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July 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 (2nd 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 April 1, 2014 through June 30, 2014.

OIIG Complaints

The Office of the Independent Inspector General (OIIG) received a total of 187 complaints during this reporting period.¹ This is an increase of 68 complaints from the previous reporting period when 119 complaints were filed with this office. Please be aware that 18 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, 41 OIIG case inquiries have been initiated during this reporting period while a total of 170 OIIG case inquiries remain pending at the present time. There have been five 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 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.



- Post-SRO (unlawful political discrimination) complaints (4);
- Theft of County services;
- Compliance Review – Department of Transportation and Highways Overtime Use;
- Theft of patient information;
- Employee time card fraud/dual employment violations (2);
- Harassment;
- Board of Commissioners' staff – Employment Plan Compliance Review;
- Compliance Review – Lobbyist and Lobbying Reporting;
- Compliance Review – Department of Transportation and Highways Disciplinary Action;
- Misuse of Law Enforcement Agency Data System (LEADS);
- Falsification of employment record; and
- Public contractor fraud.

The OIIG currently has a total of 67 matters under investigation. The number of open investigations beyond 180 days of the issuance of this report is 55 due to various issues including the nature of the investigation, availability of resources and prosecutorial considerations.

OIIG Summary Reports

During the 2nd Quarter of 2014, the OIIG issued summary reports relating to 12 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.

IIG09-0216. This investigation relates to 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 she was the victim of political discrimination and retaliation when she was disciplined and later terminated from her position within the Cook County Health and Hospitals System. The evidence from the OIIG investigation failed to demonstrate that impermissible political factors were considered with respect to any employment decisions involving the complainant.

IIG13-0176. This investigation relates to 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*, 69 C 2145 (N.D. Ill.) litigation. The complainant, who was hired by the former Recorder of Deeds, alleged that he was the victim of political discrimination when he was terminated from his position shortly after the new Recorder of Deeds took office. The evidence from the OIIG investigation revealed that impermissible political factors were considered with respect to the complainant's termination. The evidence also showed that senior staff in the Recorder's Office acted with intent to mislead the Compliance Administrator

appointed by the federal court to monitor the Recorder's employment activities and failed to cooperate with the OIIG investigation as required by the SRO. Accordingly, we made recommendations for discipline as to the senior staff members involved and recommended that one of the former staff members involved be placed on the Do Not Hire Without Further Consideration List.

IIG13-0303. The OIIG initiated this investigation after determining that the staff positions for the Members of the Board of Commissioners do not routinely utilize job descriptions, including minimum qualifications. There are 71 *Shakman* Exempt Board of Commissioners' staff positions consisting of four for each of the 17 Cook County Districts and three for the Finance Committee (although not all are currently occupied at the present time). Because the subject staff positions are *Shakman* Exempt positions pursuant to Exhibit B of the Cook County Employment Plan, the Board of Commissioner staff positions must adhere to the parameters set forth in the Employment Plan. This office initiated an inquiry in 2013 when it did not receive Bureau of Human Resources (BHR) certifications, as required pursuant to the Employment Plan, following the hire of several Board of Commissioners' staff members.

The BHR cooperated fully with this OIIG inquiry. During discussions with this office, BHR representatives explained that BHR does not maintain job descriptions for the *Shakman* Exempt positions in the offices of separately elected public officials, including Members of the Board of Commissioners. The investigation showed that the BHR has been consistent in this regard and has been operating under the good faith belief that it is not responsible for maintaining job descriptions for the Commissioners' staff or certifying that such staff meet minimum qualifications when they are initially hired into the staff positions. This office recommended that the staff positions assigned to Members of the Board of Commissioners and recognized in the Cook County Exempt List adhere to all requirements of the Cook County Employment Plan regarding *Shakman* Exempt positions, including requirements related to the maintenance of functional job descriptions containing minimum qualifications. We have been informed that the Office of the State's Attorney - Civil Actions Bureau, is currently working to address this issue.

IIG13-0359. The OIIG initiated this investigation to assess whether the current Nursing School Tuition Reimbursement Program ("Program") is cost efficient and whether the Health and Hospitals System (HHS) is appropriately monitoring the Program. The concern was that the County may be failing to recoup its investment in the Program because of outdated policies and a lack of monitoring. This investigation revealed that the monitoring of the Program is inefficient. No individual or department has overall responsibility for the Program. Additionally, there is no

universal database tracking relevant information of the participants in the Program that would enable further analysis of the core benefits associated with the Program.

Based on our findings, we recommended that HHS: (1) designate a Program manager to oversee the entire Program, (2) collect data representing a complete accounting of the Program's participants and their relevant information (i.e. school, classes taken, costs and reimbursements, length of employment following reimbursements and employment longevity, etc.) on an on-going basis, and (3) monitor the Program's budget throughout the year. With the collection of all relevant data, HHS will become better positioned to undertake a critical cost-benefit analysis of the Program and assess efficiencies. Such data will also allow HHS to consider whether it is appropriate to implement a mandatory work retention period and cap on classes for the Program and individuals.

