

TONI PRECKWINKLE

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October 15, 2012

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 (3rd Qtr. 2012)

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 (OIIG) Ordinance, Cook County, Ill., Ordinances 07-O-52 (2007), to apprise you of the activities of this office during the time period beginning July 1, 2012 through September 30, 2012.

In connection with the number of complaints received during the subject reporting period, please be advised that this office has received a total of 150 complaints.¹ Please be aware that during the subject reporting period, 19 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, 38 OIIG case inquiries have been initiated during this reporting period while a total of 124 OIIG case inquiries remain pending at the present time. Six matters have been referred to other enforcement or prosecutorial agencies for further consideration.

In connection with the recently opened investigations by the OIIG, the following is a general description of the issues under review:

¹ Upon receipt of a complaint, an OIIG complaint number is assigned to the contact and a triage/screening process of each complaint is undertaken. We will initiate a formal investigation when appropriate by assigning an OIIG case number and investigator to the matter. 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 assigning an OIIG case number to the complaint. When the initial review reveals information warranting the opening of a formal investigation, an OIIG case number is assigned. Conversely, if additional information is developed to warrant the closing of the OIIG Inquiry, the matter will be closed.

Official misconduct (4 cases);²
Falsification of government documents;
Sexual harassment;
Illegal hiring practices (5 cases);
Misuse of government property (2 cases);
Post-SRO Claim Investigations (6 cases);
Negligence in the performance of duties (2 cases);
Operational audit;
Commissioner Contingency Fund audit;
Misuse of Homeowner Exemption tax benefit.

The OIIG currently has a total of 91 matters under investigation. The number of open investigations beyond 180 days of the issuance of this report is 73 due to various issues including the nature of the investigation, availability of resources and prosecutorial considerations.

OIIG Summary Reports

During the 3rd quarter of 2012, the OIIG issued 19 summary reports. The following is a general description of each matter and whether an OIIG 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 OIIG Ordinance where appropriate.

IIG09-0123. This investigation involved allegations that a doctor at the Cook County Health and Hospitals System (“CCHHS”) was receiving disability benefits from the Cook County Employees’ Annuity and Benefit Fund (“Pension Fund”) while he was actively engaged in a private medical practice at a local hospital. The investigation consisted of interviewing witnesses, including the subject doctor, and reviewing Disability Certification forms, the doctor’s private practice patient sign-in sheets, appointment calendars and billing records. Our investigation revealed that the doctor applied for and was granted disability status after undergoing emergency surgery early in 2008. He maintained his disability status through the middle of 2009 and received \$40,747.33 in disability benefits in part by submitting forms to the Pension Fund signed under penalties of perjury certifying his disability status and verifying no other employment since his disability. Although the doctor listed no employment activity during the relevant period on the forms submitted to the Pension Fund, the OIIG confirmed that the doctor was, in fact, engaged in a private medical practice at a local hospital for months during his

² One matter under investigation has involved the issuance of a subpoena to the Office of the Cook County Assessor. The subpoena seeks information maintained by the Assessor’s office relating to the potential misuse of the Homeowner’s Exemption by an employee within the office. The Assessor’s office has indicated it will not honor the subpoena asserting that the OIIG lacks jurisdiction over that office. The OIIG enabling ordinance specifically provides that the OIIG has the authority to “investigate corruption, fraud... under the Offices of the President as well as the separately elected County officials.... See Section 2-284(2) of the Independent Inspector General Ordinance, Cook County, Ill. Ordinances 07-O-52 (2007). Accordingly, this office is currently considering enforcement action to compel compliance with the subpoena.

period of alleged disability. Based on these findings that the doctor submitted false statements to the Pension Fund in an effort to fraudulently procure disability benefits, we have recommended that the CCHHS terminate the employment of the subject doctor. The OIIG recommendation is currently pending.

IIG11-0032. This investigation arose from a complaint alleging unlawful political discrimination and discrimination based on race or national origin. The complainant was a former employee in the Cook County Office of Contract Compliance (“OCC”) who applied for a position that he previously held in that office. The job description had changed since he left Cook County employment making him unqualified for the position. Complainant believed that the change in job description was an effort to block his return to service in favor of a pre-selected Hispanic male. The OIIG interviewed several OCC personnel involved in the job posting and hiring process and found no evidence to support the complainant’s allegations of unlawful political discrimination or discrimination based on race or national origin.

IIG11-0036. This investigation relates to a former top official within the Department of Environmental Control and a manager within that department with whom he had a personal relationship. In a separate investigation, the OIIG inquired as to the nature of any relationship between the two because the manager had been placed into her position at the official’s request without the requisite posting of the position (which had been unionized as set forth in IIG11-0021 below). When compelled to provide truthful statements pursuant to the OIIG Ordinance, the manager told OIIG investigators that she and the official were “just friends.” At his OIIG interview, the official similarly stated that he and the manager were just good friends and that his relationship with her was no different than his relationship with most of his staff.

