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OFFICE OF THE INDEPENDENT INSPECTOR GENERAL

PATRICK M. BLANCHARD

INSPECTOR GENERAL

69 W. Washington
Suite 1160
Chicago, Illinois 60602
PHONE (312) 603-0350
FAX (312) 603-9948

October 15, 2014

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. 2014)

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 July 1, 2014 through September 30, 2014.

OIIG Complaints

The Office of the Independent Inspector General (OIIG) received a total of 80 complaints during this reporting period.¹ Please be aware that 16 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, 28 OIIG case inquiries have been initiated during this reporting period while a total of 176 OIIG case inquiries remain pending at the present time. There have been eight matters 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 and allegations under review:

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.

- Retaliation/False Arrest;
- Sole source contracting violations;
- Employees within an agency working secondary employment on days they claim sick leave;
- Harassment/Intimidation;
- Post-SRO Complaints – 5 cases;
- Obstruction of the Complaint Administrator’s investigation;
- W/MBE “pass-through” fraud;
- Employee theft – 3 cases;
- Citizen harassment/falsification of government records;
- Unlawful political discrimination.

The OIIG currently has a total of 60 matters under investigation. The number of open investigations beyond 180 days of the issuance of this report is 52 due to various issues including the nature of the investigation, availability of resources and prosecutorial considerations.

OIIG Summary Reports

During the 3rd Quarter of 2014, the OIIG issued summary reports relating to 15 investigations. 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.

IIG12-0086. 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 at the Juvenile Temporary Detention Center who alleged that she was harassed and mistreated by an employee in a management position. Based upon the preponderance of evidence developed in the course of the investigation, the OIIG determined that impermissible political factors were not considered in any employment decisions involving the complainant.

IIG12-0437. 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 also is an administrative assistant at the Juvenile Temporary Detention Center who alleged that she was the victim of racial discrimination by an employee in a management position. Based upon the preponderance of evidence developed in the course of the investigation, the OIIG determined that impermissible political factors were not considered in any employment decisions involving the complainant.

IIG12-0440. 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 holds an administrative position at the Juvenile Temporary Detention Center and alleges that a management employee created a

hostile work environment imbued with racial discrimination and favoritism. Based upon the preponderance of evidence developed in the course of the investigation, the OIIG determined that impermissible political factors were not considered in any employment decisions involving the complainant.

IIG12-0488. 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 at the Juvenile Temporary Detention Center who alleged that her supervisor created a hostile work environment. Based upon the preponderance of evidence developed in the course of the investigation, the OIIG determined that impermissible political factors were not considered in any employment decisions involving the complainant.

IIG13-0042. This investigation involved Post-SRO complaints 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 was filed by six former employees from the Department of Planning and Development who were laid off following a significant reduction in grant funding for their office. The complainants alleged that their layoffs were politically motivated. The OIIG determined that the evidence failed to demonstrate that impermissible political factors were considered with respect to the subject layoffs.

IIG13-0052. In this investigation, the complainant alleged that she had requested an autopsy be performed on her sister who had died suddenly in 2012 at the age of 43. The complainant further alleged that she was subsequently informed by an investigator from the Medical Examiner's Office (MEO) that an autopsy had been performed when in fact one had not and that her sister's organs "were fine." The complainant's sister was subsequently cremated. The complainant alleged that the actions of the MEO deprived her of the opportunity to have her sister autopsied and to potentially learn if her death was the result of a genetically related illness that could be passed along to her living relatives. The investigation revealed the need for corrective action to remedy problems and confusion that arose during the timeframe at issue. Specifically, we determined that improvements in training, clarification of policies, and increased staffing levels would decrease the likelihood of similar situations in the future. Some of the necessary corrective action had already been implemented when the new Chief Medical Examiner took office in the Fall of 2012. OIIG recommendations on remaining issues were adopted by the MEO.

IIG13-0153. The OIIG initiated this investigation based on a complaint that a Contract Administrator provided a gift to a former Administrative Assistant in the Department of Highways and Transportation in an effort to influence her deposition testimony to the Special Complaint Administrator during an investigation by that office. Based on the investigation, the OIIG concluded that the preponderance of the evidence failed to support the conclusion that the deposition testimony of the former Administrative Assistant was improperly influenced by the Contract Administrator.