IIG13-0396. This matter involved a survey conducted by the OIIG to determine whether Cook County has properly trained all Department of Transportation and Highways (DTH) managers in disciplinary policies and procedures and to determine whether the managers are aware that *Shakman* exempt employees may also be subject to disciplinary action. This survey was a follow up to a December 20, 2010 report by this office entitled *Highway Operational Survey* which revealed that "only a relatively small percentage [of supervisors] acknowledged they were knowledgeable and comfortable with implementing progressive discipline when a subordinate violated Cook County policies and rules (65%)." The new survey revealed that the DTH experienced significant advancement in equipping managers with the capacity to implement discipline appropriately. However, we recommended additional training in order to strengthen and reinforce the department's performance management capacity in certain specified areas.

IIG13-0404. This matter was a Lobbyist Compliance Review initiated by the OIIG's Audit and Compliance Division to assess the level of compliance, transparency and accuracy related to lobbyist reporting in connection with Cook County government. The results of the compliance review were set forth in a public statement dated May 19, 2014 which is available on the OIIG's website. The public statement addressed issues with documentation and lack thereof, unreported lobbying, a lobbyist reporting loophole, lobbying during County Board meetings, and recommendations to improve transparency and accountability in the lobbying process. The OIIG has also provided proposed legislation to effectuate its recommendations and has worked with commissioners to amend the lobbying sections of the Cook County Ethics Ordinance.

IIG13-0410. The OIIG opened this investigation after receiving allegations that a hospital laboratory technician had been using the County's hospital equipment and resources to

conduct laboratory tests on specimens from individuals who are not patients within the Cook County Health and Hospital System (CCHHS). These laboratory tests were being conducted for a private laboratory with which the subject technician is affiliated. The evidence gathered during the OIIG investigation supported the allegations against the subject laboratory technician and also showed that the technician had failed to disclose his relationship with the privately owned laboratory on his Cook County Dual Employment Form as required by CCHHS Personnel Rules. Because the actions at issue involved the diversion of both laboratory equipment and the work time of the technician and his colleagues for an improper purpose and also exposed the hospital laboratory to the risk of contamination from foreign specimens, we recommended the imposition of significant discipline.

IIG13-0421. This investigation arose after the OIIG received a complaint that a Department Chair within the Cook County Health and Hospitals System (CCHHS) was working at his private practice when he was allegedly to be working at a County hospital. Concurrently, questions arose regarding the parameters of the subject doctor's authorized dual employment and potential conflicts between his outside employment and his Cook County employment. The investigation revealed that the subject doctor did not have a current dual employment form on file, and it raised issues concerning the exact nature of the doctor's employment and the ability to ascertain the exact hours the subject doctor spent working at the hospital and at his private practice. The preponderance of the evidence failed to support the allegation that the doctor was working in private practice during his County time. Nonetheless, we recommended that the subject doctor complete an updated dual employment form carefully detailing his outside employment hours and that his hours working at the hospital be carefully monitored through sign-in sheets in addition to swipe cards. We also recommended that the subject doctor cure other issues relating to his dual employment.

IIG14-0044. The OIIG initiated this investigation after being notified by the Park Forest Police that a Law Enforcement Agency Data System (LEADS) inquiry for criminal history had been made by the Oak Forest Hospital Police Department regarding a person recently arrested by the Park Forest Police. During the course of this investigation, this office reviewed LEADS related data, Oak Forest Hospital police logs, and Cook County time records and conducted interviews of various public safety officials assigned to both Stroger Hospital and Oak Forest Hospital. This office also received various Park Forest Police and Circuit Court records concerning the underlying circumstances of the arrest and charges brought in the domestic violence case involving the arrestee. The investigation revealed that a Stroger Hospital police officer, who is married to the arrestee, requested the LEADS inquiry and that she did so for personnel reasons to determine whether an arrest warrant was active for her husband. Such actions by the subject police officer violated the rules governing access to LEADS which state

that LEADS information is to be used by criminal justice agencies for criminal justice purposes, *see* 20 Ill. Admin. Code Section 1240.80(a) (LEADS network and LEADS data shall not be used for personal purposes), and could possibly constitute criminal behavior, *see, e.g.*, 28 CFR Sec. 20.33 (using criminal history record information other than for criminal justice purposes could be considered a misuse of the system); 720 ILCS 5/33-3 (a public officer commits misconduct when she performs an act in excess of her lawful authority to obtain a personal advantage for herself or another). In addition, the subject police officer violated several CCHHS Personnel Rules, such as using CCHHS facilities or resources for personnel purposes, and she provided false and misleading information during her OIIG interview. Because of the serious nature of the infractions, we recommended that the subject hospital police officer be terminated from Cook County employment and placed on any do not hire list maintained by CCHHS. If management elects to continue the police officer's employment, we recommended the maximum period of suspension permitted and the revocation of LEADS access privileges for her.

