Office of the Independent Inspector General

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

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Quarterly Report
2nd Quarter 2020

July 15, 2020

OFFICE OF THE INDEPENDENT INSPECTOR GENERAL
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July 15, 2020

Via Electronic Mail

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

Re: Independent Inspector General Quarterly Report (2nd Qtr. 2020)

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, 2020 through June 30, 2020.

OIIG Complaints

The Office of the Independent Inspector General (OIIG) received a total of 188 complaints during this reporting period.[1] Please be aware that 10 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, 48 OIIG case inquiries have been initiated during this reporting period while a total of 153 OIIG case inquiries remain pending at the present time. There have been 42 matters referred to management or other enforcement or prosecutorial agencies for further consideration. The OIIG currently has a total of 37 matters under investigation. The number of open investigations beyond 180 days of the issuance of this report is 29 due to various issues including the nature of the investigation, availability of resources and prosecutorial considerations.

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

OIIG Summary Reports

During the 2nd Quarter of 2020, the OIIG issued 12 summary reports. The following provides a general description of each matter and states whether OIIG recommendations for remediation or discipline have been adopted. Specific identifying information is being withheld in accordance with the OIIG Ordinance where appropriate.[2]

IIG18-0203. The OIIG opened this investigation after receiving information that the County recently purchased a parcel of land from a property development and management company (hereinafter "Developer") for approximately $850,000 as part of the Provident Hospital redevelopment plan. The County reportedly owned the subject parcel previously and sold it to the Developer seven years prior for $1.00. This allegation raised the possibility of a Code of Ethics violation, specifically Sec. 2-571(c) (Fiduciary Duty – Conserve County property and assets and avoid their wasteful use). During the investigation, this office interviewed several current and former County officials and the Developer, among others. Investigators also reviewed relevant public records relating to the parcel of land at issue and retained professional consultation from a surveyor.

The preponderance of the evidence developed in this matter revealed that Cook County did not own the parcel of land in question until it purchased it in 2017. Although the contract for sale and deed contained the pin numbers of the parcel of the land in question, neither the legal descriptions nor the survey from the County's original acquisition of Provident Hospital from HUD included the land. As such, it appears the inclusion of the two pin numbers in the contract and deed were an error which had been corrected by the Developer when he purchased the land in 1997. As such, the allegation that the County previously owned the property and sold it to the Developer for $1.00 several years before the County bought it 2017 was not sustained.

IIG18-0344. This office received information suggesting that the Board of Review (BOR) maintains a custom and practice of reliance on political factors in making hiring decisions involving non-management level positions. The information also involved assertions that BOR superiors organize political support by relying on BOR employees who routinely perform political work on behalf of the BOR Commissioners. Accordingly, this office initiated this investigation to ascertain whether political reasons or factors were considered in the BOR hiring process for all or only certain BOR positions. Additionally, this office sought to determine whether a nexus existed between the activities of the political organizations of BOR officials and BOR employees that have been found to be hallmarks of unlawful political activity wherein government employment is leveraged to support the political activities of favored political organizations. Evidence of such activity may represent a violation of the First and Fourteenth Amendments of the kind that

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

ultimately spawned protracted and costly litigation such as the *Shakman*[3] and *Rutan*[4] class actions. In conducting this investigation and considering our findings and conclusions below, it is important to recognize that particular classes of typically high-level government employees are exempt from the subject constitutional protections. The parameters for designation of a government position that is exempt from the protections afforded by the First and Fourteenth Amendments can be found in *Branti v. Finkel*, 445 U.S. 507 (1980) and its progeny.

In *Branti*, the Supreme Court held that the ultimate inquiry in determining whether government positions are exempt from First Amendment protections is not whether the label "policymaker" or "confidential" (or other similar title) attaches to a position. Rather, the question is whether the hiring authority can demonstrate that party affiliation is an appropriate requirement for the effective performance of the public duties involved. *Branti*, 445 U.S. at 519.[5] Contrary to positions properly exempt under *Branti*, the vast majority of BOR employees are analysts[6] who weigh property tax appeals using various objective criteria in making a determination whether an appeal is viable. The duties of these positions, while not entirely ministerial, are nonetheless not high-level policymaking functions where political alignment between the employee and the elected Commissioner is essential for effective performance. Rather, these employees objectively assess the value of real property where political alignment has no relation to the effective performance of the duties involved. Additionally, it is important to note that while the BOR is not a party to the *Shakman* litigation, and therefore not bound by the regulatory conditions attached to the operations of the defendant governments and agencies by the District Court, the constitutional principles upon which the litigation stands are applicable to those governmental agencies that have not been made a party to a regulatory action such as *Shakman v. Cook County.* Therefore, while it is accurate to state that the BOR is not a party to the *Shakman* litigation and not bound by the regulatory conditions arising from that litigation, it is inaccurate to hold that the constitutional principles which are implicated, and which have locally been associated with the litigation itself, have no bearing on BOR employment policies, customs or practices involving many if not most BOR positions.

In order to determine whether political factors played any improper role in BOR employment actions and whether the BOR was targeting its employee base as a source of political support, this office reviewed human resources files and email communications. This office also

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[3] *Shakman v. Democratic Party of Cook County*, 69 C 2145 (N.D. Ill. 1969).
[4] *Rutan v. Republican Party of Illinois*, 497 U.S. 62 (1990).
[5] "It is equally clear that party affiliation is not necessarily relevant to every policymaking or confidential position. The coach of a state university's football team formulates policy, but no one could seriously claim that Republicans make better coaches than Democrats, or vice versa, no matter which party is in control of the state government. On the other hand, it is equally clear that the Governor of a State may appropriately believe that the official duties of various assistants who help him write speeches, explain his views to the press, or communicate with the legislature cannot be performed effectively unless those persons share his political beliefs and party commitments." *Branti*, 445 U.S. at 519.
[6] The approved 2020 BOR budget specifies 142 FTEs, 109 of which are classified Assessment Appeal Review, or 76% of the FTEs. *2020 Cook County Annual Appropriation Bill*, Volume II, Section G-4.

interviewed numerous employees of various levels and titles within the BOR and conducted related research. Questions posed to those interviewed focused on hiring decisions and whether political activity held a close nexus to governmental employment.

A review of BOR employment documents, coupled with interviews of BOR employees at various levels within the organization, revealed that BOR has no formal hiring process. The OIIG Investigators requested all personnel files from the BOR and received a total of 64 files.[7] Of the personnel files received, one candidate wrote that they were recommended to the position by Commissioner C, two employees are children of business partners of Commissioner C, two applicants wrote that they were recommended for the position by Commissioner A, six applicants wrote that they were recommended for their positions by Commissioner B, eight applicants listed that they were recommended by another politician or listed having worked for other political offices and 17 applicants wrote that they were recommended by a BOR staff member or someone with an affiliation within the BOR. The BOR does not maintain or otherwise utilize written job descriptions or minimum qualifications for BOR positions. Our review yielded multiple examples of hires taking place despite incomplete application materials and lack of formal process. This office noted that the paper application form in use by the BOR contains a question which asks "who recommended you to us?"[8]

Analyst A is an Appeals Analyst for the BOR. When asked in her OIIG interview how she found out about her position, she stated "I do not want to say." She later related that a neighbor told her about the position and the neighbor found out from a friend-of-a-friend. Analyst A advised that she met with Commissioner A once and met with his former Chief of Staff twice. Analyst A stated that there was no test administered whatsoever. Analyst A explained during her interview that, prior to her BOR hire, she had never performed this type of work before. During her interview, Analyst A stated that Commissioner A ran for office and needed signatures. Analyst A advised that she has overheard different BOR employees talking about going out in public and getting signatures on behalf of the Commissioner. Analyst A stated that she was not able to get signatures for Commissioner A because she was involved with getting signatures for another candidate. When asked if whether it had to be explained to Commissioner A why she was unable to obtain signatures, Analyst A stated that she had a meeting with Commissioner A and had to explain the reason. Analyst A said "I did not want him thinking I'm not a team player. He was very understanding."

[7] The approved 2018 and 2019 BOR budgets specified 111 and 126 FTEs respectively. *2018 Cook County Annual Appropriation Bill*, Volume II, Section P-1; *2019 Cook County Annual Appropriation Bill*, Volume II, Section G-1.

[8] The central concern being that the individual making the recommendation did so without regard to the applicant's merit as opposed to personal or political affiliation. This brings to mind the infamous treatment of a young Abner Mikva when turned away from a political office in 1948 with the explanation "We don't want nobody that nobody sent." Abner Mikva Interview: Conversations with History; Institute of International Studies, UC Berkeley, April 12, 1999.

In her OIIG interview, Administrative Assistant to Commissioner B stated that she found out about her position from Commissioner B in 2010. Specifically, Administrative Assistant to Commissioner B volunteered for Commissioner B's campaign by knocking on doors and speaking to neighbors on Commissioner B's behalf. Administrative Assistant to Commissioner B stated that she knew Commissioner B's wife, who was a family friend and lived in the same neighborhood. Administrative Assistant to Commissioner B advised that after Commissioner B won the election, she asked him to consider her for a job. Administrative Assistant to Commissioner B was interviewed by Commissioner B and his former Chief of Staff. Administrative Assistant to Commissioner B advised that the Chief of Staff to Commissioner B is active in suburban politics. Administrative Assistant to Commissioner B stated that she has collected signatures for Commissioner B's reelection campaign but is told by Commissioner B and his former Chief of Staff not to do political work while at work.

Analyst B explained in her OIIG interview that she analyzes residential properties, participates in outreach seminars and on occasion, will translate for Chinese-speaking homeowners. Upon being asked how she obtained her current position, Analyst B said that she was "referred" by her local alderman. Analyst B stated that she asked her alderman if he could help her find a job. Analyst B explained that the alderman told her that he would see what he could do. Analyst B advised that within a year she received a call from the former First Assistant to Commissioner A to schedule an interview. Analyst B stated that she was offered a job after her first interview with the former First Assistant to Commissioner A and Commissioner A. Analyst B advised that she never completed an online or paper application. Analyst B stated that she is unaware if she was competing with anyone for the position. When asked if she has ever done campaign work for Commissioner A, Analyst B stated that she collected signatures for Commissioner A in 2017. Analyst B explained that she volunteered for the campaign and collected signatures after work hours. When asked how she became involved with that campaign, Analyst B stated that she attended a "social" after work at City Social where the Commissioner announced that he was seeking re-election and people could volunteer if they wanted to do so. When asked how she received information regarding the campaign events and signature opportunities, Analyst B stated that she received information from the former Campaign Manager, the Secretary of the Board. Analyst B related that she has received emails from the Secretary of the Board about picking up and collecting petition sheets during work hours on her personal email. Analyst B acknowledged working on a recent political campaign involving a BOR Commissioner. When asked how she became involved with that campaign, Analyst B advised that all BOR employees were invited to a social after work at City Social where that Commissioner announced his campaign and asked for volunteers.

Analyst C stated in his OIIG interview that he is a Commercial Analyst for the BOR. When asked how he started working for the BOR in his current position, Analyst C stated that he and a Commissioner worked together at the BOR for a prior Commissioner, so he contacted him to find out if there were any open positions at the Board of Review. Analyst C advised that he forwarded his resume to Commissioner B and later interviewed with the Commissioner and Commissioner B's Chief of Staff. Analyst C stated that he did not have to apply online or fill out a paper

application for the position. Analyst C is not aware of an online hiring process and believes his position is *Shakman*-exempt. When asked if he performs political work for Commissioner B, Analyst C stated that he has walked in parades and obtained signatures for Commissioner B's campaign. Analyst C advised that he and Commissioner B have known each other for several years so when Commissioner B asked him if he would walk in parades and get signatures, he was happy to do it. Analyst C stated that Administrative Assistant to Commissioner B, Commissioner B's Chief of Staff and Commissioner B advise him of campaign events. Analyst C explained that campaign related emails are sent using personal emails after work hours by the Administrative Assistant to Commissioner B. Administrative Assistant to Commissioner B organized the BOR employees by assigning certain individuals to collect signatures at designated train stations. Analyst C said the majority of individuals collecting signatures were BOR employees. When asked how he began working for the former Commissioner in 2004, Analyst C stated that he was friends with the former Commissioner's son in college and he was a friend of the family. Analyst C stated that the former Commissioner hired him as a residential analyst.

Analyst D advised in her OIIG interview that she has been a Residential Analyst with the Board of Review for nine years. Analyst D stated that she also trains new employees. Analyst D stated that she had no residential analyst experience prior to working for the Board of Review. Analyst D related that she took classes related to her work during the summers while working for the Board of Review. Analyst D stated that she learned about her position from her father. Analyst D advised that she knew Commissioner C prior to being employed by the Board of Review because Commissioner C and her father are partners in their law firm. Analyst D explained that she filled out a paper application and had an interview with a former employee. Analyst D stated that she may have interviewed with Commissioner C but does not recall because it was so long ago. When asked about whether she held a Computer Operator position within the Board of Review, Analyst D stated that Computer Operator was on her County ID but she never performed any IT related work. Analyst D advised that she has always performed analyst work. Analyst D stated that she has volunteered for Commissioner C's campaign in the past, including the solicitation of signatures, but denied feeling pressured to do so.

The Secretary of the Board related in his OIIG interview that he was appointed to his current position by the Board of Commissioners approximately 2 years ago. The Secretary of the Board explained that he also functions as the Chief Operating Officer and Chief Financial Officer and he oversees human resources, facilities, information technology, external communications, intergovernmental affairs, finance and budgeting. The Secretary of the Board stated that he manages approximately 15 staff. Prior to his current position, the Secretary of the Board worked as the Deputy Commissioner In-Charge of Real Estate for approximately seven years. When asked how he came to work for the Board of Review, the Secretary of the Board stated that he knew Commissioner A through Democratic Leadership for the 21st Century (DL21C), a political organization in which they both were members. The Secretary of the Board explained that once Commissioner A was appointed to the BOR, Commissioner A reached out to him (the Secretary of the Board) and invited the Secretary of the Board to come work for the BOR. The Secretary of the Board stated that he agreed to work with Commissioner A and submitted his resume. The

Secretary of the Board explained that he interviewed with Commissioner A prior to being hired but does not know if he was competing with anyone else for the position. The Secretary of the Board stated that he did not apply online or submit any documents on an online platform. When asked about his background, the Secretary of the Board stated that he has a degree in Literature with a focus on Classical Languages from Ohio University. The Secretary of the Board stated that he has done political work for Commissioner A such as managing petition processes and working on strategies and communications. The Secretary of the Board advised that many political organizations assisted with getting petitions signed. When asked if any BOR employees worked to collect signatures on petitions, the Secretary of the Board said "yes, some employees volunteered." When asked how the BOR employees got involved with the petitions, the Secretary of the Board stated that some employees asked if they could help. The Secretary of the Board explained that he also sent out emails to BOR employees stating that if anyone wanted to volunteer with petitions that they could see him about it after work hours. The Secretary of the Board stated that he let the employees know that getting petitions signed was in no way connected to their jobs. The Secretary of the Board stated that he always communicated events and petition opportunities through private emails and never through County email. The Secretary of the Board advised that he usually sent emails pertaining to campaign work early in the mornings while he was on the train or late in the evenings but not during work hours. The Secretary of the Board stated that there were occasional lunch and evening campaign outings, mainly to give instructions and deadlines for petitions.[9] When asked about the hiring process for the BOR, the Secretary of the Board stated that each Commissioner has his own hiring process. The Secretary of the Board stated that he does not know how positions are posted for the BOR, as each Commissioner fills his own positions and has the autonomy to hire whomever he chooses. The Secretary of the Board stated that the Commissioners' Chiefs of Staff or First Assistants usually assist the Commissioners with hiring and position titles. The Secretary of the Board advised that every position within the Board of Review is *Shakman*-exempt and explained that the BOR does not use a *Shakman* monitor.