Subsequent to her OIIG interview, the manager later testified under oath at a federal court deposition that she in fact had a personal relationship with the official that started prior to her being given the manager position. As a result, the OIIG re-interviewed the official to ascertain the true nature of his relationship with the subject manager, and he admitted to the relationship with her. The official also subsequently testified under oath in a federal court deposition that he had the relationship with the subject manager. The evidence thus revealed that both the official and manager willfully made false and misleading statements to OIIG investigators in an effort to undermine an OIIG investigation into wrongful hiring practices in violation of Section 2-285 of the OIIG Ordinance. They engaged in such unlawful conduct despite being presented with warning forms prior to their interviews informing them that the failure to answer questions truthfully could subject them to discipline up to and including discharge. In addition to violating the OIIG Ordinance, the official further violated the fiduciary duty provisions found in Section 2-571 of the Cook County Ethics Ordinance by engaging in a relationship with a department subordinate and helping her get a promotion. The OIIG determined that the official exhibited poor judgment by creating an appearance of impropriety, employee partiality and potentially exposing Cook County to liability under Title VII. Based on the serious nature of the violations, the OIIG recommended that significant discipline be imposed on both employees – a 25 day suspension if management elected to continue their employment. As a result, the official’s employment was terminated and the manager received a 15 day suspension.

IIG11-0043. This matter involved an operational survey and inspection of the Highway Department's Maintenance Bureau District Offices. The survey focused on potential waste and mismanagement from a managerial and organizational standpoint. The OIIG survey and inspections revealed instances of waste as well as safety issues. Certain findings from this survey were previously released in a public statement dated December 20, 2011. The OIIG made several recommendations to correct the problems noted which were adopted by the Highway Department.

IIG12-0013. This investigation was initiated based on complaints that a hospital technician had verbally threatened two doctors at Stroger Hospital and had engaged in other threatening and intimidating behavior toward other co-workers. While the investigation did not reveal sufficient evidence to support the allegations of intimidation or physical threats, it did reveal disruptive behavior on the part of subject employee as well as systemic operational problems within the subject employee's work unit. These problems included slow work pace and unavailability of certain employees during shifts, excessive usage of sick time, excessive overtime, and difficulties with staffing levels. The OIIG recommended corrective counseling for the subject employee and made additional recommendations to correct the systemic problems noted within the employees unit. The recommendations are currently pending.

IIG12-0014. This investigation relates to a Post-SRO complaint filed by a former Purchasing Department employee 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 political motivations led to her being laid off from the department. The investigation revealed that the complainant did not file her claim within the 120 day limitations period provided in the SRO. As a result, her claim was denied as untimely.

IIG12-0019. 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 the victim of unlawful political discrimination relating to a position in the Department of Environmental Control. The investigation revealed that the complainant did not file his claim within the 120 day limitations period provided in the SRO. As a result, his claim was denied as untimely.

IIG12-0020. 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 complaint relates to a professional position at Cermak Health Services of the Cook County Health and Hospital System. In order to attain the subject position, an applicant must be approved by a credentialing committee in order to be allowed to practice at Cermak Health Services. The credentialing committee did not approve the application. The complainant did not assert that political discrimination occurred, but rather filed her Post-SRO claim because she did not understand the motives behind certain actions taken by the credentialing committee. The facts developed by this investigation demonstrate that

impermissible political factors were not considered in any of the employment decisions made with respect to the complainant.

IIG12-0022. 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 his position with POET was eliminated because he did not support certain elected officials or attend fundraisers. The investigation revealed that the complainant did not file his claim within the 120 day limitations period provided in the SRO. As a result, his claim was denied as untimely.

IIG12-0031. 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 decisions not to promote her to a position at the Cook County Health and Hospitals Systems on two separate occasions (once in early 2011 and once in 2012) were the result of unlawful political discrimination. The portion of the claim relating to the lack of promotion in 2011 was denied as untimely because it was not filed within the 120 day limitations period provided in the SRO. As for the remaining portion of the claim, the evidence failed to demonstrate that impermissible political factors were considered with respect to the subject employment decision.

IIG12-0033, IIG12-0034, IIG12-0035. These three investigations arose from an unannounced site inspection of the Medical Examiner’s Office by OIIG investigators during the overnight shift on May 3, 2012 at 2:35 a.m. Upon arrival, OIIG investigators observed one intake attendant sleeping with her head on the desk of her workstation and two other intake attendants watching a Bruce Lee (karate) movie on a County computer. The investigators observed the three employees in silence and undetected for a period. When the investigators announced their presence, the sleeping employee raised her head, sat up and turned on her computer while the other two employees turned off the movie and began working. Subsequent interviews of the subject employees revealed that the conduct observed by OIIG investigators on May 3, 2012 was not isolated and that certain intake attendants working the overnight shift routinely watched movies on County computers and certain intake attendants slept or “nodded off” while on duty.

