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
1st Quarter 2023

April 14, 2023

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OFFICE OF THE INDEPENDENT INSPECTOR GENERAL
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April 14, 2023

Transmittal 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 (1st Qtr. 2023)

Dear President Preckwinkle and Members of the Board of Commissioners:

This report is written in accordance with Section 2-287 of the Independent Inspector General Ordinance, Cook County, Ill., Ordinances 07-O-52 (2007), to apprise you of the activities of this office during the time period beginning January 1, 2023 through March 31, 2023.

OIIG Complaints

The Office of the Independent Inspector General (OIIG) received a total of 268 complaints during this reporting period.[1] Please be aware that 12 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, 81 OIIG case inquiries have been initiated during this reporting period while a total of 234 OIIG case inquiries remain pending at the present time. There have been 50 matters referred to management or other enforcement or prosecutorial agencies for further consideration. The OIIG currently has a total of 22 matters under investigation. The number of open investigations beyond 180 days of the issuance of this report is 9 due to various issues including the nature of the investigation, availability of resources and prosecutorial considerations.

New Summary Reports

During the 1st Quarter of 2023, the OIIG issued 11 summary reports. The following provides a general description of each matter and states whether OIIG recommendations for

[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.

remediation or discipline have been adopted. Specific identifying information is being withheld in accordance with the OIIG Ordinance where appropriate.[2]

IIG21-0762 – Forest Preserves. This matter is based on a complaint that a Regional Superintendent in the Forest Preserves (FP) racially discriminated against minority seasonal employees by giving them unfavorable evaluations and failing to recommend minorities for rehire for future seasons.

The OIIG conducted interviews with Employee A, a former District Superintendent, an Assistant Deputy Superintendent, the subject Regional Superintendent, the former Deputy Director and a Human Resources Director (HR Director). The OIIG also reviewed seasonal evaluation forms, Interview Panel and Ranking forms, and Employee B's and Employee C's timesheet detail reports and personnel files. The OIIG also reviewed the FP's Employment Plan as it relates to policies on Equal Employment as well as the FP's Non-Discrimination Policy.

The preponderance of the evidence developed during the course of this investigation fails to support the conclusion that the Regional Superintendent violated the Forest Preserves Non-Discrimination Policy 06.30.00 by racially discriminating against minority seasonal employees during the 2021 season.[3] There was no indication that race was a consideration in management's decision not to recommend certain minority seasonal employees for rehire. There was evidence that two seasonal workers, one white and one African American, were promoted to full-time positions despite violating the attendance policy; however, lack of communication in the hiring process allowed that to happen, not any decision based on race.

Although there are some variations in the accounts given as to who made the determination regarding how the evaluations were to be completed, it is clear that the former District Superintendent, the Regional Superintendent and the former Deputy Director knew that there were some concerns and ambiguity on how to address Employee B's and Employee C's evaluations. However, the HR Department was not contacted. The decision to not check the "no" box on the recommended for rehire section for these two employees may have been due to the former District Superintendent choosing to not follow the policy due to the lack of agreement with the policy, fear that following the policy would somehow damage the seasonal employees in their new full-time positions or favoritism based on having worked with one of the employee's relatives (although this last possibility was specifically denied). Again, the preponderance of the evidence does not indicate race was a factor.

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[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.

[3] The Forest Preserves Non-Discrimination Policy provides: "The Forest Preserve District of Cook County (*the "District"*) is an equal opportunity employer and the District does not discriminate on the basis of a person's race, color, sex, age, religion, disability, national origin, ancestry, sexual orientation, marital status, parental status, military discharge status, source of income, housing status, or gender identity."

At the very least, the evidence shows that there was a lack of understanding from upper-level management on how to properly fill out the seasonal evaluation forms for employees who were having performance issues while working as seasonal employees and at the same time were in the process of attaining full-time employment with the FP.

Based on the facts gathered during this investigation, the OIIG made the following recommendations:

1. The FP should amend its Employment Plan to provide that if a seasonal employee makes the Eligibility List as candidate for an FP position, before any conditional offer of employment is made, the HR Department shall confirm with the Department Head of the seasonal employee that the seasonal employee is currently eligible for rehire. The Employment Plan amendment should further provide that if the seasonal employee would not be eligible for rehire, then the seasonal employee shall be removed from the Eligibility List.

2. The FP should provide additional training to ensure all Divisions are uniformly and consistently filling out the seasonal evaluation forms and submitting said forms to HR in a timely manner.

This report was issued February 27, 2023, and the FP adopted both recommendations.