The Chief of Staff to Commissioner A stated in his OIIG interview that he currently is responsible for managing the staff and day to day operations for Commissioner A. When asked about the hiring process at the BOR, the Chief of Staff to Commissioner A stated that the BOR usually operates on a referral basis when positions become available. The Chief of Staff to Commissioner A related candidates are usually referred by employees of the BOR or by people who know the Commissioner personally or professionally. The Chief of Staff to Commissioner A explained that the BOR operates on referrals when hiring new employees because the job is very sensitive and not everyone can perform the job. The Chief of Staff to Commissioner A stated that he and the Commissioner conduct all of the interviews of candidates for employment. When asked about the minimum qualifications for the analyst position, the Chief of Staff to Commissioner A stated that there are no minimum qualifications but he (the Chief of Staff to Commissioner A) has written a job description that identifies the education and experience he would like to see an

[9] The BOR Ethics Policy Article II, Code of Conduct, Section 2.5 (d) states that Board members shall not intentionally perform any prohibited political activity during compensated time (other than vacation, personal, or compensated time off). Lunch is customarily compensated time.

applicant have. When asked how a person would find out about available positions at the BOR, the Chief of Staff to Commissioner A stated that a person would find out about available positions from someone at the BOR or the Commissioner asks around if he needs to hire someone. The Chief of Staff to Commissioner A explained that positions at the BOR are not publicly posted so in order to be hired a candidate would have to be referred to their office. The Chief of Staff to Commissioner A stated that if the BOR needs an attorney, he and/or Commissioner A will contact the Dean of the University of Illinois Law Department (where both the Chief of Staff to Commissioner A and Commissioner A went to law school) and ask for referrals. When asked if there is a different set of minimum qualifications for attorneys, the Chief of Staff to Commissioner A stated "no" and that the BOR uses the same job description used for the analyst position. When asked how current employees receive promotions, the Chief of Staff to Commissioner A stated that employees are promoted if they perform well, show good aptitude, and there is a more senior position available. When asked about *Shakman*-exempt positions, the Chief of Staff to Commissioner A stated that the Illinois Tax Code refers to all BOR employees as Deputy Commissioners and, as such, the BOR is not covered by *Shakman* rules. The Chief of Staff to Commissioner A also cited the *Capra* case which held that every BOR employee is entitled to absolute immunity, to support his belief that every position in the BOR is *Shakman*-exempt.[10] When asked about his political involvement with Commissioner A's campaign, the Chief of Staff to Commissioner A initially stated that he had very little involvement with the Commissioner's campaign. The Chief of Staff to Commissioner A later advised that he did perform volunteer work for the campaign in order to get petition signatures. The Chief of Staff to Commissioner A also stated that he affirmatively offered his assistance to the campaign. When asked if other employees work with Commissioner A's campaign, the Chief of Staff to Commissioner A stated that when BOR employees have asked him to volunteer with Commissioner A's campaign he has responded to such requests by giving them the number to the campaign manager.

The Chief of Staff to Commissioner B stated in his OIIG interview that he supervises a staff of 28-30 property analysts. When asked how individuals are hired for the BOR, the Chief of Staff to Commissioner B stated that most of the people who come to work for the BOR are referred to their office through networking. The Chief of Staff to Commissioner B explained that senior employees and the Commissioner may ask people if they or anyone they know would be a good fit for the BOR. The Chief of Staff to Commissioner B stated that Commissioner B's office also has a contact at The John Marshall Law School and sometimes seeks referrals from the law school. The Chief of Staff to Commissioner B advised that there are no online postings for available positions within the BOR. When asked about job descriptions for each position within the BOR, the Chief of Staff to Commissioner B stated that there are no formal job descriptions or set

[10] In *Capra v. Cook County Board of Review*, the Seventh Circuit Court of Appeals did not address *Shakman* considerations. 733 F.3d. 705 (7th Cir. 2013). Specifically, the Court addressed issues concerning local taxpayers' ability to sue local tax officials for alleged federal constitutional violations and held that individual employees are immune but the BOR is not. *Id*.

minimum qualifications as is the case with Cook County because "employees may wear different hats." The Chief of Staff to Commissioner B related that the BOR was never part of the *Shakman* agreement. When asked about political work for Commissioner B, the Chief of Staff to Commissioner B stated that he and some of the employees have done some political work for Commissioner B outside of work, on a voluntary basis. The Chief of Staff to Commissioner B explained that he and other employees have participated in parade marches, gathering signatures for petitions and attending fundraising events. When asked how employees initially got involved with the campaign, the Chief of Staff to Commissioner B stated that he or another employee would send emails to the employee's personal email accounts outside of work hours to inform the employees of political volunteer opportunities. When asked how he obtained the personal emails of his staff, the Chief of Staff to Commissioner B stated that there may have been a list of personal emails in use that when he started at the BOR but does not remember how he acquired each employees' personal email address. The Chief of Staff to Commissioner B explained that as a matter of course he approaches new BOR employees to inquire if they wanted to know about opportunities for political volunteer work and if they are willing to receive communications about political work using their personal email. The Chief of Staff to Commissioner B stated that emails regarding political volunteer opportunities and events are sent to employees after work hours. The Chief of Staff to Commissioner B explained that when events come up, Commissioner B usually calls him on the phone or sends a personal email requesting him to advise employees about the events. When asked about employee social events, the Chief of Staff to Commissioner B stated that all employee social events take place after work hours or on weekends. The Chief of Staff to Commissioner B stated that employees are invited to political events and made aware of volunteer opportunities during after work socials.

The Chief of Staff to Commissioner C explained in his OIIG interview that she manages Commissioner C's staff, represents Commissioner C on the management team for the Board and adjudicates property tax appeals. When asked how she joined the BOR, the Chief of Staff to Commissioner C stated that she met Commissioner C and a former BOR employee at a judicial reception. The Chief of Staff to Commissioner C explained that after speaking with Commissioner C and the former employee, Commissioner C told her to send her resume to Commissioner C's former Chief of Staff. The Chief of Staff to Commissioner C related that she was later interviewed and hired as an analyst. When asked about the hiring process at the BOR, the Chief of Staff to Commissioner C stated that the BOR receives job candidates in various ways. The Chief of Staff to Commissioner C explained that some people walk in to the BOR offices and inquire about positions, employees refer people to the BOR and she receives emails with attached resumes from candidates who say they saw BOR job postings. When asked about BOR job postings, the Chief of Staff to Commissioner C advised that she did not know who posts the open positions for BOR, does not know where the positions are posted or who would be in charge of preparing the postings. When asked how she knows that the positions are posted, the Chief of Staff to Commissioner C stated that applicants mention postings in their cover letters and emails. The Chief of Staff to Commissioner C could not explain how applicants got her name or her email. When asked about job descriptions, the Chief of Staff to Commissioner C believed that there are no formally written job descriptions nor any minimum qualifications. When asked about *Shakman*-exempt positions,

the Chief of Staff to Commissioner C advised that *Shakman* rules do not apply to the BOR. The Chief of Staff to Commissioner C advised that she could not pinpoint where she received the information about *Shakman*. The Chief of Staff to Commissioner C stated that she does some work for Commissioner C's campaign but that "it is completely separate from the work she does for the Board of Review and it has nothing to do with her job or her role." The Chief of Staff to Commissioner C explained that she has coordinated some events for Commissioner C, but it was totally separate from her work at the BOR.

Commissioner A, when asked in his OIIG interview about *Shakman*-exempt positions, indicated that the BOR is not a signatory to the *Shakman* Decree. Commissioner A advised that he is not familiar with *Shakman* and that he has only read a few articles regarding *Shakman*. When asked if he was familiar with the general principles associated with the *Shakman* case, he replied that he simply did not know anything about the matter. When asked if he considers political affiliation when hiring candidates, Commissioner A stated that he does not consider political affiliation when hiring for the BOR. Commissioner A stated that he looks for candidates who possess the ability to do quality work and can have positive interactions with members of the public who interact with the BOR. When asked if BOR staff are invited by BOR management to participate in political activities, Commissioner A stated that he could not answer the question without seeing the questions in written form and knowing specific instances, dates and people involved. Investigators explained that the question was a general one whether the Commissioner has invited or instructed BOR staff to do volunteer political work. Commissioner A stated that he was surprised by the question, did not have a response at that time and would feel more comfortable if the OIIG would submit questions in writing to the Commissioner and his attorney. Due to time constraints, the interview was continued to a later date. When Commissioner A's interview was resumed, the Commissioner referred to an Illinois Supreme Court case - the "*Yamaguchi*" case - and stated that the Court held that the BOR is a quasi-judicial body and thus its hiring is exempt from normal processes.[11] When asked if he or any upper management from his staff have invited BOR staff to volunteer for political work, Commissioner A stated no BOR employee on his staff does political work on County time or by using County resources. Investigators asked Commissioner A if he or any of his upper management staff have solicited or instructed BOR employees to perform political activities. Commissioner A stated that he could not answer the question without knowing the specific background information in the possession of the OIIG. Investigators advised that the OIIG file is confidential pursuant to law. Commissioner A's attorney stated that the OIIG had not presented a finding to the Commissioner and thus the question was improper. After further discussion between counsel and the investigators, Commissioner A

[11] Commissioner A appears to be referring to *In Re Yamaguchi***,** 118 Ill. 2d 417 (1987), an Illinois Supreme Court review of an Attorney Registration and Disciplinary Commission decision involving an attorney disciplined for engaging in fraudulent tax appeals. The decision, however, was not focused on the nature of the BOR or whether its employees are properly exempt from First Amendment protections, but rather the nature of the misconduct by an attorney whose work before the BOR triggered professional obligations and held that the professional obligations attach whether performed in court or before an administrative agency such as the BOR.

declined to answer the questions, stating that he would need to see the OIIG investigative file in order to address any factual allegations.

Commissioner B, when asked in his OIIG interview if available positions within the BOR are posted on any online platform for public viewing, stated that some positions have been posted at John Marshall Law School and the Chicago Kent College of Law. Commissioner B stated that positions are not otherwise posted electronically. When asked about *Shakman*-exempt positions, Commissioner B stated that it is his understanding that all BOR positions are *Shakman*-exempt and political considerations can be considered in the hiring process. When asked about job descriptions for BOR positions, Commissioner B confirmed that there are no written job descriptions. Commissioner B stated, "we know what we need." Commissioner B advised that there was a general job description in the postings at the area law schools but he does not remember what was put in the job description. When asked about political activities and events, Commissioner B confirmed that middle managers organize political events that are voluntary for employees after work hours. Commissioner B confirmed that employees are contacted by phone or personal email. Commissioner B stated that his office does not maintain a contact list for political purposes. Commissioner B related that he discourages and avoids having political events during lunch hours.

Commissioner C, when asked in his OIIG interview if available positions within the BOR are posted on any online platform for public viewing, stated that some positions have been posted at law schools in a constant effort to hire attorneys. Commissioner C stated that postings are an administrative function and he cannot say whether positions are posted anywhere else. When asked about *Shakman*-exempt positions, Commissioner C stated that the BOR was advised years ago by the State's Attorney's Office that the BOR is not a signatory to the *Shakman* Decree. Commissioner C advised that the positions at the BOR do not fall into a category of exempt or non-exempt because *Shakman* does not apply to the BOR. Nonetheless, Commissioner C stated that he does not consider political affiliation when hiring for the BOR. When asked about job descriptions for BOR positions, Commissioner C confirmed that there are no written job descriptions. Commissioner C stated that, due to limited resources, many BOR staffers are cross-trained on jobs other than the one they were hired to perform. Commissioner C advised that candidates are assessed in the interview process through oral vetting, which cannot always be put into a job description. When asked about political activities and events, Commissioner C stated that any political work is strictly prohibited during work hours and on County property. When asked if he invites BOR staff to his campaign or political events, Commissioner C stated that he has posted fund raising events on Facebook and he believes some staff may follow his Facebook page or learn about it by word of mouth. Commissioner C advised that on rare occasions a few BOR staffers have attended his events and he has made it clear that they are not permitted to donate to his campaign. Commissioner C stated that he does not require any staff to attend political functions. Commissioner C related that he does not recall discussing political activity at work nor does he recall ever notifying BOR employees of volunteer opportunities for his campaign.

OIIG Findings and Conclusions

Throughout the course of this investigation, we noted that in many of the interviews BOR officials and employees asserted the belief that the BOR need not comply with *Shakman* related standards due to the fact that the BOR has never been the subject of the *Shakman* litigation. We find this position to be misplaced, as the legal standards governing the *Shakman* litigation are products of federal constitutional law and apply to BOR operations notwithstanding that BOR is not a party to this regulatory action or bound by the protocols established in the litigation to ensure the defendants' compliance with federal law. That is, BOR has not been ordered by a District Court to create an employment plan, publish exempt lists, cooperate with a federal monitor, etc., though BOR remains subject to the First Amendment. In this context, the well-established principle that employment related considerations based upon political affiliation or support represent an impermissible infringement on public employees' First Amendment rights (in most circumstances). Accordingly, the preponderance of the evidence developed during this investigation establishes that the BOR maintains a policy, custom and practice exempting the BOR from First Amendment prohibitions applicable to public employment.

As a result, the BOR has failed to adopt employment practices designed to prevent First Amendment violations. In this regard, the preponderance of the evidence developed by the investigation revealed several key aspects of the BOR's employment related activities. The BOR does not have a hiring process that is uniform, codified or transparent. Rather, hiring is accomplished on an *ad hoc* basis by each of the Commissioners. It appears that each Commissioner and his designees recruit and receive potential candidates by way of referrals from staff, networking events and personal and political relationships. Many of the staff interviewed by this office describe their respective hiring process as being initiated by a political or personal affiliation with a Commissioner while a significant number of the HR files reviewed by this office revealed applicants were "referred" by political persons or persons with an affiliation with the BHR staff or leadership. In effect, the employment opportunities in the BOR (none of which appear to be subject to job descriptions with minimum qualifications) are inaccessible to the public. Although there were occasional assertions made during the investigation that BOR posts job opportunities online, the strong weight of the evidence, including the interviews of key leaders in the BOR and an examination of the BOR website, demonstrates otherwise.[12]

The preponderance of the evidence further demonstrates that the BOR fosters a custom where the employer-employee relationship in the BOR is leveraged to generate political work on behalf of Commissioners. While persuasive evidence was developed indicating that volunteer

[12] The Board of Review website contains no obvious reference to employment opportunities therein. An archival BOR web page regarding same states the following: "The Board of Review is responsible for its employment process and can be contacted for information about job postings, career opportunities, and application process for positions in their offices. Please visit their site for information about their offices to contact them for further employment information." The link below this language directs the user not to employment opportunities but to a BOR web page concerning how to file property tax appeals.

political support by BOR employees was voluntary and initiated outside of the confines of the employer-employee relationship, other clear evidence of improper leveraging for political support existed as well. Specifically, as outlined above, a high-level commissioner aid acknowledged being prompted by a commissioner to invite BOR employees to political events. This witness also explained his practice of informing new BOR employees of opportunities for volunteer political work and asking whether the new employees are willing to receive communications about political work through their personal email. Other evidence revealed that after work social events were organized for the purpose of announcing political events and opportunities for volunteer political work and to provide instructions to existing campaign workers. BOR employees are contacted by the Chiefs of Staff or other designees via their personal emails and the political work of the employees is organized and managed by senior BOR staff. Moreover, one witness conveyed her observation that most of the individuals collecting signatures for a Commissioner's candidacy were BOR employees also suggesting the leveraging of public employment for political gain. Again, if the employees being called upon to volunteer held positions exempt under *Branti*, our concerns would be diminished. However, this was not the case.

Although some BOR employees stressed that the political work they performed was strictly voluntary, we have concerns where the BOR leadership regularly and systemically solicits lower level employees to participate in political work on behalf of Commissioners to whom all the BOR employees ultimately report. This indicates an institutional expectation that the employees will perform the work. Indeed, at least one employee indicated to this office that she felt concerned when she was not able to perform political work on behalf of Commissioner A. She felt so concerned that she sought to meet with Commissioner A to explain her decision. The justification she offered to the Commissioner was that she was already committed to performing political work on behalf of a significant political leader in the Illinois legislature.