During the site inspection, investigators also discovered thousands of documents (some dating back to 2004) hidden in the intake area that were supposed to have been entered into an electronic data management system by the intake attendants during the night shift. Based on its findings, the OIIG recommended that discipline be imposed on the three subject intake attendants (including a minimum 20 day suspension in for one with prior discipline issues) and that a managerial or supervisory presence be added to the overnight shift. The Medical Examiner’s Office has imposed a 25 day suspension on one of the intake attendants and a 5 day suspension on another. It has also added a supervisor to the overnight shift and is obtaining a new data management system. Our recommendation for discipline as to the third intake attendant remains pending.

IIG12-0041. This investigation relates to certain leadership position appointments made within the Cook County Forest Preserve District (FPD) Police Department in 2009. The investigation revealed that the rank of Lieutenant had been improperly filled via discretionary appointment of Deputy Commanders contrary to the established hiring procedures in the 2004 Plan of Compliance filed by the FPD in the *Shakman* litigation. The OIIG has recommended that the improperly appointed Deputy Commanders be removed from their positions and that the positions be filled in accordance with the FPD Employment Plan. The OIIG also recommended better oversight by the FPD to ensure that all FPD employees strictly adhere to the protocols established through the *Shakman* litigation. The FPD has adopted the OIIG recommendations.

IIG12-0048. The OIIG initiated this investigation after receiving a Political Contact Log involving a Cook County commissioner. According to the Political Contact Log, the commissioner contacted a department head and inquired about a promotion on behalf of an employee in that department. Interviews of the commissioner, the department head, and the employee revealed differing accounts as to the nature of the communication between the commissioner and the department head and what led up to the communication. However, the subject employee admitted that he began performing political work for the commissioner in an attempt to persuade the commissioner to intervene on his behalf in seeking a promotion. While the commissioner denies asking about a promotion on behalf of the employee, the commissioner recalled discussing the employee with the department head. Based on our findings, the OIIG recommended a 10 day suspension for the subject employee for admittedly violating Section 44-56 of the Cook County Code which prohibits employees from directly or indirectly influencing any aspect of employment on the basis of political reasons or factors. The OIIG also recommended additional training be offered to members of the Board of Commissioners on the prohibitions of unlawful political discrimination. The subject employee resigned during the investigation.

IIG12-0049. The OIIG initiated this investigation after receiving a complaint that an autopsy technician in the Medical Examiner's Office was calling in sick in order to work at other coroners' offices. The investigation confirmed that the subject employee was in fact working for a private forensic pathologist office as an independent contracting autopsy technician. An examination of employment records for the Medical Examiner's Office and those of the private pathologist office revealed instances in which the employee was off on sick leave from the Medical Examiner's Office and working for the private pathologist office. In addition, the Dual Employment Forms submitted by the subject employee fail to list this outside employment as required by County policy. Thus, the evidence supports a finding that the employee falsified his timekeeping records and violated the County's dual employment policy. The subject employee resigned before the OIIG could interview him.

IIG12-0058. This investigation originated when an employee of a past Cook County vendor contacted the OIIG stating that she received a check from the County for \$37,160.80 but did not know the purpose of the check. The investigation revealed that this vendor has 16 locations in 13 states (all using the same Federal Employer Identification Number) and that there have been problems in the past with Cook County issuing a check to the wrong location. The

OIIG made recommendations designed to prevent such problems from occurring in the future. The recommendations have been adopted.

IIG12-0059. This matter involved a compliance review of contingency funds used by Cook County commissioners, the results of which were issued as a public statement on September 26, 2012. Our report identified the following issues relating to the contingency funds: (1) failure to report expenses, (2) lack of proper documentation, (3) assets used for combined personal and County use, (4) funds transferred to contingency fund from other accounts, and (5) lack of detail for expenses involving third parties (*e.g.*, meals). Based on our findings, the OIIG made several recommendations for corrective action which are currently being considered and by members of the Board of Commissioners.

Updates on Past Summary Reports

IIG10-0079. The OIIG determined, after review of an investigation by the *Shakman* Post-SRO Complaint Administrator, that an FPD employee committed unlawful political discrimination (hereinafter “UPD”) in a promotional sequence in 2010. Another FPD employee was the beneficiary of the UPD and, despite not being minimally qualified for the position she sought, was promoted anyway. The OIIG on May 9, 2012 recommended (a) termination of the employee responsible for the UPD and (b) removal of the beneficiary employee to her original position. The FPD has elected to suspend the employee for a period of ten days. The FPD has not, thus far, taken any action regarding the OIIG recommendation to remove the beneficiary employee from the position to which she was promoted.