IIG14-0009. The OIIG opened this investigation after receiving an anonymous complaint that an employee at John H. Stroger, Jr. Hospital has been altering her sick and vacation time and failing to work for a full 8-hour day. In order to evaluate the allegations, this office reviewed the subject employee's Clock Report, Payroll Hours Report and Parking Card Activity Reports, receipts submitted to the Auxiliary Board, and Pay Period Hours sheets drafted personally by the subject employee. Additionally, this office interviewed the subject along with other hospital employees. The preponderance of the evidence supported the conclusion the subject employee submitted false time records and/or left her work station for extended periods of time on numerous occasions without approval in violation of personnel rules. Based on the serious and chronic nature of the violations, the OIIG recommended termination of employment. We also recommended changes in supervision at the subject work area to prevent future occurrences of this nature.

IIG14-0026. 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 at the Cook County Public Defender's Office who alleged that her supervisors harassed and discriminated against her by requiring her to perform additional work functions, requiring her to return to the office in the afternoon after being in the field, and by failing to transfer or promote her. Based upon the preponderance of evidence developed in the course of the investigation, the OIIG determined that certain claims by the complainant were untimely filed under the terms of the SRO and that impermissible political factors were not considered in any employment decisions relating to the remaining claims submitted.

IIG14-0053. The OIIG opened this case to investigate whether the Minority and Woman Owned Business Enterprises (M/WBE) subcontracted by a Cook County Health and Hospitals System (HHS) prime contractor were performing commercially useful functions in two supply contracts with the Health and Hospitals System as required by HHS Procurement Policy and Cook County Code. An M/WBE subcontractor "does not perform a Commercially Useful Function if its role is limited to that of an extra participant in the Contract through which funds are passed in order to obtain the appearance of [W/MBE] participation." Cook County Code, Sec. 34-269(b)(3). The evidence obtained in the investigation supports the conclusion that neither subcontractor was performing a Commercially Useful Function in the performance of these contracts. Neither M/WBE was an authorized distributor with the manufacturers, neither M/WBE operated or conducted any business with the manufacturer independent of the prime contractor and neither company conducted a distinct element of work in these contracts. The subcontractors did not negotiate the price of the materials or determine the quality and quantity of the materials independent from the prime contractor. Furthermore, the payments they made to the manufacturers were simply funds from the prime contractor being passed through their accounts. In addition to the violation of W/MBE Ordinance, our investigation also revealed that the prime contractor and two subcontractors submitted false Letters of Intent in connection with the subject procurements and violated the terms of the contract. Due to the clear and continuous nature of the infractions, we recommended that HHS pursue contract cancellation and

disqualification and possibly pursue the imposition of fines in accordance with Section 6.7 of the HHS Supply Chain Management Procurement Policy (False Statements).

IIG14-0091. 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 a former tradesman with the Department of Facilities Management who alleged that he was the victim of political discrimination. He specifically alleged that his repeated failure to be rehired by Cook County after he was laid off several years ago is due to his lack of political connections and clout. The OIIG determined through its investigation that some of the claims raised are untimely under the terms of the SRO and that impermissible political factors were not considered in any employment decisions relating to the remaining claims submitted.

IIG14-0164. This investigation was initiated after this office received information on May 5, 2014 that a form of hate speech was written in a multipurpose room in an underground level of the Maywood Circuit Court complex used primarily by employees in the Department of Facilities Management. The OIIG interviewed numerous employees and conducted a thorough investigation. However, there were no witnesses to the incident and no security cameras in the area. Recommendations were made for additional training, and the matter will be reopened if further information is developed.

IIG14-0287. The OIIG initiated this investigation after receiving information that a janitor was allegedly stalking a female patron who frequented the Clerk’s Office in a Cook County Courthouse. After conducting a thorough investigation and interviewing witnesses, the OIIG determined the allegations to be credible and found that the janitor violated personnel rules prohibiting visitor abuse and harassment and violated a prior arbitration order as well. Based on this violation and a prior history of incidents and discipline, the OIIG recommended that the subject employee be terminated. The employee was terminated in August 2014.