OIIG Recommendations

Based on all of the foregoing, we recommended that the BOR establish the following:

1. A written employment plan which creates standard and transparent procedures for employment actions within the BOR while proscribing the use of impermissible political factors;

2. A written list that is made public, utilizing the *Branti* standard, designating which BOR positions the BOR believes are properly exempt from First Amendment protections;

3. Procedures within the employment plan for the following:

    a. Use of public online postings for all non-exempt positions;

b. Use of Taleo for the purpose of receiving, processing and tracking all postings, applications and subsequent screening, interviewing, selection and onboarding procedures;

c. An audit trail be required documenting any changes to the *Branti* list of exempt positions that is available to the public;
d. BOR protocols which require all BOR employees, exempt or otherwise, to report to the OIIG if they have reason to suspect the following have occurred:

i. Political factors were considered in making any employment decision concerning a non-exempt employee;

ii. Political activity is taking place in the workplace or during work hours;

iii. Any BOR employee is contacted by a political person concerning any prospective or pending employment action involving any non-exempt employee or non-exempt position (now known as a Political Contact Log);

4. Written job descriptions, including minimum qualifications, for all BOR positions, including positions designated as exempt under *Branti*;

5. Regular public disclosure of BOR activities and efforts related to implementing these recommendations;

6. A prohibition on after work socials as documented above and any direct or indirect solicitation of political support from BOR employees (not otherwise designated as exempt under *Branti*) that was not requested by the subject individual outside of the employer-employee relationship.

7. In consideration of the wide-spread belief that all BOR positions are exempt from First Amendment protections, we recommended an office-wide training to both educate staff to the establishment of new practices and procedures and the rationale supporting their implementation in order to safeguard First Amendment rights of BOR employees.

These recommendations are currently pending.

IIG18-0344-A. The OIIG initiated this investigation after receiving a complaint that many employees on leave under the Family and Medical Leave Act ("FMLA") in the Medical Examiner's Office ("MEO") may not be using their FMLA time for its intended purpose as many employees were largely using their FMLA leave on weekends and holidays. This office was further advised that the widespread abuse of FMLA disrupted the MEO's operations.

As part of our investigation, this office considered the most recent FMLA letters for all of the MEO employees on FMLA which revealed the dates that the Bureau of Human Resources ("BHR") approved the FMLA leaves, whether the FMLA leave was continuous or intermittent, and the amount and frequency of leave allowed. This office then obtained all of the MEO employees' schedules and absence history reports. Using all of this information, this office charted all of the employees' days off and holidays and examined the employees' FMLA usage relative to the employees' other days off. Through this analysis, this office identified patterns of potential abuse by an MEO investigator warranting further investigation. This office reviewed her bank and credit card records for the periods in which she used FMLA leave to determine whether she used FMLA leave for recreational travel or for maintaining secondary employment. A review of the subject investigator's time records for the relevant time period revealed a pattern of potential FMLA abuse, as she used FMLA time in conjunction with regular off days and vacation days to extend time off on nine occasions.

The preponderance of evidence developed during the course of this investigation demonstrates that the subject investigator abused FMLA to extend vacations on two occasions. The evidence revealed that she had insufficient leave accrued to take the pre-planned vacations and applied FMLA leave to cover her time off on vacation. The preponderance of evidence also demonstrated that the subject investigator abused FMLA on another occasion to stay at a hotel in Lombard, Illinois. Accordingly, the allegation that the subject MEO investigator violated Cook County Personnel Rule 8.03(b)(15) for misusing her FMLA leave to extend her pre-planned vacations and hotel stay is sustained. We also considered whether the subject investigator violated the OIIG Ordinance by providing false information to this office but did not find there to be a preponderance of the evidence to support a sustained finding on that issue.

Based on all of the foregoing, we recommended that disciplinary action be imposed upon the subject MEO investigator consistent with the factors set forth in Personnel Rule 8.3(C), including past practice involving similar cases. The MEO adopted our recommendation and decided to seek termination of the subject MEO investigator.

IIG18-0344-B. The OIIG initiated this investigation after receiving a complaint that many employees on leave under the Family and Medical Leave Act ("FMLA") in the Medical Examiner's Office ("MEO") may not be using their FMLA time for its intended purpose as many employees were largely using their FMLA leave on weekends and holidays. This office was further advised that the widespread abuse of FMLA disrupted the MEO's operations.

As part of our investigation, this office considered the most recent FMLA letters for all of the MEO employees on FMLA which revealed the dates that the Bureau of Human Resources ("BHR") approved the FMLA leaves, whether the FMLA leave was continuous or intermittent, and the amount and frequency of leave allowed. This office then obtained all of the MEO employees' schedules and absence history reports. Using all of this information, this office charted all of the employees' days off and holidays and examined the employees' FMLA usage relative to the employees' other days off. Through this analysis, this office identified patterns of potential

abuse by an MEO autopsy technician warranting further investigation. This office reviewed her bank and credit card records for the periods in which she used FMLA leave to determine whether she used FMLA leave for recreational travel or maintaining secondary employment.

During the relevant time period, the subject autopsy technician had rotating off days either on Monday/Tuesday, Wednesday/Thursday or Thursday/Friday and was scheduled to work every Saturday and Sunday. A review of her time records revealed a pattern of potential abuse. Out of the 67 intermittent FMLA days the autopsy technician used between June 15, 2018 and December 31, 2019, 62 (or 93 %) of those days fell on a Saturday, Sunday or holiday. As she used additional sick time seven Saturdays and one holiday in 2019, the autopsy technician only worked four full Saturdays from January 1, 2019 through December 31, 2019. The evidence also revealed that the autopsy technician requested FMLA leave ahead of the dates on 35 occasions for her episodic condition, in some cases as much as a week ahead of time. Records revealed that the autopsy technician continued this trend in 2020 and as of February 2, 2020, she used FMLA time on four Saturdays (of six) and on one Sunday. The autopsy technician's advance requests for FMLA time usage and predictable pattern for an episodic illness undermined the legitimacy of the FMLA leave taken.[13] Accordingly, the allegation that the MEO autopsy technician abused her FMLA leave was sustained.

Based on all of the foregoing, we recommended that disciplinary action be imposed upon the subject MEO autopsy technician consistent with the factors set forth in Personnel Rule 8.3(C), including past practice involving similar cases. The MEO adopted our recommendation and decided to seek termination of the subject MEO autopsy technician.

IIG19-0233-C. The OIIG initiated this investigation after receiving a complaint that many employees on leave under the Family and Medical Leave Act ("FMLA") in the Medical Examiner's Office ("MEO") may not be using their FMLA time for its intended purpose as many

[13] In *Gunia v. Cook County Sheriff's Merit Bd.*, 211 Ill. App. 3d 761 (1991), the Illinois Appellate Court affirmed the Merit Board's decision to terminate an officer who used 39 sick days over the course of a year. In so holding, the Court stated:

Although the general rules allow an employee to accumulate sick days and use them in a given year, implicit in these rules is that the days be taken for illness. The fact that the Department procedures do not require an employee to provide medical certification as proof of illness does not shield an employee from the consequences of abuses of sick-day allowances. The hearing officer here examined plaintiff's attendance record and found that of plaintiff's 36 absences, 21 were taken in conjunction with regular days off, 16 on Saturdays or Sundays and three on holidays. The officer also listened to plaintiff's substantially uncorroborated testimony regarding the illnesses he suffered on these dates. We cannot conclude, based upon this evidence, that the hearing officer's findings that plaintiff had an excessive pattern of unexcused absence and was absent without appropriate permission are against the manifest weight of the evidence. *Id.* at 772.

employees were largely using their FMLA leave on weekends and holidays. This office was further advised that the widespread abuse of FMLA disrupted the MEO's operations.

As part of our investigation, this office considered the most recent FMLA letters for all of the MEO employees on FMLA which revealed the dates that the Bureau of Human Resources ("BHR") approved the FMLA leaves, whether the FMLA leave was continuous or intermittent, and the amount and frequency of leave allowed. This office then obtained all of the MEO employees' schedules and absence history reports. Using all of this information, this office charted all of the employees' days off and holidays and examined the employees' FMLA usage relative to the employees' other days off. Through this analysis, this office identified patterns of potential abuse by an MEO investigator warranting further investigation. This office reviewed his bank and credit card records for the periods in which he used FMLA leave to determine whether he used FMLA leave for inappropriate purposes or maintaining secondary employment.

During the relevant time period, the subject investigator worked from 3:00 p.m. to 11:00 p.m. and had off days either on Friday/Saturday or Sunday/Monday. A review of his time records for the period from March 21, 2019 to December 7, 2019 revealed a pattern of potential FMLA abuse, as he used FMLA and sick time on 13 occasions to leave early on Saturday's between August 10, 2019 and December 7, 2019.

During his OIIG interview, the MEO investigator was told that following his return from his continuous leave of absence in July of 2019, time records revealed that he used sick or FMLA leave to take off 2 to 3 hours every Saturday night through February 27, 2020, other than five Saturdays in which he used other types of paid leave. Upon being asked if he used his sick and FMLA time on all the Saturdays for the condition in his FMLA application, the subject MEO investigator answered in the affirmative. Upon being asked how is it that his episodic condition only afflicts him on Saturdays evenings for 2 to 3 hours, the MEO investigator responded "it's the end of the week, I am really stressed [and] I've put in five days with death." However, the MEO investigator's provider did not state that stress or exposure to incidents of death (the central subject matter of his work function) exacerbates his episodic condition. As such, this office sustained the allegation that the MEO investigator's use of sick and FMLA every Saturday night demonstrated a pattern of abuse.

Based on all of the foregoing, we recommended that disciplinary action be imposed upon the subject MEO investigator consistent with the factors set forth in Personnel Rule 8.3(C), including past practice involving similar cases. The MEO adopted our recommendation and decided to seek termination of the subject MEO investigator.

IIG19-0233-D. The OIIG initiated this investigation after receiving a complaint that many employees on leave under the Family and Medical Leave Act ("FMLA") in the Medical Examiner's Office ("MEO") may not be using their FMLA time for its intended purpose as many employees were largely using their FMLA leave on weekends and holidays. This office was further advised that the widespread abuse of FMLA disrupted the MEO's operations.

As part of our investigation, this office considered the most recent FMLA letters for all of the MEO employees on FMLA which revealed the dates that the Bureau of Human Resources ("BHR") approved the FMLA leaves, whether the FMLA leave was continuous or intermittent, and the amount and frequency of leave allowed. This office then obtained all of the MEO employees' schedules and absence history reports. Using all of this information, this office charted all of the employees' days off and holidays and examined the employees' FMLA usage relative to the employees' other days off. Through this analysis, this office identified patterns of potential abuse by an MEO autopsy technician warranting further investigation. This office reviewed her bank and credit card records for the periods in which she used FMLA leave to determine whether she used FMLA leave for recreational travel or maintaining secondary employment. During the relevant time period, the autopsy technician had off days either on Monday/Tuesday or Wednesday/Thursday. A review of her time records for the time period from February 22, 2019 to August 13, 2019 revealed a pattern of potential FMLA abuse, as the autopsy technician used 34 days of FMLA time on Saturdays, Sundays or days immediately before or after her off days.

The autopsy technician submitted a Report of Dual Employment on February 11, 2019 asserting that she did not maintain employment outside of her employment with Cook County. However, a witness advised this office that someone from the MEO told him that she operated an event planning business.

The preponderance of evidence developed during the course of this investigation demonstrated that the subject MEO autopsy technician violated Rule 13.4 by providing false information on her Dual Employment Form. On February 11, 2019, the autopsy technician stated on her Report of Dual Employment that she did not have secondary employment, yet the large bank deposits (excluding her Cook County payroll) checks issued to her by funeral homes for funeral director services and Facebook posts advertising her business with pictures of events demonstrate she had been maintaining at least one other job during the time she was employed with an active intermittent FMLA approval on file. Although this office did not ascertain the hours in which she conducted her business,[14] the autopsy technician's demonstrable pattern of abuse in her attendance and evidence of outside employment supported the conclusion that she misused her FMLA leave.

The autopsy technician resigned during the pendency of this investigation, so no disciplinary action was recommended. However, based on the violations noted above, this office recommended that Cook County place the subject MEO autopsy technician on its *Ineligible for Hire List*. The MEO adopted our recommendation.

[14] Section (J)(3)(i) of the Family and Medical Leave Policy (Bureau of Human Resources, August 15, 2018) provides that "[e]mployees on FMLA leave, who take leave for their own Serious Health Condition, may not engage in secondary employment during hours when the employee would ordinarily be working for the County."

IIG19-0233-E. The OIIG initiated this investigation after receiving a complaint that many employees on leave under the Family and Medical Leave Act ("FMLA") in the Medical Examiner's Office ("MEO") may not be using their FMLA time for its intended purpose as many employees were largely using their FMLA leave on weekends and holidays. This office was further advised that the widespread abuse of FMLA disrupted the MEO's operations.

As part of our investigation, this office considered the most recent FMLA letters for all of the MEO employees on FMLA which revealed the dates that the Bureau of Human Resources ("BHR") approved the FMLA leaves, whether the FMLA leave was continuous or intermittent, and the amount and frequency of leave allowed. This office then obtained all of the MEO employees' schedules and absence history reports. Using all of this information, this office charted all of the employees' days off and holidays and examined the employees' FMLA usage relative to the employees' other days off. Our analysis revealed a potential pattern of abuse by a number of MEO employees that triggered additional investigative activities by this office that subsequently involved sustained findings of misconduct and/or policy violations by the employees.[15]

This investigation also involved interviewing the Manager of Leave Administration ("Leave Manager"), Bureau of Human Resources, and developing an understanding of her current role in the FMLA administration of leave process. The following information is a brief summary of issues we encountered as part of the larger investigation and our recommendations to improve FMLA Administration policy, process and training in order to better manage FMLA leave absences while providing increased support and guidance to departments.

This office reviewed a Human Resource's FMLA file for an Autopsy Technician alleged to have abused her FMLA time which resulted in sustained findings. The Autopsy Technician rotated weekdays off (requiring her to work weekends and holidays) and had been on an approved ongoing intermittent FMLA leave since February 20, 2018.

Emails maintained in the file revealed that on March 29, 2019, an MEO official sent the Leave Manager along with other officials an email stating the following:

> There is an unusual pattern of FMLA time off that this staff took last year which was exclusively weekends, New Year's holiday, Christmas holiday, and one other I can't remember. Was this looked at? I can't think of a medical condition that affects patients exclusively on Saturdays/weekends.

The Leave Manager initially responded to the MEO official stating that the department's timekeeper is responsible for monitoring usage of an employee's FMLA time usage, that she could not disclose the employee's medical condition, and that the Autopsy Technician "submitted a request for FMLA that was completed by their doctor." After the Deputy Bureau Chief advised

[15] *See* OIIG Summary Reports IIG19-0233 – A through D.

the Leave Manager that BHR is required to follow up and that the Autopsy Technician's usage appeared to be abusive, the Deputy Bureau Chief directed the Leave Manager to find out how the medical professional explained usage on Saturdays and holidays.

The Leave Manager sent a letter to one of the Autopsy Technician's medical providers ("Provider A") who completed the medical certification for one intermittent leave and a letter to a second medical provider ("Provider B") who completed the medical certification for another intermittent leave. Provider A forwarded medical records covering the limited period to the Leave Manager. Of the 31 pages of records, the Autopsy Technician reported symptoms of her medical condition during a single physician visit for other reasons. Provider A did not produce any other records indicating that the Autopsy Technician sought further treatment from Provider A for the covered medical condition. The Leave Manager wrote on the file "Treater [Provider A] Open Satur[day] 8-11, 9-noon."