IIG12-0041. The OIIG determined that an employee currently working in the position of Wildlife Biologist II (a) did not meet the minimum qualifications for the position for which she was originally hired in 1997 and (b) does not have a Bachelor’s Degree as required for the position she currently holds. The OIIG recommended the employee be separated from employment or transitioned into a position not requiring a Bachelor’s Degree. The FPD has instead proposed a plan by which the employee will remain in her current position of Wildlife Biologist II while acquiring a Bachelor’s Degree by 2021. The OIIG has advised the FPD that such a course of action is problematic where the FPD is proposing a previously non-existent exception to the requirements of minimum qualifications, and that such an exception is not a workable one for any position especially one that is scientific in nature. The FPD has adopted its position based upon the established value of the subject employee to FPD operations. While we recognize the FPD’s position is based upon its assessment of the individual value of the employee to the District, we believe that by creating an exception to minimum qualification hiring protocols after the fact establishes a precedent that undermines the importance of adhering to its newly established guidelines.

IIG11-0021. In this case, the OIIG determined that two employees working in the Department of Environmental Control, a manager (referred to in connection with IIG11-0036 above) and an Administrative Assistant III (nephew of a County elected official), were appointed into formerly *Shakman*-exempt positions after the positions had unionized without

posting the positions as required by the SEIU Local 73 Collective Bargaining Agreement. The OIIG recommended that the County post the positions in accordance with that Collective Bargaining Agreement. Cook County rejected the OIIG's recommendation on the basis that the County continued to treat the positions as *Shakman*-exempt (thereby not requiring competitive hiring process) until dues were deducted from the employees' paychecks in 2009 even though the positions unionized in October of 2007. The OIIG issued follow-up correspondence to the County advising of our position that the operative date when the position can no longer be considered Exempt and free from posting requirements is when the Illinois Labor Relations Board entered the Union Certification Petition, not when dues are deducted. The OIIG stated that since the two employees were appointed after union certification occurred, the County could not unilaterally appoint individuals into those positions pursuant to the Illinois Public Labor Relations Act. The County has not yet replied to the OIIG's July 9, 2012 position statement.

IIG11-0038. This matter involved the former Director of Homeland Security and Emergency Management and another former high-ranking official in the department who facilitated the hiring of 13 individuals without posting positions in accordance with the Personnel Rules while also facilitating the additional hire of 18 individuals through a third-party vendor in an effort to avoid posting the positions in accordance with the County Rules and *Shakman* oversight. Among other things, this office recommended the adoption of a policy restricting a public official or employee from exercising influence in contractor hiring that mirrors the rule in the City of Chicago's Employment Plan Appendix, titled *City Influence of Contractor Hiring*. The issue relating to prohibiting influence in contractor hiring by County officials and employees remains outstanding.

Activities Relating to Unlawful Political Discrimination

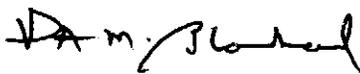
It has been approximately 18 months since the County implemented the requirement to file Political Contact Logs with the Office of the Independent Inspector General. The Logs must be filed by any County employee who is contacted by a political person or organization or any person representing any political person or organization where the contact relates to an employment action regarding any applicant or County employee. From July 16, 2012 to October 15, 2012, the Office of the Independent Inspector General received ten Political Contact Logs and opened an inquiry with respect to each.

On February 22, 2012 United States Magistrate Judge Sidney I. Schenkier signed an order transitioning to the Office of the Independent Inspector General the duty to investigate all Complaints filed pursuant to the Supplemental Relief Order in the *Shakman* litigation. Previously all Complaints were referred to the Post SRO Complaint Administrator. In the last quarter, the OIIG has received an additional five *Shakman* Post-SRO Complaints and has opened an OIIG investigation with respect to each. Also during the last quarter, the OIIG completed investigations and issued findings relating to five Post-SRO complaints.

Honorable Toni Preckwinkle and
Members of the Board of Commissioners
October 15, 2012
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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,



Patrick M. Blanchard
Independent Inspector General
(312) 603-0364

cc: Mr. Kurt Summers, Jr., Chief of Staff, Office of the President
Ms. Laura Lechowicz Felicione, Special Legal Counsel
Dr. Ramanathan Raju, Chief Executive Officer, Health and Hospitals System
Ms. Elizabeth Reidy, General Counsel, Health and Hospitals System
Mr. Arnold Randall, General Superintendent, Forest Preserve District
Ms. Mary Laraia, Deputy Superintendent, Forest Preserve District