IIG22-0120 – Comptroller. The OIIG conducted a review for dual employment compliance of Cook County employees who applied for federal Small Business Administration ("SBA") Paycheck Protection Program loans ("PPP loan")[4] to determine whether information submitted by County employees for the PPP Loans was consistent with Cook County records and/or in violation of any County Personnel Rules. Based on this review, it was discovered that a Comptroller employee sought three PPP loans, two of which were approved in an amount totaling $49,967, wherein she disclosed being the "Sole Proprietor" of a business. The OIIG conducted an investigation to determine if the subject employee informed her County employer that she was engaging in secondary employment as required by Cook County Personnel Rules. During the OIIG's investigation, it was further discovered that the subject employee had also obtained $6,000 in cash benefits through the SBA Covid-19 Economic Impact Disaster Loan ("EIDL") program.

[4] The CARES Act is a federal law enacted on March 29, 2020 to provide emergency financial assistance in connection with economic effects of the COVID-19 pandemic. One source of relief provided by the CARES Act was the authorization of up to $349 billion in forgivable loans to small businesses for job retention and certain other expenses, through the PPP. The PPP allows qualifying small businesses and other organizations to receive loans with a maturity of two years and an interest rate of 1%. PPP loan proceeds must be used by businesses on payroll costs, interest on mortgages, rent, and utilities. The PPP allows the interest and principal on the PPP loan to be forgiven if the business spends the loan proceeds on these expense items within a designated period of time after receiving the proceeds and uses at least a certain percentage of the PPP loan proceeds on payroll expenses.

The EIDL was another program through the SBA intended to help struggling businesses during the Covid-19 pandemic.[5]

This investigation consisted of a review of the subject employee's County personnel file, public and subpoenaed federal Small Business Administration PPP loan and EIDL records, and bank records, an Illinois Secretary of State Corporation/LLC search, a document request to the employee, and interviews of the employee and her accountant.

The preponderance of evidence in this investigation supports the conclusion that the subject employee violated Cook County Personnel Rule 8.2(b)(36) – Conduct Unbecoming. The records obtained in this investigation and the subject employee's statements during her OIIG interview prove that she provided false and misleading information about owning a catering business and the revenue the business generated to obtain federal PPP loans. Moreover, the OIIG found that the employee also provided false information about owning a catering business through another federal program administered by the SBA intended to help struggling businesses during the pandemic. The subject employee had made several contradictory representations on her EIDL applications to obtain additional cash benefits through that program. After fraudulently obtaining the various loan funds, the subject employee then improperly spent those funds on personal expenses such as multiple purchases of airfare, hotel bookings, home improvement items, fine dining, furniture, cash withdrawals, a large credit card payment, and dozens of purchases at Amazon. Committing financial fraud directed at the federal government tarnishes the subject employee's reputation and brings discredit to the County as it can erode the public's trust in Cook County government, the Comptroller's Office, and their employees. This is especially true in this case considering that the subject employee is employed by an office of County government that handles payroll and other financial matters on behalf of the County and its elected officials.

The preponderance of evidence in this investigation also supports the conclusion that the subject employee violated Cook County Code Section 2-285(a) for failing to cooperate with an official OIIG investigation. Section 2-285(a) states in part, "It shall be unlawful for any person subject to this Section to refuse to cooperate with the Independent Inspector General as required by this Section." The subject employee was advised in writing of this duty and the consequences for failing to comply with it but still failed to provide documents in response to the OIIG's official request. The most reasonable conclusion to be drawn from her refusal to produce the requested documents is that they either did not exist and she created a false Schedule C tax document to submit with her PPP loan applications or that the documents would contradict the information she provided to the OIIG and the federal government.

The subject employee's violation of County Code Section 2-285(a) (which is part of the County's Office of the Independent Inspector General Ordinance) also constitutes a violation of

[5] In response to COVID-19, small business owners, including agricultural businesses, and nonprofit organizations in all U.S. states, Washington D.C., and territories were able to apply for the COVID-19 Economic Injury Disaster Loan (EIDL). Proceeds are to be used as working capital to make regular payments for operating expenses, including payroll, rent/mortgage, utilities, and other ordinary business expenses, and to pay business debt incurred at any time.

Cook County Personnel Rule 8.2(b)(33). That Personnel Rule prohibits violating any ordinance enacted by the Cook County Board.

Further, the preponderance of the evidence developed in this investigation supports the conclusion that the subject employee violated Cook County Personnel Rule 8.2(b)(18) – Falsification of Employment Records. When the OIIG made its initial request for dual employment records for the subject employee from the Comptroller's office, it was advised that no such records were on file. However, in July 2022, the subject employee submitted an updated dual employment form to the Comptroller's office purporting that she was employed by Company A, a business that the OIIG found to be fictitious based on evidence developed during this investigation and that was only used for the purposes of the subject employee securing federal PPP loans and an EIDL.

Based on the serious nature of the misconduct at issue and the subject employee's sensitive placement in government, we recommended that the subject employee's employment be terminated both for engaging in conduct unbecoming a County employee and separately and independently for refusing to cooperate with an OIIG investigation. We also recommended that the subject employee be placed on the *Ineligible for Rehire List*.

This report was issued March 1, 2023. The Comptroller's response is not yet due, but we have been notified that disciplinary action has been initiated against the subject employee.

