's resume and his LinkedIn page. During the investigation, OIIG investigators reviewed resumes submitted by the subject candidate for the position at issue as well as prior positions held by the candidate. Investigators also subpoenaed records from prior employers of the candidate and interviewed the subject candidate about various discrepancies contained therein. The preponderance of the evidence developed by the investigation shows that the subject candidate, in an effort to secure a CCHHS Direct Appointment position for which he was not qualified, willfully provided false information to CCHHS personnel in an effort to appear as though he met the minimum qualifications.

We recommended that (1) CCHHS make the subject candidate be ineligible for employment for a period of five years pursuant to Sections 44-54(b) and (e) of the Cook County Human Resources Ordinance, (2) the subject candidate be removed from the position as a CCHHS contractor that he held, and (3) CCHHS Human Resources Department establish a policy which ensures a more robust past employment verification process which would disclose false information by applicants. These recommendations are pending.

IIG15-0364. The OIIG conducted this review to assess the adequacy of the internal controls in place to properly manage compliance by Cook County government with the training related requirements of the Illinois Open Meetings Act ("the OMA"). We identified gaps in both completing and reporting the OMA mandated electronic training related to Cook County

government public bodies (*i.e.*, boards and commissions) and public officials and the lack of an internal process to ensure compliance with the OMA standards. We recommended the implementation of internal controls to close the gaps in compliance by, among other things, imposing a duty upon the FOIA officer in each public body to notify public officials and designees of public bodies of their training obligation pursuant to the OMA. We further recommended that the FOIA officer obtain and maintain records that demonstrate OMA compliance. The results of our review were released as a public statement dated March 24, 2016 and can be found on our website. The recommendations are pending.

IIG16-0005. This investigation was initiated by this office in response to information provided by a current employee of a Cook County government agency alleging that a former high ranking (exempt) official of that agency harassed her for cooperating with the OIIG in connection with an investigation that led to the former official's forced resignation. Specifically, the complainant explained that, just prior to his last day of service, the subject official provided a handwritten note to her through another agency staff member in which, among other things, he criticized her and placed the blame on her for his dismissal. Based on the content of the note, the complainant expressed concern for her well-being. By such conduct, the former official violated the retaliation provision of the OIIG Ordinance, Section 2-291(a)(1). Due to the serious nature of this violation, we recommended placement of former official on the Cook County *Ineligible for Rehire List* (Policy No. 2014-2.13). The County rejected this recommendation.

Outstanding OIIG Recommendations

In addition to the new cases being reported in 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 30 days of an OIIG recommendation or after the grant of a 30-day extension to respond. Below is an update on these outstanding recommendations.

IIG14-0438. The Cook County Ethics Ordinance imposes certain restrictions and limitations on campaign contributions for vendors that provide certain professional services in connection with bonds. Specifically, Section 2-585(i) of the Ethics Ordinance states that “[a]ny firm, or its officers, directors or partners, contracted by the County to act as financial counsel, bond counsel, underwriter’s counsel, legal counsel, or financial manager for the issuance of any bond is prohibited from making campaign contributions to any County official or candidate for County office.” The OIIG initiated this review and public statement regarding whether bond vendors generally were in compliance with this section of the Ethics Ordinance.

We identified eight law firms that served as bond counsel or underwriter’s counsel which made campaign contributions to Cook County public officials totaling \$19,520 in violation of the Ethics Ordinance. We identified another 18 attorneys employed by the County’s bond counsel or underwriter’s counsel who made campaign contributions to Cook County public officials totaling \$42,116.66, but these attorneys did not indicate whether they are officers, directors or partners of bond counsel or underwriter’s counsel in the data they submitted to the Illinois State

Board of Elections so it was not clear whether they were subject to the provision at issue in the Ethics Ordinance. We also found that two financial advisors and two employees of financial advisors made campaign contributions to County public officials totaling \$500 and \$14,500 respectively. However, financial advisers and underwriters that provide financial services for bonds are not included in Section 2-585(i) of the Ethics Ordinance.

We recommended that Section 2-585(i) of the Ethics Ordinance should be amended so that it includes the terms “financial advisers,” “underwriters” and “any vendor offering professional services related to bonds” to ensure that all bond vendors are subject to the same campaign contribution restrictions and limitations. We also recommended that the County implement internal controls to ensure that bond vendors comply with the campaign contribution restrictions in the Ethics Ordinance. The County has adopted our recommendations.