Provider B sent two pages to the Leave Manager stating the following on the fax cover sheet:

> Enclosed is the treatment plan for client seen at [Provider B]. As requested, the explanation of flare ups incurred is due to recent loss experienced by client. Client at times has difficulty managing symptoms of diagnosis and it is my recommendation that client continue to have access to treatment as she attends [treatment] on the weekend. It is my hope that this is satisfactory but in the event you have questions, please feel free to email me.

The second (undated) page included Diagnostic Impressions, Client Goal and Objectives. Provider B provided no other records detailing treatment dates, times, progress notes or any explanation as to why the Autopsy Technician used FMLA time for holidays.

Emails in the FMLA file revealed that the Leave Manager sent an email to the Deputy Bureau Chief stating, "Attached is the explanation for the visits as well, the Leave office requesting documentation that was submitted to the employee's specialist." The Deputy Bureau Chief responded, "So it appears the employee is scheduling her treatment on Saturday."[16]

Interview of the Leave Manager

The Leave Manager began in her position as Human Resources Coordinator-Leave Management in mid-2013 and oversees a variety of leave, including FMLA. The Leave Manager reviews FMLA applications exclusively for Offices Under the President. The Leave Manager stated that she makes the determinations of whether employees applying for FMLA have a serious health condition as defined under the Family and Medical Leave Policy issued by BHR effective

[16] The Deputy Bureau Chief had no independent recollection of this matter when asked by this office.

on August 15, 2018 ("FMLA Policy"). The Deputy Bureau Chief signs all the FMLA letters issued to the employees and to the departments and, as such, acts as a "second pair of eyes" in the FMLA review process. The Leave Manager stated that no one else participates in the FMLA review process and that none of the attorneys in the department assist her because the medical records are HIPAA protected and, as such, the attorneys would not likely participate upon being asked.

OIIG investigators asked the Leave Manager if she has ever requested a second medical provider opinion in the event there is a reason to doubt the validity of a medical certification as allowed pursuant to Appendix B of the FMLA Policy. The Leave Manager stated that she would be responsible for requesting second opinions but that she has never asked for a second opinion in her current role. Upon being asked who the County would use to obtain a second opinion, the Leave Manager said that she "ha[d] no idea because she has never had to do that."

In acknowledging that the FMLA Policy also delegates responsibility to the department to ensure an employee uses FMLA within the parameters of the FMLA approval, OIIG investigators asked how the departments verify FMLA treatment usage. The Leave Manager stated that employees are not required to provide physician notes verifying treatment and that this office "would have to ask the departments that question." She also explained that the doctor is supposed to submit verification of how frequently and for how long employees need to be excused from work for treatment so their pattern of absences for treatment should match what the doctor wrote in the FMLA materials.

Upon further questioning, the Leave Manager said that she has no background in or received any training on FMLA from Cook County. The Leave Manager also noted that she has no attorney available to her to assist in making legal determinations relative to leave administration.

OIIG investigators questioned the Leave Manager about her actions following notification of the Medical Examiner's concerns regarding the Autopsy Technician's FMLA usage. OIIG investigators noted that Provider A produced all its medical records for the Autopsy Technician, but that Provider B furnished only a fax cover sheet stating that she had been treating the Autopsy Technician on the weekends and a one-page treatment plan without any dates or other details generally included in medical records. Upon being asked if she followed-up with Provider B to obtain the complete medical records, the Leave Manager said that she considered Provider B's statement that she was treating the Autopsy Technician on the weekends sufficient and did not inquire further. When OIIG investigators noted that the FMLA request and approval only covered illness and not treatment and inquired why the Leave Manager accepted this explanation, the Leave Manager said that perhaps the Autopsy Technician sought out treatment as a result of her illness and verified that the counselor had Saturday hours. Upon asking if she verified whether Provider B also had holiday hours, the Leave Manager surmised that the Autopsy Technician could have experienced flare ups during the holidays because "holidays have a tendency to flare things up."

OIIG investigators advised the Leave Manager that the FMLA Policy provides that all County employees have a duty to report suspected FMLA abuse to the OIIG. *See* FMLA Policy, Section H. Upon being asked why the Leave Manager did not report the Medical Examiner's allegations regarding the Autopsy Technician's suspected FMLA abuse to the OIIG, the Leave Manager stated that she believed that Provider B's response was sufficient and otherwise resolved the issues surrounding this employee's FMLA usage. The Leave Manager said that she also did a pattern check of the Autopsy Technician's attendance and noticed that the Autopsy Technician was not exclusively taking FMLA time, but was "taking off all the time." The Leave Manager did not report it to the OIIG because they "found everything was in order." The Leave Manager went on to say that she has never referred any matter to the OIIG and feels that if a matter should be referred, she would "move it up" to the Deputy Bureau Chief to decide whether to refer it.

Leave Manager's Job Description

The Leave Manager's job description provides for typical duties including "[a]ct[ing] as a liaison between Human Resources, department managers, and associates to resolve issues" and "[i]nterpret[ing] absence policies demonstrating a thorough understanding of leave process and all applicable federal and state laws and regulations." These functions are further delineated by the FMLA Policy, Appendix A and B.

OIIG Findings, Conclusions and Recommendations

The preponderance of the evidence developed in this and related investigations revealed that the Leave Manager initially dismissed the Medical Examiner's concerns and only followed up after the Deputy Bureau Chief directed her to do so. Even then, the Leave Manager performed only a cursory review and overlooked significant critical details and red flags that could have prompted additional action to ensure the Autopsy Technician's adherence to the FMLA Policy.

We recognize that these issues often become more clear in hindsight. Nonetheless, we believe that with additional training, legal support and a shift in mindset from purely acting as a leave administrator to serving as an issue expert and facilitator for FMLA Policy, including recognizing, deterring and detecting FMLA abuse, would greatly impact the incidence abuse. We also believe that departments could benefit from active guidance from the Leave Manager in addressing potential issues of this nature. Accordingly, we offered the following recommendations in support of the critical role of the Leave Manager:

1. Regular training be provided to the Leave Manager and other BHR employees involved in leave administration relative to FMLA legal, management trending issues (ex. Prohibiting secondary employment during ordinary working hours while on FMLA leave (FMLA Policy Sec. 3 (i-j));

2. BHR establish a process for identify FMLA cases requiring a second and/ or third medical opinion in accordance with FMLA Policy, Appendix B. Once established,

Human Resources should utilize this process to request second and third opinions when faced with questionable FMLA applications;

3. BHR provide training to department heads and timekeepers on how to manage employees on intermittent FMLA leave, identifying possible cases of abuse and imposing discipline where appropriate;

4. BHR should assign an attorney to support the Leave Manager in addressing novel fact patterns and other legal issues;

5. Leave Manager report all suspicious FMLA usage to the OIIG in accordance with FMLA Policy; and

6. Aid the Leave Manager in developing a more aggressive role in supporting departments by, among other things:

   (a) Track the expiration of continuous leaves and send correspondence to employees and departments notifying them when a leave is set to expire and that the employee can request an extension (if available) or apply for another leave prior to the expiration of the current one or a return to work date;

   (b) That the Leave Administrator follow-up with the respective departments to ensure employees return to work on a scheduled return date;
   (c) For intermittent FMLA leaves, notify the employee and the manager that employer can either provide an alternative schedule to accommodate an employee's treatments or the employer request that an employee schedule planned medical treatments outside of work hours to minimize absences;

   (d) Notify Risk Management of all continuous leaves approved by Human Resources along with nature and duration of such leaves.

In its response to our report, BHR stated that the recommendations in our report were already implemented by BHR and are expected of the Leave Office and Leave Manager. BHR added that it will continue to enhance its FMLA related processes where needed. BHR stated that the Leave Manager's assertion in her OIIG interview that she did not receive FMLA training was not true and that she has participated in multiple FMLA training sessions while at the County. BHR provided several specific dates on which the training occurred. BHR stated that while it is inaccurate that the Leave Manager has not received any FMLA training, BHR supports the OIIG recommendation of continued FMLA training for the Leave Manager and other BHR employees. In addition, BHR stated that it will ensure that the Leave Manager is refamiliarized with the process for identifying FMLA cases where additional medical opinions are warranted and that suspicious FMLA usage be reported to the OIIG. BHR also concurs with the recommendation for additional

training for other staff and it will continue to provide FMLA training to department heads, managers and timekeepers. BHR stated that the Leave Manager does in fact have attorneys available to assist her when needed and it provided examples of times when she has worked with attorneys in the past. BHR stated that it was clear that the Leave Manager made numerous misrepresentation to the OIIG in her interview and that BHR will have to take action with respect to those misrepresentations.

IIG19-0566. The OIIG received an anonymous complaint alleging that an FPD Nature Center Director (Director) uploaded to her own personal Facebook page a video and language from *Black Times* which states, "When you had enough of white people's shit, especially from White Women." The anonymous complainant further alleged that the Director may not be able to be fair in her position as a Director of an FPD Nature Center. The anonymous complainant attached a screenshot of the Director's alleged Facebook post. During the course of this investigation, this office reviewed the Director's personnel file, the Director's personal Facebook page, Cook County FPD social media and electronic usage policies, social media policies from various jurisdictions, court opinions, and other relevant documents. This office also interviewed the subject Director.

The OIIG located and reviewed the *Black Times* Facebook post. It includes a video of two Native American women during what appears to be a press conference. The two women can be seen and heard telling a woman not to talk as she (white female reporter) is a "guest on their land" and that she should not disrespect them. Listed above the video is the language, "When you had enough of white people's shit, especially from White Women" and appears to be embedded within the Facebook post. Accordingly, the Director was not the author of the "white women" comment, but may have been someone who shared the comment.

The OIIG reviewed the Director's public Facebook page and her public Facebook postings. The OIIG did not locate this particular posting on the Director's personal Facebook page, nor did the OIIG find any public posting that was similarly inflammatory. The OIIG did not attempt to access the Director's private posts, if any existed.

The FPD has two guidelines that are currently in effect for the FPD Nature Centers' employees' social media usage: Facebook Do's and Don'ts (2013) and Facebook Page Suggestions (2013). These guidelines encourage Nature Center employees to post positive, inclusive, and respectful social media pictures and messages on the FPD Nature Center Facebook pages. The FPD "Facebook Do's and Don'ts" specifically states, in part: "moderate your page" and remove public comments that are "racist, sexist and other such comments." The FPD's "Facebook Page Suggestions" reminds employees that the FPD is there to "serve as a liaison between all nature centers" and to "think of how your audience views you." These guidelines do not address an FPD employee's personal social media usage, but they do reflect FPD values and its disapproval of such conduct.

The FPD Districtwide Policy Number 03.40.00 "Electronic Communications & Technology Usage Policy" (effective 08/01/2013 and last revised on 06/13/2018) addresses the

"best practices" for technical communications. It specifically prohibits the use of the FPD's Electronic and/or Technological Resources to transmit any communication that is discriminatory or harassing to any individual (including emails/communications with offensive comments about race, gender, gender identity, disabilities, age, sexual orientation, pornography, religious beliefs and practice, political beliefs, national origin, etc.). Again, this FPD policy does not address the personal use of social media by an FPD employee, but it does reflect FPD values and its disapproval of racist and other offensive communications.

The FPD does not have any policy that specifically addresses the personal use of social media by its employees. However, the FPD has adopted the Cook County Personnel Rules, including Personnel Rule 8.2(b)(36). That rule provides that employees may be subject to discipline for engaging in "[c]onduct unbecoming an employee or conduct which brings discredit to the County."

The OIIG reviewed various social media policies from across the country, including those of private industries. A number of governmental agencies have also instituted social media policies restricting and guiding the use of employee's use of social media. In the recent case of *Int'l Brother of Teamsters, Local 700 v. Ill. Labor Relations Bd.*, 2017 IL App (1st) 152993, the Court rejected a challenge to a Cook County Sheriff's Office (CCSO) policy that states, in part:

> CCSO employees shall:
>
> * * *
>
> 2. Conduct themselves on and off-duty in such a manner to reflect favorably on the CCSO. Employees, whether on or off-duty, will not engage in conduct which discredits the integrity of the CCSO, its employees, the employee him/herself, or which impairs the operations of the CCSO. Such actions shall constitute conduct unbecoming of an officer or employee of the CCSO."
>
> 3. Be aware that conduct on and off duty extends to *electronic social media and networking sites* and that all rules of conduct apply when engaging in any Internet activity." (emphasis added).

The Union challenged the social media policy as being overbroad under section 10(a)(1) of the Illinois Public Labor Relations Act, 5 ILCS 315/10(a)(1), and not any particular application of the rule. The Court upheld the above CCSO policies and stated "that the mere maintenance of a social media policy does not violate the Act." *Id.* at ¶ 58.

Similarly, the Illinois Department of Corrections (IDOC) recently adopted Policy Number 03.02.113 titled "Personal Use of Social Media" effective December 1, 2019. This policy similarly

restricts the use of social media by IDOC employees, including prohibiting "the use of harassing, defamatory, fraudulent or discriminatory … communication."

During her OIIG interview, the OIIG presented the Director with a copy of the alleged Facebook post. The Director recognized it as her Facebook post in which she shared the video. She did not, however, remember the language regarding "white women." She stated that the top half of the page reflected her Facebook page which includes her name, date of original post of August 4, 2018, which predates her employment with the FPD, and a personal note written by the Director regarding "empowerment." The bottom half of the Facebook post shows two women on what appears to be a video. She denied that she knew anything about the middle portion that includes the language related to "white women." She specifically stated, "I did not write that. I definitely did not write that." OIIG investigators asked the Director to explain the contents of the video. The Director said the video showed two Native American women in a press conference that may have been related to the shutdown of pipelines. She said that *Black Times* may have posted the original video and was likely the author of the language related to "white women." The Director said she did not agree with the "white women" language in the Facebook post. When the OIIG questioned the Director about the importance of social media and the effect it can have on those who read it, the Director said she is aware that she holds a position as Director of a Nature Center which promotes inclusivity of all people, races, and genders. She further stated she removed this post and other posts from her personal Facebook page that may be considered inflammatory or less than inclusive. The Director said she has also deleted Facebook friends when they have posted derogatory or offensive things on her Facebook page. The Director also said that she is a leader in her community and that she finds this language "offensive and insulting."

Based on the above, the preponderance of the evidence does not support the conclusion that the Director violated any FPD policies. First, the FPD does not have a policy restricting an FPD employee's personal use of social media. Second, while the FPD does have a policy prohibiting "[c]onduct unbecoming an employee or conduct which brings discredit to the County," the Facebook posting at issue was posted prior to the Director's employment with the FPD and has since been removed from her Facebook page. Accordingly, the allegation that the Director engaged in conduct unbecoming an employee or conduct which brings discredit to the County is not sustained.

Although the allegation at issue was not sustained, the OIIG recommends the following regarding the use of social media by FPD employees in both their official and personal capacities:

1. That the FPD revise and update its current social media policies and make them applicable to the entire FPD, not just the FPD Nature Centers, where needed.

2. That the FPD consider adopting a personal social media policy that will help guide FPD employees in the proper use of social media. If implemented, the FPD should provide training regarding the new policy and how the use of social media impacts the public's perception of a person and his or her employer. One benefit of implementing such a

policy and related training would be to help FPD employees avoid violating Personnel Rule 8.2(b)(36) - Conduct unbecoming an employee or conduct which brings discredit to the County.

The FPD adopted both recommendations.

IIG19-0681. This investigation was initiated by the OIIG based on a complaint of two separate incidents. The complaint alleged (1) on or around November 5, 2019 a Cook County Sheriff Merit Board investigator used the "n-word" in conversation with the complainant and (2) on November 19, 2019 the subject investigator stated words to the effect of, "F**k you"! What are you going to do about it?" and "shut your black ass up," constituting violations of policy. During the investigation, we considered whether such statements, if made, constituted violations of Sheriff's Office General Order (SOGO) 11.4.5.0 which prohibits discrimination and harassment/sexual harassment in the workplace and SOGO 11.2.20.0 which addresses rules of conduct. The investigation consisted of witness interviews and a review of the subject investigator's disciplinary history.