IIG14-0308. This investigation involved an allegation that an employee in the Bureau of Technology falsified his employment applications with Cook County on two occasions by falsely asserting that he possessed a high school diploma and a college degree. During the investigation, the subject employee admitted that he falsified his employment applications as alleged. The OIIG recommended the imposition of discipline and noted that the Cook County Human Resources Ordinance provides that such violations may result in forfeiture of the subject position and being placed on an ineligible for rehire list for a period of five years.

IIG14-0382. The OIIG opened this investigation after receiving an anonymous complaint that three employees in the Cook County Health and Hospitals System (HHS) were stealing diapers, milk and other inventory out of the supply rooms. Since the allegations of theft stemmed from an anonymous complaint and the supply rooms lack any sort of monitoring devices, the OIIG could not substantiate any of the allegations against the subjects, each of whom denied the allegations. Nonetheless, the investigation exposes a clear vulnerability because the supply rooms located in the subject unit are highly susceptible to theft. The OIIG

recommended that HHS implement an internal control system to assist in safeguarding the supplies.

Activities Relating to Unlawful Political Discrimination

Political Contact Log

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 July 1, 2014 to October 1, 2014, the Office of the Independent Inspector General received 13 Political Contact Logs.

Post-SRO Complaint Investigations

In the last quarter, the OIIG has received no additional Cook County *Shakman* Post-SRO Complaints and has issued seven OIIG Post-SRO Summary Reports regarding Cook County government. Four Post-SRO Complaints remain under investigation.

Training

Earlier in 2014 the OIIG collaborated with the Bureau of Human Resources (“BHR”) and the Board of Ethics (“Ethics”) in a joint project to streamline and improve the online training Cook County employees are required to complete. The OIIG has been both monitoring and participating in the implementation of the training. Additionally, within the Cook County Health and Hospital System, the OIIG continues to conduct UPD training in conjunction with the CCHHS Employment Plan Officer.

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

Apart from the above PCL and Post-SRO activity discussed above, the OIIG has opened 11 additional UPD inquiries during the last reporting period.

OIIG Review per Employment Plans

Per the Cook County and Forest Preserve District Employment Plans (and prospective CCHHS Employment Plan) the OIIG reviews the hire of *Shakman* Exempt employees, proposed changes to the County Exempt List, proposed changes to the County Actively Recruited Positions List, FPD employment postings limited to internal candidates and proposed changes to the FPD Employment Plan. In the last quarter, the OIIG has performed the following functions in this regard:

1. Reviewed the hire of eleven *Shakman* Exempt Cook County employees and one *Shakman* Exempt FPD employee;
2. Reviewed (and issued the required approval, objection or comment):
 - a. Four proposed amendments to the Cook County Exempt List;
 - b. Three proposed amendments to the Cook County Employment Plan;
 - c. Two proposed amendments to the FPD Employment Plan;

Monitoring

The OIIG continues to monitor all disciplinary activities in the FPD and has begun monitoring selected disciplinary activities in Cook County including EAB proceedings. Additionally, the OIIG has begun monitoring selected hiring sequences in both the Offices under the President and the Cook County Forest Preserve District.

Miscellaneous

As you are aware, on August 21, 2014, the Cook County Circuit Court entered judgment in favor of the OIIG upholding the jurisdictional scope of the OIIG Ordinance in the matter of *Blanchard v. Berrios*, 2013 CH 14300 (Cir. Ct.). The Office of the Assessor filed a Notice of Appeal of the Circuit Court's decision on September 11, 2014.

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: Ms. Kimberly Foxx, Chief of Staff
Ms. Tasha Cruzat, Deputy Chief of Staff
Ms. Laura Lechowicz Felicione, Special Legal Counsel
Dr. John Jay Shannon, Chief Executive Officer, Health and Hospitals System
Ms. Elizabeth Reidy, General Counsel, Health and Hospitals System
Mr. Arnold Randall, General Superintendent, Forest Preserve District