IIG14-0053. The OIIG recommended that the Cook County Health and Hospitals System (CCHHS) pursue contract cancellation and disqualification and possibly pursue the imposition of fines in accordance with Section 6.7 of the CCHHS Supply Chain Management Procurement Policy (False Statements) for a prime contractor who violated the Minority and Women Owned Business Enterprises (M/WBE) provisions of the Cook County Code and CCHHS Procurement Policy. This recommendation was made on August 28, 2014, and CCHHS has not yet provided a response. On January 12, 2016, CCHHS stated that it will look into the matter and respond to our recommendation although no date was given. The OIIG has reached out to CCHHS since the last quarterly report, but there has been no response to date.

IIG14-0186. After finding material deficiencies in connection with the inventory of patient valuables at Provident and Stroger Hospitals and the program protocols to properly manage the collection, maintenance and return/disposal of patient property, the OIIG made several recommendations for hospital officials to establish a uniform policy designed to properly manage patient property including the implementation of verification procedures, the installation of surveillance cameras, and updating the current inventory tracking system. As of the last quarterly report, CCHHS had requested an extension of time to respond to pending recommendations and indicated that amended policy was forthcoming. On September 28, 2015, CCHHS responded to the OIIG recommendations and outlined the creation of a comprehensive policy establishing procedures for the maintenance of patient valuables. Several OIIG recommendations were not addressed initially although CCHHS has followed-up with this office with its plan to address each OIIG recommendation. CCHHS subsequently has responded that it is conducting a comprehensive overhaul of relevant procedures relating to these issues.

IIG14-0408. In this case, the OIIG conducted an investigation regarding a potential violation of the 1992 Consent Decree and Supplemental Relief Order (SRO) entered in *Shakman v. Cook County Recorder of Deeds*, 69 C 2145 (N.D. Ill.). Specifically, the OIIG sought to determine whether impermissible political reasons or factors informed the decisions of the Office of the Cook County Recorder of Deeds (Recorder’s Office) to continue to retain a high ranking official in the Recorder’s Human Resources Department (HR) and to refrain from disciplining him in a manner consistent with the disciplinary action imposed upon other non-exempt

employees within the office. The preponderance of the evidence developed during the investigation established that the Recorder's Office has an established custom and practice of treating the subject HR official differently than other non-exempt employees. For example, other non-exempt employees had their employment with the Recorder's Office terminated for failing to cooperate with the OIIG during an SRO investigation, whereas the subject HR official was allowed continued employment in the Recorder's Office despite a finding by the OIIG that the individual willfully provided false information during an SRO investigation and the existence of substantial evidence of poor performance by the subject HR official. The evidence also established that the subject HR official has a strong political affiliation with a prominent state representative, which affiliation was known to management within the Recorder's Office and considered when making employment decisions relating to the subject HR official. Accordingly, the allegations that the Recorder's Office violated the Federal Consent Decree and SRO were sustained, and it was recommended that the Recorder's Office cease and desist from further actions which constitute a violation of the 1992 Consent Judgment and *Supplemental Relief Order*. The Recorder responded to the OIIG recommendations on November 18, 2015 but did not address all of the issues raised. On December 18, 2015, the OIIG requested a more specific response regarding those outstanding issues. The Recorder's Office has rejected the OIIG's request to supplement the initial response.

IIG14-0501. After finding the existence of recurring incidents of time card fraud at the Cook County Health and Hospitals System (CCHHS) directly related to both the lack of supervisory oversight and corresponding efforts to detect misconduct and impose disciplinary action, we made a number of recommendations to address this problem including training and better enforcement policies and techniques. CCHHS responded on February 11, 2015 that it had convened a committee of representatives to address the issues raised by the OIIG and that a supplemental response regarding new policies and training and enforcement will be forthcoming at a later date. Subsequently, CCHHS accepted most recommendations by revising old policies and developing and implementing others.

IIG15-0027. In this operational review, the OIIG analyzed the administration, operations, budget, programs, office practices and policies of the Cook County Department of Animal and Rabies Control. We also conducted interviews of current and former employees and interested third parties, desk audits and a review of best practices adopted by other jurisdictions in the United States. The findings, conclusions and recommendations resulting from this operational review are contained in a public statement issued by this office on August 21, 2015 which is available on our office's website. The Department of Animal and Rabies Control has adopted many of the recommendations and will continue to evaluate its operations and implement various process improvements consistent with its core mission. While outside its core mission, the Department is also evaluating what information could be useful to the public with respect to pet reunification efforts.