During his OIIG interview, the complainant stated that he works with the subject investigator and has had previous "skirmishes" with him. He stated these "skirmishes" involved the subject investigator reacting argumentatively or becoming volatile during routine conversations. In response, complainant would ignore his comments and "disengage." On approximately November 5, 2019, the subject investigator and Witness D were having a conversation. The complainant did not recall what they were speaking about but believed it may have been a conversation about race relations and/or stereotypes. During that conversation, the subject investigator used the n-word, but did not direct it towards the complainant or any particular individual. Rather, the subject investigator generally explained that the word is part of his vocabulary. In response, the complainant and Witness D expressed their dislike and disapproval in using the word. The subject investigator responded, "I can say that!" The complainant believed that the subject investigator meant that he could use the n-word because both the complainant and the subject investigator are African American. The complainant did not report the incident at that time, but was offended by the fact that the subject investigator uses the word.

Continuing in his OIIG interview, the complainant stated that on November 19, 2019, the subject investigator and Witness D were engaged in a conversation about a former colleague. Witnesses A, B, and C were also present. The subject investigator stated that the former colleague was present with him at the Personnel Office for an orientation. The complainant, who had just heard from the former colleague and had knowledge that he was not present at the Personnel Office, turned to Witness D and told her the same. The subject investigator overheard this exchange and began shouting "I know what I'm talking about! Now shut your black ass up!" The complainant did not react, but inquired as to why the subject investigator was getting upset. The subject investigator replied, "F**k you! What are you going to do about it?" In hindsight, complainant believes that the subject investigator may have interpreted this side comment to Witness D as complainant calling him a liar. The complainant explained that the subject

investigator's statement to "shut your black ass up" caused him to recall the first incident during which the subject investigator used the n-word. The complainant explained that both incidents offended him in the same manner.

In his OIIG interview, Witness A explained that his desk is positioned in a manner such that complainant sits in front of him and the subject investigator sits behind him. He recalled an incident where conversation between complainant and the subject investigator became "heated" but he did not recall the details of the conversation. Witness A explained that he heard them speaking and then heard the subject investigator say, "shut the f**k up" and "turn your ass around." He believes the conversation had something to do with the recollection of an event. Witness A explained that the subject investigator's reaction, the use of a loud voice, and his choice of words, was out of character for the subject investigator. Witness A had never seen or heard of the subject investigator acting or reacting in that manner on prior occasions as it is not his "manner" to get "heated." Witness A did not observe a discernable reaction from the complainant. He explained that complainant appeared calm during his conversation with the subject investigator and remained calm after the subject investigator's comments. Witness A did not hear racial language used during the incident. After the subject investigator stated, "turn your ass around," the subject investigator left the room. Per Witness A's observation, the incident ended after the subject investigator left the room and everything "went back to normal." He described the working relationships between the investigators as "good overall." Witness A was not aware of any ongoing conflicts between colleagues and stated that the investigators are all "friends." Witness A has not observed any negative changes in the environment or differences in complainant's and the subject investigator's interactions since the incident. The complainant and the subject investigator appear to be cordial and their relationship appears to be "normal."

In his OIIG interview, Witness B stated was aware of the matter that is the subject of this investigation, but had not discussed the details with his colleagues. Witness B was on his cell phone and was located on the opposite side of the room from them. He heard the complainant and the subject investigator go "back and forth," but did not hear the subject the subject investigator and the complainant were discussing. Witness B recalled that the subject investigator told the complainant to "turn around" because the complainant was looking at him. Witness B also heard the subject investigator say, "f**k you." Witness B did not observe the complainant have any discernable reaction to the subject investigator's comments. Witness B did not hear derogatory language used during the incident. Witness B did not think the interaction between the subject investigator and the complainant was "that big of a deal." Witness B has not noticed a change in the overall environment or a change in the dynamic between the complainant and the subject investigator. When the subject investigator's sister passed away recently, the complainant organized a condolence card. Witness B explained that this incident was out of character for the subject investigator and nothing like this has occurred in the past. Witness B explained that all the investigators get along well. Although there are some normal disagreements, the investigators are "like family." In the 13 years he has been there, there have not been any major issues.

In his OIIG interview, Witness C recalled the incident that is the subject of this investigation. Witness C stated that the subject investigator is the type who "always has to get in the final word." Witness C did not recall the details of the incident but remembered that there was some disagreement about whether another employee was called in for an interview. Witness C recalled that "name-calling" may have happened. However, he did not recall the specific language that was used or how the incident ended. Witness C did not believe the incident negatively impacted the environment and he had not noticed any difference in the relationships between investigators. Witness C further explained that the dispute was not a normal occurrence and described the relationship among the investigators as "good."

In his OIIG interview, Witness D stated she was aware of the matter that is the subject of this investigation but had not discussed the incidents with her colleagues. Witness D recalled a conversation between herself, the complainant and the subject investigator during which the subject investigator stated that he uses the n-word all the time. Witness D did not recall what the subject of the discussion was. Witness D explained that the subject investigator did not direct the n-word towards any individual, rather he made a general statement about his use of the word. Witness D has never heard the subject investigator use the n-word either inside or outside of work. Witness D believes she made a comment that using the n-word is never appropriate. Witness D did not recall the complainant's response to the subject investigator.

Witness D was also present during the second exchange between the subject investigator and the complainant. Witness D recalled that she and the complainant were in the investigators' room discussing some of the applicants who had recently interviewed for a position. A former colleague became the subject of the conversation. The subject investigator joined the conversation and said that he saw the former colleague at the Personnel Office and commented that he must be interviewing for an open position. The complainant made a comment to Witness D that the former colleague had not been at the Personnel Office. The subject investigator interjected and told them that "he should know because he was there." The subject investigator then stated to the complainant, "F**k you!" and "shut your black ass up!" The complainant responded by telling the subject investigator that it was not necessary to curse. Witness D did not recall how the subject investigator responded. Witness D explained that the complainant was "hurt" and "shocked" by the subject investigator's response. The complainant communicated this to her, but she also observed the look on his face in reaction to the subject investigator's comment. The subject investigator's statements also shocked Witness D as they are out of character for him and she had never observed him behave in this manner in the past. Witness D explained that all of the investigators "get along" and they do not usually have disagreements or curse at each other. Witness D stated that she has not observed a discernable impact on the overall environment or relationships between the investigators.

In his OIIG interview, the subject investigator was asked if he recalled a conversation that he was a part of during which the n-word was used. The subject investigator stated that he, Witness D and the complainant were speaking about individuals that were being interviewed for rehire. The subject investigator believed Witness A and Witness B were also present at the time. The

subject investigator made a comment that he observed a former colleague at the Personnel Office and believed he was interviewing for the position. The complainant responded that the colleague could not have been there, to which the subject investigator said, "yeah, he was there." The subject investigator believed the complainant was calling him a liar. The subject investigator told the complainant not to question him. The subject investigator believed he said words to the effect of, "I don't care what your black ass says." He may have also called him a "motherf**ker." When asked if the words he used could have been, "Shut your black ass up" and "F**k you," the subject investigator said it was possible that those were the words he used. The subject investigator explained that the conversation became heated because he did not like the way the complainant spoke to him in that he called him a liar by reiterating several times that the subject investigator was wrong. The subject investigator stated that he "popped off" and was "aggravated" because he was present at the Personnel Office when he saw the former colleague and the complainant was not. The subject investigator recalled when the discussion ended "it was over." The subject investigator was surprised that the incident was the subject of an OIIG investigation.

When asked if, in hindsight, he would have handled the situation differently, the subject investigator replied that maybe he "should have let it go." The subject investigator explained that he could have used a better choice of words, but if "you step on my toes, I'll step on yours." The subject investigator apologized if the complainant's "feelings got hurt." The subject investigator explained that there are disagreements that occur, things are said, and "you let it go, you say it and it's over with." The subject investigator said that profanity has been used on previous occasions, most frequently in jokes, but also in a statement such as, "who the f**k do you think you are." The subject investigator did not recall previous occasions during which profanity was directed at him or another individual. The subject investigator also stated that no one has spoken to him about the incident and he has not noticed an impact on the office environment.

The subject investigator did not recall a conversation in which the use of the n-word was discussed. The subject investigator explained that it is not a word he uses, but people do use it "on the streets." He went further to explain that it can be a word used to express aggravation or intimidation or affection depending on the context. The subject investigator has never used the n-word directed towards any individual in the office setting.

We first considered whether the alleged use of the of the n-word in the November 5th conversation by the subject investigator and statements "shut your black ass up" and "F**k you! What are you going to do about it" during the November 19th exchange constitute a violation of SOGO 11.4.5.0 - Prohibition of Discrimination and Harassment/Sexual Harassment in the Workplace. The policy states, "Employees of the CCSO are expected to treat others with dignity and mutual respect at all times and it is the right of every CCSO employee to experience a non-hostile work environment free from discrimination and harassment/sexual harassment." It goes further to say, "The CCSO shall continue to maintain a zero-tolerance policy for discrimination and harassment/sexual harassment. Any person found to have engaged in discrimination and harassment/sexual harassment shall be terminated." The applicable policy definitions are as follows:

> 11.4.5.0 (V)(G) Harassment/Sexual Harassment - Unsolicited, offensive and/or retaliatory behavior, either verbal, physical or written, that denigrates or shows hostility or aversion towards an individual, or his/her relatives, friends or associates due to his/her ethnicity, race, sex/gender, color, religion, national origin, ancestry, marital status, age, sexual orientation, gender identity, health status, disability or an Employee's exercise of his/her constitutional or statutory rights.
>
> Harassment/sexual harassment may occur when submission to or rejection of such conduct is made, implicitly or explicitly, a term of employment, or the basis for an employment action or such conduct has the purpose or effect of substantially interfering with an employee's work performance or creating an intimidating, hostile or offensive work environment.
>
> 1. Harassment may include, but is not limited to:
>
> > a. Epithets, slurs, stereotyping, threatening, intimidating, degrading, humiliating, offensive or hostile acts….

The alleged incidents as described by the complainant do not meet the threshold for harassment as defined by the policy. There are two elements that must be present for a finding of harassment. First, the conduct must meet the threshold criteria in that it denigrates or shows hostility towards an individual or an individual's family, friends or associates due to his/her race. If the conduct meets that threshold, it is then evaluated, in the context of this case, to determine if the conduct had the purpose or effect of substantially interfering with the employee's work performance or created an intimidating, hostile or offensive work environment.

With respect to November 5th incident, the complainant explained that the subject investigator asserted the n-word in a conversation between the complainant, Witness D, and the subject investigator. The complainant further explained that, although he did not recall specifically, he believed that the topic of conversation may have been race relations or stereotypes. The complainant explained that the subject investigator did not direct the n-word toward any individual. The complainant stated that he believed the subject investigator thought he could use the word because both he and the subject investigator are African American men. The complainant stated that he used this word when he was younger but he no longer believes it should be used. Although Witness D did not recall the topic of conversation, her memory of the conversation was consistent with the complainant in that the subject investigator did not direct the n-word toward a particular individual, but rather made a general statement about his personal views. The subject investigator did not recall the conversation.

While the preponderance of the evidence supports that the subject investigator used the n-word, the evidence does not support that he did so in a manner that denigrates, shows hostility or aversion towards an *individual* or other people aquatinted with that individual, in this case the

complainant, *based on his protected class*. Both the complainant and Witness D had never heard the subject investigator use the n-word on prior occasions. The complainant and Witness D confirmed that the subject investigator used the word in a general de-identified manner in that it was not directed toward a specific person or persons. The n-word is undeniably an offensive and derogatory word. However, its use in the context of this case fails to implicate SOGO 11.4.5.0 (V)(G).

This is not to say that the exchange of ideas the subject investigator apparently sought to convey represents good judgement or is otherwise appropriate for the workplace. Nor does it mean that a one-time use of the n-word directed toward an individual or uttered in a different context would not rise to the level of harassment under this policy. However, based very narrowly on the context of this particular conversation, the preponderance of the evidence does not support that the subject investigator used the n-word in a denigrating, hostile manner towards the complainant. As outlined below, the use of the word in the context of this case also fails to implicate the "purpose or affect" prong of the policy.

With respect to the November 19th incident, the subject investigator's statements to the complainant do not rise to the level of harassment. The complainant explained that after a disagreement, the subject investigator stated, "Now shut your black ass up" and "F**k you! What are you going to do about it?" In his interview, the subject investigator stated that he said words to the effect of "I don't care what your black ass says," and called the complainant a "motherf**ker." When asked if he made the statements as alleged by the complainant, the subject investigator stated it was possible he used those words. We gave careful consideration to the fact that the subject investigator made reference to the complainant's race when he said, "shut your black ass up" to determine whether his use of these words show hostility towards the complainant based on his race. In light of the context of the comment, coupled with the subject investigator's and the complainant's sentiments towards each other, the subject investigator's statement, while hostile and not proper in the work context, do not demonstrate hostility or denigration towards the complainant because of or based on his race. That is to say, the subject investigator did not make the unprofessional comments towards the complainant based on his race. Rather, as both the complainant and the subject investigator explained, the subject investigator made them in response to his perception that the complainant called him a liar and not because of or based on the complainant's race.

For sake of a thorough discriminatory harassment analysis, even if the above statements either separately or combined, constituted hostile and/or denigrating statements towards the complainant based on race, the evidence supporting the effect of the statements is insufficient to support a finding that the statements created a hostile work environment. In order for actions to meet the definition of harassment, the effects of such statements, whether a one-time occurrence that is severe, or comments that are pervasive and consistent over time, cause a hostile environment such that it interferes with an individual's ability to perform his/her job functions. Although the complainant explained that he was offended by the subject investigator's statements, the complainant did not state that either one or both of the incidents created a hostile environment as

defined by the policy. The complainant explained that, because their unit is small, conflict permeates the environment. However, none of the witnesses noticed any change in the environment or observable dynamics between the investigators. Furthermore, while the complainant stated his response to the subject investigator was to disengage and not speak to him, he did not express that it negatively impacted the environment to a degree that it interfered with his work performance. For the above stated reasons, based on the preponderance of the evidence, there was insufficient evidence to find that the subject investigator's comments on November 5, 2019 and November 19, 2019, constituted discriminatory harassment towards the complainant.

While the allegations brought forth by the complainant do not constitute a violation of the Discrimination and Harassment Policy, they do constitute a violation of SOGO 11.2.20.0 which "establishes basic rules of conduct to be followed by all employees of the CCSO" and identifies misconduct that may result in discipline. The relevant sections of the policy are:

> 11.2.20.0 (VI)(B) Conduct on and off duty.
>
> CCSO employees shall:
>
> 2. Conduct themselves on and off-duty in such a manner to reflect favorably on the CCSO. Employees, whether on or off-duty, will not engage in conduct which discredits the integrity of the CCSO, its employees, the employee him/herself, or which impairs the operations of an officer or employee of the CCSO.
>
> 6. Respect and be courteous to others and the public. Employees will be tactful in the performance of their duties, will control their temper and exercise the utmost patience and discretion and will not engage in argumentative discussions even in the face of extreme provocation.
>
> 9. Not use threats and coercion, or abusive, coarse, violent, profane, harassing or insolent language or gestures.
>
> 10. Ensure that relationships with colleagues promote mutual respect within the professions and improve quality of service.
>
> C. Conduct towards superiors, associates and subordinates.
>
> CCSO employees shall:
>
> 1. Treat superiors, associates, and subordinates with respect, being courteous and civil in their relationships with one another at all times.