IIG14-0049. This investigation was initiated following an allegation that a medical supply delivery driver for the Health and Hospitals System (HHS) had visited the Rivers Casino in Des Plaines, Illinois during his normal working hours on numerous occasions. This office conducted interviews of the subject driver, his supervisor, and a security officer from the Rivers Casino, in addition to reviewing records maintained by HHS and those obtained through subpoena from the Rivers Casino. The investigation revealed that the subject driver visited the Rivers Casino during his normal working hours on eight occasions totaling approximately 20 hours over a 13 month period. The subject driver admitted to this conduct during his OIIG interview. This conduct constitutes a violation of various HHS Personnel Rules including the unauthorized use of HHS property and the prohibition of gambling while on duty. We recommended the imposition of significant discipline and mandatory participation in the Employee Assistance Program or other similar program to address gambling addiction issues.

IIG14-0127. This investigation relates to 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 political discrimination was involved when the Cook County Health and Hospitals System failed to hire him for a security position and instead hired the person holding that position on an interim basis. The evidence from the OIIG investigation failed to demonstrate that impermissible political factors were considered with respect to any employment decisions involving the complainant.

IIG14-0145. This investigation was initiated following receipt of an allegation that a representative for an outside project manager fraudulently created a letter of intent on behalf of a subcontractor without authorization and submitted the documentation to the general contractor in

connection with a proposal for the Forest Preserve District (FPD). The subject representative admitted to this conduct during the OIIG interview. This conduct constitutes a violation of the FPD Ordinance, Section 1-8-2 W, which prohibits any person or business entity from knowingly making a false statement of material fact to the FPD or knowingly falsifying any statement of material fact made in connection with a bid proposal, contract or economic disclosure statement or affidavit. Based on our finding, we recommended that the outside project manager and his employer be sanctioned and fined in accordance with the FPD Ordinance.

Activities Relating to Unlawful Political Discrimination

Political Contact Log

In April of 2011, Cook County implemented the requirement to file Political Contact Logs with the Office of the Independent Inspector General. The Logs must be filed by any County employee who receives contact from a political person or organization or any person representing any political person or organization where the contact relates to an employment action regarding any non-Exempt position. The OIIG acts within its authority with respect to each Political Contact Log filed. From April 1, 2014 to June 30, 2014, the OIIG received 2 Political Contact Logs.

Post-SRO Complaint Investigations

In the last quarter, the OIIG received two additional Cook County *Shakman* Post-SRO Complaints and has issued two Post-SRO Summary Report regarding Cook County *Shakman* Complaints. One Post-SRO Complaint was withdrawn. Nine Complaints remain pending.

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 training modules educate Cook County employees regarding the Ethics Ordinance, the Cook County Employment Plan and Unlawful Political Discrimination (“UPD”). The OIIG, along with BHR and Ethics, believes that the new training modules are significantly improved and more clearly and efficiently train County employees regarding their duties with respect to the Ethics Ordinance, the Employment Plan and matters involving UPD. Additionally, within the Cook County Health and Hospital System the OIIG has begun, in conjunction with the CCHHS Employment Plan Officer, UPD and Employment Plan training. The OIIG, Recorder Compliance Administrator and Recorder BHR representatives provided *Shakman* related training to supervisors this July.

Recorder SRO Activity

During the last quarter the OIIG has received no new Recorder *Shakman* Post-SRO Complaints. The OIIG issued one Post-SRO Summary Report pursuant to a Recorder Post-SRO Complaint. The allegations were sustained.

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

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

OIIG Review per Employment Plans

In accordance with 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 the FPD Employment Plan. In the last quarter, the OIIG has performed the following related functions:

1. Reviewed the hire of sixteen *Shakman* Exempt Cook County employees;
2. Reviewed (and issued the required approval, objection or comment):
 - a. Eight proposed amendments to the Cook County Exempt List;
 - b. Fifty-three proposed changes to the Cook County Actively Recruited List;
 - c. Two proposed modifications to the FPD Employment Plan;
 - d. Ten proposed modifications to the FPD Exempt List.
3. Reviewed three FPD Internal postings.

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.

Miscellaneous

The OIIG, pursuant to a June 10, 2014 request by Cook County to add a new *Shakman* Exempt position in the Bureau of Economic Development, considered the Job Description of the proposed new position and analyzed the staff levels and budget trends for the Bureau. Although the qualifications and duties in the Job Description of the proposed position make it appropriate for *Shakman* exempt status, this office had two specific concerns surrounding the County's proposal. First, the duties of the proposed position align closely with that of another *Shakman* Exempt position already in the Bureau of Economic Development. This preexisting position is

Hon. Toni Preckwinkle and Members of the
Board of Commissioners
July 15, 2014
Page | 9

currently staffed and the OIIG is concerned that the new position would be duplicative. Second, the Bureau of Economic Development already maintains a high number of *Shakman* Exempt positions relative to non-Exempt staff. In total, 37 of the 94 employees within the Bureau are *Shakman* Exempt. This is despite the fact that grant allocations to this Bureau have fallen sharply in recent years (by 78%), leading to two reductions-in-force (RIFs) in the last 18 months. The OIIG has recommended the County undertake an assessment of whether the current structure is appropriate. The County has responded that it will review the current structure and make recommendations to the President and the Bureau Chief.

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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Independent Inspector General
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cc: Ms. Kimberly Foxx, Chief of Staff
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