IIG15-0031. The OIIG opened this investigation after receiving a complaint that an employee at the Cook County Health and Hospitals System (CCHHS) filed a fraudulent Worker's Compensation claim with the County. According to the complaint, the subject

employee also failed to report the accident to any of his supervisors as required by CCHHS policy. Instead, the employee called in sick for approximately a month before going to Employee Health Services to report the accident.

The preponderance of the evidence did not support a finding that the subject employee filed a false Worker's Compensation claim. The employee's version of the accident could not be refuted because of the lack of eye witnesses. Moreover, it was not clear from the medical records whether the employee has a predisposition to this type of injury. The evidence did, however, support a finding that the subject employee violated CCHHS policy by not immediately reporting his injury and that the subject employee was guilty of gross insubordination. On December 28, 2015, we recommended that a significant level of discipline be imposed upon subject employee based on the deliberate nature of the sustained violations. By letter dated March 22, 2016, CCHHS disciplined the subject employee with a verbal reprimand.

IIG15-0041A. This investigation involved two supervisors in the Department of Highways and Transportation who submitted reports relating to a Seasonal Driver who was involved in a vehicular accident while operating a snowplow which resulted in damage to another motorist's vehicle. The OIIG investigation revealed that the two supervisors failed to include material information in their reports of the incident. Specifically, the supervisors failed to include information that the Seasonal Driver offered money to the other motorist in an attempt to avoid reporting the incident to his supervisors within the department. Such conduct violates Cook County Personnel Rules relating to negligence in the performance of duties. Based on our findings, we recommended the imposition of discipline upon the subject supervisors. Pre-disciplinary meetings were held between management and the two subject employees and the union. Based on the information presented at the pre-disciplinary meeting, the Highway Department decided not to impose discipline as recommended by our office. (The OIIG was not invited to present its position on any of the issues discussed at these meetings as requested in the past.)

IIG15-0184. The OIIG initiated this investigation after receiving an anonymous letter alleging that a doctor at CCHHS "is lucky to spend 50% of his time at the hospital during the normal work week" and that the majority of his time is spent at his private practice office. Included with the letter was a USB flash drive containing surveillance video of the subject doctor. The OIIG reviewed the surveillance videos and the subject doctor's time records and interviewed both the subject doctor and his supervisor. The evidence from the investigation revealed that the timesheets for the subject doctor contained false information and that the subject doctor has been negligent in the performance of his duties as they relate to maintaining accurate and contemporaneous records of his CCHHS work hours. The OIIG recommended that management should impose discipline on the subject doctor. Management accepted the OIIG's recommendation that discipline be imposed on the subject doctor and a pre-disciplinary hearing was held on March 17, 2016. We are awaiting the decision of the hearing officer.

IIG15-0197. The evidence developed by the investigation confirmed that the subject employee violated Cook County Personnel Rule 8.03(b)(14) and CCHHS Personnel Rule

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8.03(c)(26) by submitting false information on multiple online application submissions by asserting that he was a Patient Access Representative for Advocate Health Care and by asserting that he was a Human Resource Analyst for Chicago Public Schools. The subject employee admitted to investigators that he listed job duties on his resume that he did not actually perform as a Patient Access Representative at Advocate Health Care. The subject employee also admitted to investigators that he listed job duties that he did not actually perform as a Human Resource Analyst for Chicago Public Schools. The subject employee represented in at least one online Taleo job application submission that he was bilingual in Spanish and English, in at least one application that he was bilingual in Polish and English and in another application that he was bilingual in Mandarin and English. The subject employee admitted to investigators that he did not speak Polish, Spanish or Mandarin. On at least 15 online job application submissions, the subject employee misrepresented his qualifications to the County and CCHHS.

Based on Section 44-54 of the Cook County Human Resources Ordinance, we recommended that the subject employee's employment be terminated and that he be ineligible for County government employment for a period of five years. CCHHS adopted the OIIG recommendations. A pre-disciplinary hearing was held on these charges on January 13, 2016, and the hearing officer sustained the charges. CCHHS subsequently terminated the subject employee for cause on February 25, 2016 and listed him as ineligible for re-hire.