2. Conform to the normal standard of courtesy when on duty and refer to each other by title or position.

As explained above, both the complainant and the subject investigator's recollection of the words used during the November 19th incident are consistent with each other. While it is not uncommon for work disagreements to occur, especially in smaller units, the manner in which the disagreements are approached and handled determine whether the response conforms to the values of the Merit Board and the applicable conduct policies. In this case, the subject investigator's response in which he directed profanity at the complainant when he stated, "F**k you! What are you going to do about it?" and "Shut your black ass up," do not conform to the values as defined in SOGO 11.2.20.0 as outlined above.

Based on our findings, we recommended the imposition of discipline consistent with past practice and other violations of a similar nature. Additionally, we recommended that the subject investigator complete a course of workplace sensitivity training in the near future. The CCSO adopted our recommendations and imposed a 7-day suspension on the subject investigator as well as sensitivity training.

IIG20-0076. This review was conducted to determine if the Secretary to the Board of Commissioners is granting public speakers at Cook County Board Meetings the time allotted to them by mandate of the Cook County Board Rules. Pursuant to Cook County Board Rules, public testimony will be permitted at all meetings of the Board, its committees and subcommittees. *See* Cook County Code, Sec. 2-106(a). During their testimony, each public speaker may have up to three minutes. *See* Cook County Code, Sec. 2-106(e). The Secretary will keep track of the time and advise when the time for public testimony has expired. *Id.*

During our review, this office examined videos of the public speaker portion of the Cook County Board of Commissioners meetings from July 2019 to December 2020 and prepared a spreadsheet outlining the time each public speaker received. The spreadsheet included the following information: (1) the date of the meeting, (2) the name of each public speaker, (3) whether the speaker was giving positive, negative, or neutral feedback to the Board, (4) when the one-minute warning was issued, (5) when the 30 second warning was issued, (6) when the speaker was told his or her time was up (first and second attempts), and (7) the speaker's total speaking time.

In addition to creating the spreadsheet, this office also interviewed the Secretary to the Board of Commissioners. The purpose of the interview was to develop information regarding the rules and methodology for allotting time to public speakers at Cook County Board Meetings and to discuss the data in the spreadsheet regarding time actually allotted to public speakers. In his interview, the Secretary to the Board stated that public speakers are granted three minutes to address the Board of Commissioners by the Rules of Procedure in the Cook County Code. The Secretary to the Board described the process that is used to time each public speaker. The Secretary to the Board calls a speaker to the podium, and as soon as the speaker begins, the Secretary to the Board starts the stopwatch timer on his phone. Speakers are given three minutes and receive a

warning when they have one-minute remaining, 30 seconds remaining, and when their time has expired. The Secretary to the Board stated he is typically the one handling the timer. Occasionally a member of his staff may time the speakers, but there is always only one person doing this. The Secretary to the Board further elaborated that the Board tries to be very accommodating to any person who takes the time to address the Board, even going so far as to waive the 24-hour notice requirement. On occasion, the Deputy in the room will start to move towards speakers if they have gone over their allotted time, but the Secretary to the Board stated that no one instructs the Deputy to do this.

The Secretary to the Board was provided a copy of the public speaker spreadsheet which revealed that most speakers actually received slightly more time than the three minutes allotted. The Secretary to the Board stated that the lag in warnings or cut-off is usually to try and let the speaker finish a thought or sentence. He also stated that he tries not to listen to the speakers intently so that he is without judgment in his timing. The Secretary to the Board does not have control over the microphone, so he is unable to just turn off the microphone when the speakers three minutes expires. The Secretary to the Board reiterated that whether the warning was given a little early, or a little late, it was simply to give the warning in a break in the speaker's comments so the speaker would be able to hear him. Referring to the spreadsheet, this office noted that while a particular speaker with positive feedback was allowed to speak for over three and a half minutes, a speaker with negative feedback at another meeting was allowed about the same amount of time. This office also noted that a frequent critic of the Board was always allowed more than three minutes to speak.

When asked about it, the Secretary to the Board then discussed the clock that the City of Chicago uses at City Council meetings. The Secretary to the Board stated that he and others in the County have considered using a clock like the one used by the City, but they believe that audio cues are a better way to get the speakers attention, especially when the speaker is very passionate. The Secretary to the Board stated that no one has ever formally proposed installing a clock; however, he is willing to follow any procedure that the County wants to institute.

The preponderance of the evidence developed during the course of this review supported the conclusion that the Secretary to the Board of Commissioners is granting public speakers at Cook County Board Meetings the time allotted to them by mandate of the Cook County Board Rules. The evidence also supported the conclusion that the methodology used in timing and warning the speakers is reasonable and has worked well. Finally, there was no evidence of bias in timing the speakers based on the content of their feedback as speakers critical of the Board were allowed as much time as those supportive of the Board.

IIG20-0081. This investigation was initiated after this office developed information that a family member residing with a Cook County official had claimed a homestead exemption on two properties in violation of the Illinois Property Tax Code. The purpose of the investigation was to determine if the Cook County official participated in or had knowledge of the erroneous homestead exemption. During the course of the investigation, this office analyzed various property records

and conducted interviews of the Cook County official and employees in the Cook County Assessor's Office.

The preponderance of the evidence from the investigation failed to sufficiently establish that the Cook County official participated in or had knowledge of the family member's erroneous homestead exemption. Accordingly, the allegations were not sustained.

IIG20-0088. The OIIG initiated this investigation after receiving a complaint alleging that an employee of the Cook County Assessor's Office (CCAO) was operating outside the scope of his job duties by providing certain taxpayers special treatment that would not otherwise be available to the general public due to a relationship the employee may have with a Cook County elected official. The complaint further alleged that the subject employee on at least two occasions was away from his designated work station providing counseling or assistance to individuals regarding CCAO related issues. Although the Analyst's work station is on one floor of the CCAO and his job description does not include any CCAO outreach responsibilities, in both instances he was found to be on a different floor of the CCAO providing assistance to individuals with assessment issues. This office examined whether the Analyst engaged in activity which was outside the scope of his job description and, if so, whether his actions violated any CCAO policies or were motivated by political factors.

During the course of this investigation, this office reviewed the CCAO Employee Handbook (dated December 9, 2019) and the subject employee's CCAO job description. This office also interviewed several CCAO employees familiar with the incidents at issue as well as the subject employee.

Section 16 of the CCAO Employee Handbook outlines the CCAO's Ethics Policy. For purposes of this inquiry, the pertinent portion states:

> An Employee or Officer of the Assessor's Office shall not use his or her public office for his or her own private gain, for the endorsement of any product, service, or enterprise, or for the private gain of friends, relatives, or persons with whom the Employee is affiliated in a nongovernmental capacity, including nonprofit organization of which the Employee is an officer or member.

The CCAO Employee Handbook (December 2019) sets forth guidelines and policies representing the standards governing the conduct of employees of the CCAO. Section 9 of handbook outlines the procedure for CCAO visitors to report and check in with the third-floor receptionist and, in part, states:

> Visitors of an employee may not visit the office when their presence interferes with the employee's ability to perform his or her duties.

The preponderance of the evidence developed in this investigation revealed that the subject employee did not receive any personal benefit for providing assistance to customers in the two incidents discussed above and that the customers he assisted did not receive any special treatment. Accordingly, the subject employee did not violate the CCAO Ethics Policy, and that allegation is not sustained.

The OIIG did find that the subject employee's actions, as well intentioned as they may have been, were outside of his normal scope of duties and took him away from his work station. Additionally, the CCAO Employee Handbook contains a specific policy which places limitations on when CCAO employees can accept visitors during working hours. The subject employee violated this policy by being away from his work station while interacting with visitors during working hours. Accordingly, the allegation regarding a violation of the visitor policy is sustained. The subject employee had already been counseled by his supervisor regarding the two incidents cited in this report; therefore, no recommendations were offered by this office.

Outstanding OIIG Recommendations

In addition to the new cases being reported this quarter, the OIIG has followed up on outstanding recommendations for which no response was received at the time of our last quarterly report. Under the OIIG Ordinance, responses from management are required within 45 days of an OIIG recommendation or after a grant of an additional 30-day extension (if applicable) to respond to recommendations. Below is an update on these outstanding recommendations.

From the 1st Quarter 2020

IIG18-0479. The OIIG opened this investigation after receiving information that Cook County Government was the subject of a payroll fraud scheme involving bank deposits for payroll being diverted to different accounts for theft. During the course of this investigation, the OIIG reviewed financial data sets and documents from multiple banking institutions, reviewed Cook County employees' email accounts, interviewed multiple Cook County employees, and analyzed data from various Cook County computer platforms.

The Comptroller stated that the Payroll Department became aware of direct deposit exceptions when a few Cook County Health ("CCH") employees reported that their direct deposits were not received. The Payroll Department then conducted a review to compare the most recent direct deposit account information to the information for the prior pay date. The Payroll Department determined nine self-service direct deposit changes fraudulently directed employee ACH to debit card accounts. The Comptroller stated that attempts to recover the money from the County's bank were unsuccessful as the funds were already gone.

Upon further research of the routing numbers, the Payroll Department discovered that the funds were transferred into Green Dot accounts.[17] A total of $25,647.32 was diverted from nine Cook County employees into six different Green Dot account numbers.

The Green Dot Corporation provided information regarding the identities of the individuals who activated the six Green Dot accounts and the transaction history for all six accounts. This information included the names of the account/cardholders and their dates of birth, addresses, social security numbers, remaining balances, cell phone numbers and email addresses. Upon review of the individual identities, the Green Dot accounts were opened using stolen identities.[18] None of the six individuals were current Cook County employees or had any identifiable affiliations or circumstances linking them to the State of Illinois.

According to a Compliance Specialist at the Green Dot Corporation, there was one payroll direct deposit that was declined totaling $3,123.83. Unfortunately, the transaction history report further revealed that there were a total of eight direct deposits from Cook County Government deposited into five of the six Green Dot accounts at that time for a total of $22,830.23.

Purchases on the six Green Dot cards were made at mainly three establishments: Stop & Shop,[19] United States Postal Service Post Office, and Walmart. Walmart provided details regarding transactions on one of the Green Dot cards. The information revealed that someone purchased three MoneyGram money orders with values of $1,000, $1,000, and $900. Walmart had no video footage of the transaction or parking lot during the time of the transaction. Information from MoneyGram showed that a car dealership deposited both of the $1,000 money orders and another car dealership deposited the $900 money order.

The Cook County Deputy Director of Enterprise Resource Planning ("Deputy Director") stated that direct deposit information for 20 employees had been changed in the system and nine employees did not receive their payroll direct deposits. The Payroll Department issued substitute checks to these employees. The Deputy Director noted that her initial search revealed approximately 40 employees at risk. All affected employees were associated with Stroger Hospital, and their usernames were logged into the system at one point of time during the day prior to their direct deposit information being changed. The Deputy Director believed that the changes to the direct deposit information in the system occurred at the front end. She explained that the system logs show the employee's username as the ID that changed the direct deposit information and not an admin or system ID. The Deputy Director explained that the system currently does not track IP addresses and as such, she is not able to determine on which computer the changes were made.

[17] The Green Dot Corporation operates as a bank holding company that offers personal banking products and services. The Company provides prepaid debit card products, prepaid card reloading services, and mobile banking accounts.

[18] The transaction history reports all had one transaction to "Truth" which appears to be a web internet based company providing personal identifiable information on individuals.

[19] Stop & Shop is a chain of supermarket stores primarily located in the northeastern United States.

She said that despite not knowing the location of the computers, "we suspect it's all at Stroger." The Deputy Director advised that "Single Sign-On" allows employees to access the EBS system from any computer without being on the County's network.[20] The Deputy Director provided a spreadsheet that contained a direct query from the system showing when the changes were made on behalf of the 20 affected employees. The spreadsheet revealed that all of the employees' direct deposit account information had been changed on four dates in close succession to one another.

A Stroger Police Sergeant received information about the direct deposit incident from the former Security Information Officer. The Stroger Police Sergeant identified each affected employee's work location and determined that there were no cameras in those areas.

The Chief Information Security Officer ("CISO") explained that after becoming aware of the direct deposit incident he immediately took steps to address the situation by disabling the capabilities in the system that allowed users the ability to change their direct deposit bank account information. The CISO stated that there was no video footage available showing if the perpetrator exploited unlocked and unattended computers or workstations. The CISO noted that the perpetrator could have remotely accessed the workstations. The CISO stated that due to the low impact of affected users, only CCH employees, the Bureau of Technology ("BOT") concluded that it was unlikely that the scheme was a spear phishing attack.[21]

One employee affected by the payroll diversion scheme who works as a nurse at the CORE Center explained that on the pay date at issue her supervisor informed her that she needed to pick up a paper check from the payroll office because something was wrong with the payroll system. While in the payroll office, the nurse was instructed to complete a new direct deposit form. The nurse stated that she did not make changes in the system to her direct deposit information. She noted that she is not familiar with logging into the system and usually requires assistance. The nurse stated that her office is located behind a locked door that requires an ID badge to unlock the door. The nurse stated that she received a letter from the Bureau of Technology notifying her of a potential data breach that had taken place. The nurse advised her bank of the letter from BOT alerting her of the breach. The nurse stated that since her bank did not identify any irregularities with her account, it did not change her banking information.

Another employee affected by the payroll diversion scheme explained that he works at Stroger Hospital and received a call from the Payroll Department asking him to complete his direct deposit paperwork again because they had experienced a glitch in the system and that his information had been lost. The employee stated that he did not make changes in the system to his direct deposit information on the date at issue. He advised that he only make changes to his payroll information from his workstation. The employee stated that he did not recall receiving any

[20] Single sign-on is a session and user authentication service that permits a user to use one set of login credentials to access multiple applications.
[21] Spear phishing is an email spoofing attack that targets a specific organization or individual, seeking unauthorized access to sensitive information.

suspicious emails around the time of the incident. He also stated that he had an IT background, is familiar with phishing emails and knows not to click on them.

In response to these incidents of payroll fraud, the Health Information Systems (HIS) department launched an electronic security education campaign. HIS subsequently initiated a "Security Simulated Phishing Attack" targeting a total of 68 CCH users. The HIS simulated phishing attack revealed that a total of 17 out of the 68 or 25% of the targeted CCH users clicked the link and 10 of the targeted CCH users provided their user credentials. According to the risk scale provided in the chart, this simulated phishing attack was rated as "High Risk."

A review of the email accounts of 21 CCH employees who were affected by the payroll diversion scheme did not reveal any evidence of potential phishing emails.

The results of the system vendor's internal investigation revealed that the employee credentials were used through the internet facing self-service website, meaning the suspect used the employee credentials from a remote machine or machines outside of Cook County's and Cook County Health's network. The vendor's solution was not set up to capture the actual client IP addresses. This configuration was intentionally set up by the vendor to prevent individuals from tracing the activity back to their clients' machines for security purposes.

The evidence developed during the course of this investigation supported the conclusion that Cook County payroll funds were fraudulently diverted into unknown individuals' Green Dot bank accounts. On the same day, the Comptroller's Office became aware of the payroll diversion situation and mitigated the County's losses to just eight CCH employees' payrolls totaling $22,830.23 by conducting its own initial review and working with the County's bank. Through the assistance of BOT, the Comptroller's Office determined that 21 CCH employees were impacted by having their payroll account information fraudulently changed to unknown Green Dot bank accounts. A review of the payroll system revealed that the payroll account information was changed through each employee's login credentials. However, these changes followed a unique pattern by occurring on similar dates and times. Most of the changes took place outside of normal business hours and suspiciously occurred within one minute of each other. Based on complaints received by the CCH Payroll Department, reviews conducted by the Comptroller's Office and the suspicious nature of the changes made, we determined that the changes were not initiated by the employees themselves.

Although it is still unknown how the credentials of the affected employees were compromised, it is clear that these malicious actions were conducted remotely. The system vendor explained that audit trails were purposefully not activated on the system. The evidence supports the conclusion that the affected employees' credentials that were used to redirect deposit bank account numbers did not occur through the County's or CCH's networks. Therefore, the perpetrator did not utilize County or CCH IT resources and was not on County or CCH property to conduct these activities.

Based on our findings, we made the following recommendations:

1. The County and CCH should implement a two-factor authentication process for access to email accounts and systems containing sensitive information. This helps prevent attackers from gaining unauthorized access to legitimate organizational email accounts and systems. Any email accounts that are accessible from the internet should also be monitored for credential brute force attacks. Consideration should also be given to sending notification of changes to employees when personnel information is changed remotely in the system.

2. BOT and CCH should continue providing IT security training to employees to help reduce the risk of social engineering. This training should increase employees' awareness and understanding of "Business Email Compromise" in particular, as well as generic phishing.

3. BOT and CCH should consider flagging external emails with automatic warning messages at the top of an email to alert employees when an email originates from outside of the County's and CCH's network.

4. Because of our belief that the causal vulnerability leading to these circumstances relates to the system vendor, BOT should conduct a review with the system vendor to determine if there are any security loopholes that may make the system vulnerable to cybercriminals.

5. We also recommended continuing to utilize outside resources and organizations to stay abreast on current trends in the industry. For example, on September 18, 2018, the Federal Bureau of Investigation issued a public service announcement[22] about cybercriminals utilizing social engineering techniques to obtain employee credentials to conduct payroll diversion. The announcement also noted that healthcare was one of the most affected institutions.

The County responded that it is in support of all of our recommendations and indicated that the Office of the Comptroller and BOT adhere to best practices when processing payments and safeguarding employees' sensitive information and that those efforts include many of the recommendations made by the OIIG.

IIG18-0521. This matter involved a review conducted to assess the Cook County Assessor's Office ("CCAO") process of administering residential building permits received from municipalities and whether the corresponding improvements made to a property were properly recognized and recorded in the assessment records. The OIIG initiated this review after receiving information that a residential property located in the Village of Glenview was demolished and a new building with increased square footage was erected without any corresponding increase in assessment value of the improvements being recognized by the CCAO.

[22] Federal Bureau of Investigations, www.ic3.gov/2018/180918.aspx, Alert # I-091818-PSA

Based on the requirements of the Property Tax Code, the OIIG developed review procedures to assess and evaluate the CCAO's processing of building permits and certificates of occupancy received from the Village of Glenview (Village). The OIIG's methodology included interviewing relevant CCAO employees to develop a thorough understanding of the CCAO's receipt, recording, and disposition of building permits. Additionally, the OIIG issued document production requests to the Village and obtained building permits and related certificates of occupancy for calendar years 2015 through 2017.

After reviewing building permit information, the OIIG judgmentally selected a sample of 30 residential building permits with the largest dollar value (10 for each calendar year under review). The building permits were cross-referenced to permit history and assessment records provided by the CCAO to determine whether the requisite increase in assessed value was recorded by the CCAO.

Additionally, for the 30 permits tested, the OIIG recalculated the rates of occupancy according to the date the Village issued the certificate of occupancy. The resulting rate was then compared to the certificate of occupancy rate assigned by the CCAO to determine if the OIIG calculated rates agreed or were reasonably proximal to the rates assigned by the CCAO.

To further support the OIIG's analysis of permit information and establish the physical condition of properties at a certain point in time, the OIIG consulted with the Cook County Geographic Information Systems (GIS) department to obtain digital photographic evidence concerning the physical condition of properties during calendar years 2015 through 2018. The following findings were identified in connection with our review:

1. The CCAO's process for receiving building permits from municipalities and townships lacks a consistent and standardized methodology to ensure that the submission and delivery of permit data is complete. In addition, the current reporting process allows municipalities to bypass the township assessor and submit permit information directly to the CCAO. By doing so, the municipalities are not taking advantage of the technology available to the township assessors which allows township assessors to submit permits electronically and limit the submission of manual reports.

2. The CCAO's process of assessing residential properties that have been demolished and rebuilt is not sufficient to timely and adequately identify when the property should be re-assessed for tax purposes. Based on our testing, the CCAO did not conduct field checks the following year after a building permit was issued by the Village as prescribed by office policy. Consequently, instances were noted in which new buildings with increased square footage had been erected and the necessary change in residential property classification was not made, thereby causing an understatement of the assessed market value of the subject properties. Moreover, instances were noted in which properties continued to be assessed as vacant land from one to two years despite aerial photos depicting that a

building had been erected and the CCAO failed to assess the building and the land accordingly.

3. The CCAO does not take into consideration certificate of occupancy permits issued by municipalities when determining occupancy rate factors for assessment purposes. Without consideration of certificate of occupancy permits in the assessment of property, the CCAO is not in compliance with Sections 9-160 and 9-180 of the Property Tax Code. Based on our testing and inquiry of relevant personnel, it appears that the CCAO relies extensively on the results of the field check to determine the occupancy rates granted to the property. In addition, our comparison of occupancy dates established by the CCAO and the Village revealed that the CCAO potentially understated the assessed market value for 9 of 30 properties totaling $2,080,153.46 and overstated one property's value by $78,747.98. Lastly, we noted five building permits tested in which the occupancy rates assigned by the CCAO did not appear reasonable when compared to the Village's certificate of occupancy rates. Specifically, we noted that the occupancy date of the Village's Certificate of occupancy ranged from 155 to 495 days after the CCAO had inspected the property and established a date of occupancy.

4. The CCAO has not developed a form as required by Section 180 of the Code to allow the owner of improved property to provide notice to the CCAO within 30 days of the issuance of a certificate of occupancy permit or within 30 days of completion of the improvement.

Based upon the foregoing, we made the following recommendations:

1. The CCAO should consult with municipal government officials and reinforce the importance of submitting complete and accurate building permit information to the designated township assessor. The CCAO should encourage electronic submission of permits from municipalities that have the technology to send permit information electronically to the township assessors. The CCAO should consider facilitating periodic meetings with township assessors and municipalities under their jurisdiction to formulate a plan that maintains an open dialog and ensures that the permit information received is complete prior to submitting to the CCAO.

2. The CCAO should continue to seek additional funding to increase the number of field inspectors in Field Operations. The OIIG is mindful that funding constraints may limit the CCAO's ability to employ additional field inspectors. As such, CCAO management should continue to enhance and promote the use of geographic information systems technology to supplement field inspections, thereby better allocating resources and potentially decreasing the reliance of field inspections.

3. The CCAO should develop a process wherein certificate of occupancy permits received from municipalities are properly accounted for and incorporated in the assessment of

improvements in accordance with the Property Tax Code. Additionally, the CCAO should perform a review of the assessments related to the 10 properties that had a potential understated or overstated assessed market value and initiate corrections deemed necessary.

4. The CCAO should investigate the occupancy dates established by the CCAO to determine the reasonableness of the Village's certificate of occupancy dates ranging from 155 to 495 days after the CCAO had inspected the property. Moreover, CCAO management should review the assigned inspectors' field reports and determine whether additional follow-up inspections should have been conducted prior to granting the occupancy dates.

5. The CCAO should seek compliance with Section 180 of the Property Tax Code by developing a form to provide the owner of improved property the opportunity to provide notice to the CCAO upon issuance of a certificate of occupancy permit by the local municipality or within 30 days of completion of the improvement.

These recommendations are pending a response from the CCAO.

IIG19-0051. This investigation was initiated following receipt of a complaint asserting that a stenographer at the Cook County Law Library ("CCLL") habitually failed to report for her scheduled shift and often arrived late without providing the required notice to CCLL management. The complaint further alleged that when the subject stenographer did report to work, her work ethic and behavior were less than acceptable. In addition to investigating the allegations made against the stenographer, we analyzed whether the response by CCLL management to the allegations regarding the stenographer were adequate and timely.

During this investigation, OIIG investigators interviewed the Director of the CCLL, the Director of Technical Services for the CCLL, and the subject stenographer. We also reviewed the Time and Attendance records for the subject stenographer, her personnel file from the CCLL, and the CCLL Time Management Policy.

The preponderance of the evidence supports the conclusion that the stenographer violated Cook County Personnel Rule 8.03(b)(17), which prohibits being "repeatedly tardy or excessively absent from work." In addition, the preponderance of the evidence developed during the course of this investigation supports the finding that the subject stenographer was in violation of Cook County Personnel Rule 8.03(b)(16), which provides:

> Absence without an approved leave. A department head or his/her designee may discipline an employee for an absence without leave of any duration, including discharge in appropriate circumstances. A department head is required to initiate discharge action against an employee who is absent without an approved leave for three consecutive work days.

Specifically, the investigation showed that in August 2019 the subject stenographer was a No Call-No Show for eight consecutive days, which significantly exceeds limit as stated in Personnel Rule 8.03(b)(16). That rule imposes a duty on the part of any department head to initiate termination proceedings against an employee who is absent without approved leave after three consecutive days. Despite receiving two emails from the Director of the CCLL during the eight consecutive day period in which she failed to show up for work, the subject stenographer chose to ignore the emails and continued with her practice of failing to notify the CCLL management of her absences and late arrivals. Subsequently a pre-disciplinary meeting was conducted and was attended by CCLL management, a Special Assistant to the Chief Administrative Officer, and a representative of the stenographer's union. The subject stenographer was invited to the meeting but declined to attend. At the conclusion of the meeting, the decision was made to terminate the stenographer. Our office agreed with the conclusion reached during the pre-disciplinary meeting in terminating the subject stenographer. In addition to constituting a clear violation of a rule requiring the initiation of termination proceedings, her behavior towards management on the days in which she does report to work has also impacted the morale of the department and her frequent unannounced absences and late arrivals has created staffing and scheduling problems for an already understaffed CCLL.

While CCLL management allowed the stenographer's behavior to continue longer than it should have, the delay was not egregious, and CCLL management eventually took appropriate steps to terminate her employment. In further mitigation, CCLL management had pursued disciplinary action against the subject stenographer in the past but could not devote an inordinate amount of its time to such efforts given the operational needs of the understaffed CCLL. We noted however, that having learned from this experience, a quicker response by CCLL management would be expected should a similar situation arise in the future.

Based on our findings and considering the CCLL's termination of the subject stenographer, we recommended that she be placed on the *Ineligible for Hire* list. The CCLL adopted the recommendation.

IIG19-0640. This matter involved a review conducted to assess the Forest Preserve District ("FPD") of Cook County Violation of Firearm Concealed Carry Statute Policy, No. 01.40.00 (2014). The OIIG initiated this review after receiving information that an FPD employee, who is also a retired police officer, allegedly keeps a firearm in his vehicle while parked on FPD property. The OIIG considered applicable Illinois law,[23] FPD Districtwide Policies, the Cook County Bureau of Human Resources Personnel Rules and Cook County Policies. We consulted with the Policy & Special Projects Manager for the FPD Office of the General Superintendent and confirmed policy information with the Cook County Bureau of Human Resources.

[23] Firearm Concealed Carry Act, 430 ILCS 66, *et seq*.; Unlawful Use of Weapons, 720 ILCS 5/24-1-1.8; Unlawful Use of Weapons Exemptions, 720 ILCS 5/24-2.

The Firearm Concealed Carry Act, 430 ILCS 66/65(a)(14), prohibits unauthorized persons from carrying a concealed firearm onto any real property under the control of the FPD. This prohibition includes all private citizens, including those who obtain an Illinois license to carry a concealed firearm based on legislation which took effect January 1, 2014. This prohibition does not apply to law enforcement personnel and other persons who, by virtue of their employment or other lawful duty, have been granted an exemption and are authorized to carry a firearm. Also, in accordance with Illinois law, licensees are permitted to carry a concealed firearm on or about his or her person within a vehicle in the parking area and may store a firearm or ammunition concealed in a case within a locked vehicle or locked container out of plain view within the vehicle in the parking area. 430 ILCS 66/65(b)).

The state law addressing unlawful use of weapons, 720 ILCS 5/24-2 (Exemptions), does not apply to or affect a qualified current or retired law enforcement officer qualified under the laws of this state or under the Federal Law Enforcement Officers Safety Act.

According to FPD Policy No 01.40.00, the primary purpose of the directive is, among other issues, to inform all FPD employees that, despite the adoption of a Firearms Concealed Carry Act by the Illinois General Assembly, firearms continue to be prohibited on FPD property. It is noted that under the Illinois Firearms Concealed Carry Act, FPD property is deemed a prohibited area. As a prohibited area, persons who have been issued a Firearm Concealed Carry license will not be authorized to carry or possess a firearm while on any real property under the control of the FPD. The Policy & Special Projects Manager for the FPD Office of the General Superintendent informed this office that FPD Policy No. 01.40.00 allows FPD employees who are qualified retired law enforcement officers to carry concealed firearms on their person while on FPD property. The Policy and Special Projects Manager also stated that FPD Policy No. 01.40.00 allows FPD employees who are licensed to carry a concealed firearm to keep their unloaded firearm inside the trunk of their locked personal vehicle while parked on FPD property.

The Districtwide FPD Workplace Violence Policy defines workplace violence to include "the use or possession of any weapon and/or ammunition, unless the specific weapon, ammunition, or use is authorized by the District for a particular work assignment, and used as authorized."

Pursuant to Section 1-6-9 of the FPD Code of Ordinances – Personnel Provisions, the FPD has adopted Section 44, Human Resources, of the Cook County Code of Ordinances. Therefore, FPD employees are subject to the provisions of the Cook County Bureau of Human Resources policies.

The Cook County Bureau of Human Resources ("BHR") is authorized to develop and issue policies for the effective management of Cook County employees pursuant to Section 44-45 of the Cook County Code of Ordinances. BHR instituted a Violence-Free Workplace Policy. In the Definitions section of this policy, "Violence" is defined to include the use or possession of any weapon and/or ammunition, unless the specific weapon and/or ammunition is authorized by the County for a particular work assignment and in accordance with applicable law. *See* Cook County

Bureau of Human Resources Violence-Free Workplace Policy, Page 4, Section I(3) - Definitions. The purpose of this policy is to help ensure that the workplace is a violence-free and productive environment, increase awareness of workplace violence, provide assistance to individuals who have been, or may be, subjected to violence in the workplace, and outline procedures for preventing, reporting, and investigating workplace violence. *See* Cook County Bureau of Human Resources Violence-Free Workplace Policy, Page 1, Section B - Purpose. The County Violence-Free Workplace Policy is intended to be interpreted consistent with and subject to applicable law. It supersedes all previous policies and/or memoranda that may have been issued from time to time on subjects covered in this policy. This policy is not intended to supersede or limit the County from enforcing provisions in any applicable collective bargaining agreement. Should any provision in this policy conflict with a specific provision in the Personnel Rules, the provisions in this policy shall take precedence. Nothing in this policy is intended to, nor shall be construed to, create a private right of action against Cook County or any of its employees, nor shall it be construed to create any contractual or other rights or expectations. *See* Cook County Bureau of Human Resources Violence-Free Workplace Policy, Page 1, Section C - Intent.

County Personnel Rule 8.03(b)(6) specifies that the unauthorized possession of weapons, when engaged in by an employee, will result in disciplinary action which may include discharge unless the employer, taking all circumstances into account, deems it to be excusable.

A Personnel Services Manager for BHR confirmed that, in accordance with County Personnel Rule 8.03(b)(6) and the Violence-Free Workplace Policy, County employees are prohibited from carrying concealed weapons during employment hours or on County property.

The following findings were identified in connection with our review of FPD Policy No. 01.40.00:

1. FPD Policy No. 01.40.00 allows FPD employees who are qualified retired law enforcement officers and are authorized to carry a weapon pursuant to 720 ILCS 5/24-2 to carry a concealed weapon on their person while on duty with FPD.

2. FPD Policy No. 01.40.00 allows FPD employees holding a license to carry a concealed handgun to carry a concealed firearm on or about their person within a vehicle into the parking area and to store a firearm or ammunition concealed in a case within a locked vehicle or locked container out of plain view within the vehicle in the parking area.

3. The FPD Workplace Violence Policy includes the use or possession of any weapon and/or ammunition.

4. Cook County Personnel Rule 8.03(b)(6) prohibits the possession of weapons by County employees.

5. The Cook County Bureau of Human Resources Violence-Free Workplace Policy, Section (I)(3), prohibits the possession of weapons by County employees.