IIIG15-0278. This office received information indicating that a former employee in the Cook County Bureau of Human Resources (BHR) made various false statements in the course of applying for particular positions within Cook County government by using both factually misleading resumes and false information uploaded to the County's online job application system. The evidence developed during the course of this investigation confirmed the allegations.

We recommended that the County, CCHHS, and the FPD find the subject ineligible for hire for a period of five years pursuant to provisions in their respective employment plans. We made recommendations to the Recorder of Deeds and Sheriff to consider amending their respective employment plans so as to allow further action for violations of this type. We also recommended that all of the involved agencies seek to modify their respective employment plans so as to honor the ineligibility lists of the respective entities. Finally, Article II, Section 44-54(e) of the Cook County Code of Ordinances provides that any person who willfully violates this section shall be fined not less than \$100.00 nor more than \$500.00 or be imprisoned for not more than six months, or both. We recommended that any department seeking to prosecute the subject for violation of Section 44-54 contact the Cook County States' Attorney's Office.

The County responded that it will deem the subject employee ineligible for employment for a period of five years. We have yet to receive a response from the other agencies regarding our recommendations.

Failure to Respond to OIIG Recommendations

Certain agencies have failed to respond to OIIG recommendations as required by Ordinance despite repeated requests by the OIIG and ample opportunity to respond. The recommendations made in these cases will no longer be considered outstanding but rather will be deemed to have been rejected by such agencies due to lack of response. Those cases are listed below.

IIG10-0038. This matter involved a follow-up to a prior case and recommendation involving several county officials directing third party contractors to hire favored individuals in an effort to circumvent the human resources related scrutiny that would prevent the hiring of such individuals into Cook County positions. We recommended amending the County's Employment Plan or Human Resources Ordinance to prevent such circumstances from recurring. This recommendation was made on November 7, 2014, and the OIIG had not yet received a response from the County.

IIG13-0015. The OIIG recommended that the Letter of Intent in County contracts be amended to require specific information to support the commercially useful function that will be performed under the contract including, but not limited to, the deliverables and time table for performance. We also strongly recommended that protocols should be established to include user agencies in monitoring and reporting Minority and Women Owned Business enterprises (M/WBE) participation as part of their project management responsibilities. In addition, the OIIG restated its previous recommendation that Cook County government implement a policy, resolution or enactment to the Code of Ordinances to require County employees involved in the contracting process to report to this office instances in which contact is made by a politically-related person or organization that involves an attempt to influence a procurement action. This recommendation was made on December 12, 2014, and the County has not yet provided a response.

Activities Relating to Unlawful Political Discrimination

Political Contact Logs (PCLs)

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 IIG acts within his authority with respect to each Political Contact Log filed. From January 1, 2016 to March 31, 2016, the Office of the Independent Inspector General received two Political Contact Logs

Post-SRO Complaint Investigations

In the last quarter, the OIIG has received no new Cook County *Shakman* Post-SRO Complaints. Three such Complaints are under investigation.

Training

The OIIG continues to collaborate with the Bureau of Human Resources (“BHR”) and the Board of Ethics (“Ethics”) in a joint project to provide both online and in-person annual training for Cook County employees regarding the Ethics Ordinance, the *Employment Plan* and Unlawful Political Discrimination. During the last quarter, the OIIG has been working with these departments in an effort to alleviate technological challenges which exist in administering training.

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

Apart from the above PCL and post-SRO activity, the OIIG has initiated 6 additional UPD inquiries during the last reporting period. Additionally, the OIIG continues to assist and work closely with the embedded compliance personnel in the FPD, CCHHS, Bureau of Human Resources and the Cook County Recorder of Deeds, conducting joint investigations where appropriate.

Employment Plan – Do Not Hire Lists

In 2015 the OIIG finalized its recommendations to the Bureau of Human Resources regarding a final working Do Not Hire List. The OIIG continues to collaborate with the Bureau and the Cook County Compliance Administrator to ensure the list is being applied in a manner consistent with the County’s goal of achieving substantial compliance. Additionally, the OIIG continues to collaborate with CCHHS Human Resources regarding the recent creation of its Do Not Hire List and monitors the management of the list.