6. FPD employees are subject to the provisions of the Cook County Bureau of Human Resources Violence-Free Workplace Policy.

7. FPD Policy No. 01.40.00 conflicts with the Cook County Bureau of Human Resources Violence-Free Workplace Policy and with Cook County Bureau of Human Resources Personnel Rule 8.03(b)(6).

8. FPD Policy No. 01.40.00 conflicts with the FPD Workplace Violence Policy.

The FPD Policy and Special Projects Manager has informed this office that FPD Policy No. 01.40.00 – Violation of Firearm Concealed Carry Statute Policy authorizes non-law enforcement personnel to carry a concealed weapon while on duty if that individual otherwise has qualified as a retired law enforcement officer to carry a concealed weapon. Moreover, FPD management has also stated that employees holding a valid Illinois conceal carry licensee may transport a handgun on FPD property and store the handgun in a vehicle while located within the FPD. This policy appears to be in conflict with the County Violence-Free Workplace Policy, the County Personnel Rules, and the FPD Workplace Violence Policy which provide for no such exemption to the general prohibition preventing employees from carrying a handgun while at work or otherwise transporting a handgun and storing it on government property.

Because the FPD has adopted the County Human Resources Ordinance and FPD employees are subject to the provisions of County policies, we recommended that the FPD reevaluate FPD Policy No. 01.40.00 to ensure conformity with other applicable policies of the FPD and Cook County. We also recommended that in doing so the FPD consider the negative circumstances which can reasonably be foreseen in permitting certain non-law enforcement personnel to carry a concealed weapon while at work, whether the individual is employed in the field or in an office environment. We noted that, at a minimum, the negative circumstances reasonably include the potential for creating an intimidating workplace for other employees.

The FPD has responded by indicating its support for these recommendations and is considering implementation measures under current law.

IIG20-0016-A. This investigation was initiated by the OIIG based on a complaint alleging that a Forest Preserve District (FPD) police officer improperly collected Total Temporary Disability (TTD) benefits as an employee of the Cook County Sheriff's Office (CCSO) while testing and working for the FPD. TTD is the benefit that an injured employee receives during the period in which the employee is either (a) temporarily unable to return to any work, as indicated by his or her doctor, or (b) is released to do light-duty work but whose employer is unable to accommodate him or her. This investigation consisted of an employee interview and reviews of personnel files, workman's compensation records, and police academy medical documents.

The preponderance of the evidence developed in this case supports the conclusion that the subject FPD police officer violated FPD Police Department Rules and Regulations 138. "Unbecoming Conduct," which states:

> Employees shall conduct themselves at all times, both on and off duty, in such a manner as to reflect most favorably on the Department. Conduct unbecoming an employee shall include that which brings the Department into disrepute or reflects discredit upon the employee as a member of the Department, or that which impairs the operation or efficiency of the Department or employee.

Because the subject FPD police officer is still on a leave of absence from the Cook County Sheriff's Office, the preponderance of the evidence developed in this case also supports the conclusion that the subject FPD police officer violated Cook County Department of Corrections Conduct Policy section 101.5.5(as) Performance, which states:

> Any other on-or off-duty conduct which a member knows or reasonably should know is unbecoming a member of the Sheriff's Office; which is contrary to good order, efficiency or morale; or which tends to reflect unfavorably upon the Sheriff's Office or its members.

While on TTD from the CCSO and collecting benefits, the subject FPD police officer took a physically demanding POWER test for the FPDPD. Peace Officer Wellness Evaluation Report (POWER) was established by the Illinois Law Enforcement Training and Standards Board to test a candidate's maximum physical fitness in four areas: (1) Sit and Reach Test (2) Sit-up Test (3) Maximum Bench Press (4) 1.5-mile run. Evidence indicates that the subject FPD police officer attended a POWER test and the next day saw a doctor concerning his injury for which he was receiving TTD benefits. The doctor's report noted that the subject FPD police officer stated that his left knee felt better but claimed to have a "locking sensation and tightness in the quads."

While he may or may not have falsified his condition to the FPD at the time of hire, the subject FPD police officer did not notify Risk Management that he was taking or planning to take a test that measures a candidate's maximum physical fitness level. Instead, he continued to inform Risk Management through doctors that he was still unable to return to work at the CCSO and continued to collect the TTD benefits. The subject FPD police officer provided two different and contradictory sets of facts to two different employers. On the one hand, in order to get TTD benefits, the subject FPD police officer claimed that his injury at the CCSO did not allow him to return to work. On the other hand, in order to gain a new employment opportunity, the subject FPD police officer omitted any reference to his injury to the FPD. Instead, the medical documentation submitted to the FPD Police Department that was ultimately sent to the Chicago Police Department Metro Academy indicated that the subject FPD police officer was in good physical condition to participate in the physically demanding academy. The subject FPD police officer also signed off on the medical documents indicating that to the best of his knowledge, he disclosed accurate information. At the very least this contradictory conduct indicates that the subject FPD police officer was providing false and dishonest information to at least one of the agencies with whom

he was dealing in order to gain both new employment and TTD benefits at the same time. At worst, the evidence suggests that the subject FPD police officer may have engaged in benefits fraud. Such dishonest behavior reflects discredit upon him as member of the FPD Police Department and CCSO as well as the agencies themselves and constitutes conduct unbecoming of an officer under the rules of both agencies.

Based upon the nature of the violations, we recommended that a significant level of discipline be imposed on the subject FPD police officer similar with other instances of a finding of conduct unbecoming of an officer. We also recommended consideration to potential issues triggered by *Giglio v. United States*, 405 U.S. 83 (1963). If the FPD or the CCSO decides to terminate his employment, we further recommended that the subject FPD police officer be placed on the respective *Ineligible for Hire Lists.*

The FPD adopted each of our recommendations and terminated the subject FPD police officer and placed him on its *Ineligible for Hire List.* Likewise, the CCSO is moving forward with termination proceedings against the subject employee.

IIG20-0016-B. This investigation was also initiated by the OIIG based on a complaint alleging that a Forest Preserve District (FPD) police officer improperly collected Total Temporary Disability (TTD) benefits as an employee of the Cook County Sheriff's Office (CCSO) while testing and working for the FPDPD. TTD is the benefit that an injured employee receives during the period in which the employee is either (a) temporarily unable to return to any work, as indicated by his or her doctor, or (b) is released to do light-duty work but whose employer is unable to accommodate him or her. This investigation consisted of an employee interview and reviews of personnel files, workman's compensation records, and police academy medical documents.

The preponderance of the evidence developed in this case supports the conclusion that the subject FPD police officer violated FPD Police Department Rules and Regulations 138. "Unbecoming Conduct," which states:

> Employees shall conduct themselves at all times, both on and off duty, in such a manner as to reflect most favorably on the Department. Conduct unbecoming an employee shall include that which brings the Department into disrepute or reflects discredit upon the employee as a member of the Department, or that which impairs the operation or efficiency of the Department or employee.

Because the subject FPD police officer is still on a leave of absence from the Cook County Sheriff's Office, the preponderance of the evidence developed in this case also supports the conclusion that the subject FPD police officer violated Cook County Department of Corrections Conduct Policy section 101.5.5(as) Performance, which states:

> Any other on-or off-duty conduct which a member knows or reasonably should know is unbecoming a member of the Sheriff's Office; which is contrary to good

order, efficiency or morale; or which tends to reflect unfavorably upon the Sheriff's Office or its members.

While on TTD from the CCSO and collecting benefits, the subject FPD police officer took a physically demanding POWER test for the FPD Police Department. Peace Officer Wellness Evaluation Report (POWER) was established by the Illinois Law Enforcement Training and Standards Board to test a candidate's maximum physical fitness in four areas: (1) Sit and Reach Test (2) Sit-up Test (3) Maximum Bench Press (4) 1.5-mile run. In fact, the subject FPD police officer was discovered to have taken multiple POWER tests with various law enforcement agencies while on TTD and collecting benefits. Evidence indicates that on one occasion the subject FPD police officer attended a POWER test, when on the previous day he saw a doctor concerning his injury for which he was receiving TTD benefits. The doctor's report from that visit listed several restrictions. It stated that the subject FPD police officer claimed "sharp right knee pain and symptoms of popping and locking of the knee." However, the very next day the subject FPD police officer engaged in a POWER test for another law enforcement agency.

While he may or may not have falsified his condition to the FPD at the time of hire, the subject FPD police officer did not notify Risk Management that he was taking or planning to take a test that measures a candidate's maximum physical fitness level. Instead, he continued to inform Risk Management through doctors that he was still unable to return to work at the CCSO and continued to collect the TTD benefits. The subject FPD police officer provided two different and contradictory sets of facts to two different employers. On the one hand, in order to get TTD benefits, the subject FPD police officer claimed that his injury at the CCSO did not allow him to return to work. On the other hand, in order to gain a new employment opportunity, the subject FPD police officer omitted any reference to his injury to the FPD Police Department. Instead, the medical documentation submitted to the FPD Police Department that was ultimately sent to the Chicago Police Department Metro Academy indicated that the subject FPD police officer was in good physical condition to participate in the physically demanding academy. The subject FPD police officer also signed off on the medical documents indicating that to the best of his knowledge, he disclosed accurate information. At the very least this contradictory conduct indicates that the subject FPD police officer was providing false and dishonest information to at least one of the agencies with whom he was dealing in order to gain both new employment and TTD benefits at the same time. At worst, the evidence suggests that the subject FPD police officer may have engaged in benefits fraud. Such dishonest behavior reflects discredit upon him as member of the FPD Police Department and CCSO as well as the agencies themselves and constitutes conduct unbecoming of an officer under the rules of both agencies.

Based upon the nature of the violations, we recommended that a significant level of discipline be imposed on the subject FPD police officer similar with other instances of a finding of conduct unbecoming of an officer. We also recommended consideration to potential issues triggered by *Giglio v. United States*, 405 U.S. 83 (1963). If the FPD or the CCSO decides to terminate his employment, we further recommended that the subject FPD police officer be placed on the respective *Ineligible for Rehire Lists.*

The FPD adopted each of our recommendations and terminated the subject FPD police officer and placed him on its *Ineligible for Hire List.* Likewise, the CCSO is moving forward with termination proceedings against the subject employee.

IIG20-0060. This investigation was initiated by the OIIG based on a complaint alleging that a Cook County Assessor's Office ("CCAO") employee and a Cook County Department of Revenue ("CCDOR") employee, engaged in a physical altercation that began in the lobby and continued into an elevator at 118 N. Clark Street on the morning of January 24, 2020. Both employees blamed the other for starting and escalating the incident and each accused the other of using racial slurs. This investigation consisted of witness interviews, a review of police reports, and a review of video from the lobby of 118 N. Clark Street.

The preponderance of the evidence developed in this case supports the conclusion that the CCDOR employee violated Cook County Personnel Rule 8.03(b)(3) by engaging in fighting and disruptive behavior. The CCDOR employee resorted to physical violence against the CCAO employee rather than take other appropriate actions when they bumped into one another. Statements provided by witnesses in the elevator support the CCAO employee's allegations that the CCDOR employee placed her hands on the CCAO employee first by grabbing her hair, which subsequently led to the CCAO employee having her head slammed against the elevator wall by the CCDOR employee. This action was confirmed by an independent witness who does not know either party. Further, one of the CCDOR employee's coworkers advised her not to touch the CCAO employee, but the CCDOR employee rejected that advice.

The video supported much of the CCAO employee's account, along with witness statements provided to the OIIG. Though there is no video of the incident as it unfolded in the elevator, the CCAO employee's claim of having her hair pulled and her head slammed against the elevator wall was supported by the two witnesses on the elevator at the time of the incident.

Though the physical violence in this case is egregious, equally troubling in this investigation were the allegations of racial insults. The CCDOR employee claimed that the CCAO employee used a racial slur in referring to her during the incident. None of the witnesses in this investigation or the Cook County Sheriff reports have corroborated that the CCAO employee made such remarks. However, another witness corroborated that the CCDOR employee used a racial slur in referring to the CCAO employee. The fact that the CCDOR employee alleged that statements were made that were not corroborated by any of the witnesses poses a challenge to her credibility and truthfulness about her description of the encounter. Additionally, the statements provided by the CCDOR employee to the Cook County Sheriff's deputies and her report to the Chicago Police Department do not support her narrative that the CCAO employee attacked her.

Finally, the preponderance of the evidence in this case supports the conclusion that the CCDOR employee also violated the Workplace Violence Policy J(1)(a) Prohibited Conduct which states:

> This policy prohibits any incident of violence that is completed, threatened, or attempted by or against individuals, which takes place in the workplace or that has an impact on the workplace even though it is perpetrated outside of the workplace.

OIIG investigators located an employee acknowledgment form signed by the CCDOR employee on August 27, 2018 that she read and understood the Violence-Free Workplace Policy and the Anti-Violence Policy and that, by signing the acknowledgment, she understood and would comply with the policies and rules. She also acknowledged that failure to comply with these policies may result in disciplinary action, up to and including termination of her employment.

Due to the serious and willful nature of the misconduct, we recommended that the CCDOR employee's employment be terminated and that she be placed on the *Ineligible for Hire List*. The County adopted our recommendations.

Activities Relating to Unlawful Political Discrimination

Political Contact Logs (PCLs)

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 IIG acts within his authority with respect to each Political Contact Log filed. From April 1, 2020 to June 30, 2020, the Office of the Independent Inspector General received one Political Contact Log filing.

Post-SRO Complaint Investigations

Although the final Post-SRO complaint against Cook County was completed in 2019, the OIIG currently has four remaining Post-SRO complaints under investigation that are pending against the Cook County Juvenile Temporary Detention Center.

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

Apart from the above Post-SRO activity, the OIIG has opened three additional UPD inquiries during the last reporting period. The OIIG also continues to assist and work closely with the embedded compliance personnel in the BHR, FPD, CCHHS, Assessor and Recorder by conducting joint investigations where appropriate and supporting the embedded compliance personnel whenever compliance officers need additional manpower to fulfill their duties under their respective employment plans. The OIIG has been providing compliance related support to the BHR following the departure of the former Compliance Officer in August 2019. The newly appointed Cook County Compliance Officer assumed her duties on June 8th and is fully engaged in the duties of Compliance Officer.

Employment Plan – Do Not Hire Lists

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

OIIG Employment Plan Oversight

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

1. Six proposed changes to the Cook County Actively Recruited List;
2. Five proposed changes to the CCH Actively Recruited List;
3. Six proposed changes to the CCH Direct Appointment List; and
4. The hiring of five CCH Direct Appointments.

Monitoring

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

Conclusion

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

cc: Hon. Dorothy Brown, Clerk of Circuit Court
Hon. Michael M. Cabonargi, Board of Review
Hon. Thomas Dart, Sheriff
Hon. Timothy C. Evans, Chief Judge
Hon. Kimberly M. Foxx, States Attorney
Hon. Fritz Kaegi, Cook County Assessor
Hon. Edward M. Moody, Recorder of Deeds
Hon. Maria Pappas, Treasurer
Hon. Dan Patlak, Board of Review
Hon. Larry R. Rogers, Jr., Board of Review
Hon. Karen A. Yarbrough, Cook County Clerk
Ms. Lanetta Haynes Turner, Chief of Staff
Ms. Laura Lechowicz Felicione, Special Legal Counsel to the President
Ms. Debra Carey, Interim Chief Executive Officer, Health and Hospitals System
Mr. Jeffrey McCutchan, General Counsel, Health and Hospitals System
Ms. Deborah J. Fortier, Assistant General Counsel, Health and Hospital System
Mr. Arnold Randall, General Superintendent, Forest Preserve District
Ms. Eileen Figel, Deputy General Superintendent, Forest Preserve District
Mr. N. Keith Chambers, Executive Director, Board of Ethics