OIIG Employment Plan Oversight

In accordance with the *Employment Plan* of Cook County, CCHHS and the Forest Preserve District, the OIIG reviews, *inter alia* (1) the hire of *Shakman* Exempt employees, (2) proposed changes to Exempt Lists, Actively Recruited lists, employment plans and Direct Appointment lists, (3) FPD employment postings limited to internal candidates, and (4) Supplemental Policy activities. In the last quarter, the OIIG has reviewed and acted within its authority regarding:

1. One change to the Cook County Actively Recruited List;
2. The hiring of thirteen *Shakman* Exempt employees;
3. The Direct Appointment of two CCHHS employees;
4. One change to the Cook County Exempt list;

5. Three actions under the Employment Plan Supplemental Policies.

Monitoring

The OIIG currently tracks all disciplinary activities in the FPD and offices under the President. In this last quarter, the OIIG tracked (and selectively monitored) 41 disciplinary hearings and related grievances. Further, pursuant to an agreement with the Bureau of Human Resources and with the collaboration of the Cook County Compliance Officer, the OIIG tracks all hiring activity in the Offices under the President and conducts selective monitoring of certain hiring sequences therein.

Appellate Court Decision Addressing OIIG Jurisdiction

The Cook County Office of the Independent Inspector General (“OIIG”) initiated an investigation in 2012 into allegations that an employee in the Cook County Assessor’s Office (“Assessor”) had improperly received a homeowner’s exemption to which he was not entitled. As part of that investigation, the OIIG requested documents from the Assessor pursuant to the OIIG Ordinance. When the Assessor refused, the OIIG issued a subpoena for the records. The Assessor objected to the subpoena on the grounds that the OIIG only has authority to investigate County government under the Offices of the Cook County Board President and does not have such authority regarding separately elected Cook County officials like the Assessor.

On June 7, 2013, the OIIG filed a two-count complaint against the Assessor seeking (i) a declaration that the Cook County Assessor must cooperate with the OIIG’s investigation, and (ii) a finding that the Assessor must comply with the subpoena issued by the OIIG. On August 21, 2014, the Cook County Circuit Court entered an order upholding the jurisdictional scope of the OIIG Ordinance.

The Assessor appealed the decision of the Circuit Court on September 11, 2014 arguing that the authority vested in the OIIG by the Board of Commissioners to issue subpoenas and require officials to cooperate in OIIG investigations was unconstitutional. On December 8, 2015, the Appellate Court unanimously upheld the OIIG’s authority to investigate allegations of corruption in both the Assessor’s office as well as the offices of other county officials. Specifically, the Appellate Court held that Cook County Board of Commissioners “validly exercised its home rule powers when it created the OIIG and gave it the power to issue subpoenas to aid in its investigations of allegations that county officers, including the Assessor, have acted corruptly.” *See Blanchard v. Berrios*, 2015 Il App (1st) 142857, para. 18 (December 8, 2015)(opinion attached).

The Assessor has appealed the Appellate Court’s decision to the Illinois Supreme Court. On March 30, 2016, the Illinois Supreme Court granted the Assessor’s request for review. The Assessor’s brief is scheduled to be filed with the court on May 4, 2016. This office will then file a response brief – currently scheduled to be filed by June 8, 2016.

Miscellaneous OIG Activities

Consistent with the protocols set forth in the OIG *Employment Plan*, this office has welcomed two additional investigators to our staff. Investigator Darryll Ahmad joins the office following a 24-year career in federal law enforcement. Investigator Ahmad's most recent assignment was Special Agent In-Charge of the Chicago Office of the Environmental Protection Agency Office of Inspector General overseeing the Midwest region. Investigator Daniel Tiernan previously served as an Assistant State's Attorney for 12 years, 6 years serving in the Felony Trial Division assigned to the George N. Leighton Criminal Court Building, before forming a private practice in which he handled a wide-range of civil and criminal matters for 9 years.

Thank you for your time and attention 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,



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cc: Mr. Brian Hamer, Chief of Staff
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Mr. Jeffrey McCutchan, Interim General Counsel, Health and Hospitals System
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Mr. Arnold Randall, General Superintendent, Forest Preserve District
Ms. Eileen Figel, Deputy General Superintendent, Forest Preserve District
Mr. Ranjit Hakim, Executive Director, Board of Ethics