IIG22-0130 – Board of Review. The OIIG conducted a review for dual employment compliance of Cook County employees who applied for federal Small Business Administration Paycheck Protection Program loans ("PPP loan") to determine whether information submitted by County employees for the PPP loans was consistent with Cook County records and/or in violation of any County Personnel Rules. Based on this review, it was discovered that a Board of Review (BOR) employee sought a federal PPP loan totaling $20,832 in which she disclosed being the "Sole Proprietor" of a business. The OIIG conducted an investigation to determine if the BOR employee informed her County employer that she was engaging in secondary employment as required by Cook County Personnel Rules.

This investigation consisted of a review of the BOR employee's personnel file and public and subpoenaed federal Small Business Administration PPP loan records, a U.S. Bankruptcy petition, a public LinkedIn profile, Illinois Secretary of State Corporation/LLC records, and Illinois Department of Financial and Professional Regulation records, as well as a request for documents from the BOR employee, a business license inquiry with a suburban municipality, and an interview of the subject BOR employee.

The preponderance of evidence developed in this investigation supports the conclusion that the subject BOR employee violated Cook County Personnel Rule 8.2(b)(36) – Conduct Unbecoming. During her OIIG interview, the BOR employee admitted that she reviewed and signed a federal PPP loan application falsely stating that she had earned revenue from her hairstylist business in the amount of $176,042 in 2019. The OIIG investigation and the BOR

employee's own statements to the OIIG revealed no evidence to support the claims made by the BOR employee on her federal PPP loan application. The BOR employee's statements to the OIIG that her business was no longer in operation in early 2020 is a direct contradiction to a condition of the PPP loan that she signed when applying. The signed affirmation states in part, "The applicant was in operation on February 15, 2020, [and] has not permanently closed ...." Further, the PPP funds the BOR employee applied for and received were obtained under the pretense that she was going to use those funds to support an operational business; however, the BOR employee's own statements confirmed she used those funds to pay personal expenses which included her mortgage and other bills.

Moreover, when the OIIG reviewed a bankruptcy petition filed by the BOR employee in 2019, the same year she claimed to have earned revenues of over $176,000, she failed to disclose this significant and relevant fact to the bankruptcy court. When questioned why she had not disclosed that significant amount of income to the bankruptcy court, the BOR employee declined to answer. Committing financial fraud directed at the federal government tarnishes the BOR employee's reputation and brings discredit to the County as it can erode the public's trust in Cook County government, the Board of Review, and their employees. This is especially true in this case, considering that the BOR employee is employed by an office of County government that handles property tax matters on behalf of Cook County residents.

The preponderance of evidence in this investigation also supports the conclusion that the BOR employee violated Cook County Code Section 2-285(a) for failing to cooperate with an official OIIG investigation. Section 2-285(a) states in part, "It shall be unlawful for any person subject to this Section to refuse to cooperate with the Independent Inspector General as required by this Section." The subject employee was advised in writing of this duty and the consequences for failing to comply with it but still failed to provide documents in response to the OIIG's official request. The most reasonable conclusion to be drawn from her refusal to produce the documents requested is that they either did not exist and she created a false Schedule C tax document to submit with her PPP loan application or that the documents would contradict information she provided to the OIIG and the federal government.

The subject employee's violation of the County Code Section 2-285(a) (which is part of the County's Office of the Independent Inspector General Ordinance) also constitutes a violation of Cook County Personnel Rule 8.2(b)(33). That Personnel Rule prohibits violating any ordinance enacted by the Cook County Board.

The preponderance of evidence developed in this investigation also supports the conclusion that the BOR employee violated Cook County Personnel Rule 13.2(b) – Report of Dual Employment. This rule states that any employee engaged in any gainful employment must execute a dual employment form. Statements made by the BOR employee during her OIIG interview show that while the subject employee may not have had a hairstylist business that generated the greatly overstated revenues listed on her PPP loan application, she admitted to running a hairstylist business for compensation since 2016 which should have been reported to the County.

Based on the serious nature of the misconduct at issue and the subject BOR employee's sensitive placement in government, we recommended that the subject BOR employee's employment be terminated both for engaging in conduct unbecoming a County employee and separately and independently for refusing to cooperate with an OIIG investigation.

This report was issued February 14, 2023, and the BOR adopted our recommendation for termination of the subject employee's employment with BOR.

IIG22-0306 – Assessor's Office. This matter involved a Post-SRO Complaint filed by a Cook County Assessor's Office (CCAO) employee pursuant to the Supplemental Relief Order ("SRO") entered in connection with the *Shakman v. Cook County Assessor*, 69 C 2145 (N.D. Ill.) litigation. The complaint alleged that certain current and former CCAO management officials were involved in editing specific job descriptions to give predetermined candidates an advantage which consequently placed complainant at a disadvantage. Complainant also alleged that she was being harassed and retaliated against by her supervisor.

Complainant asserted that two specific job descriptions were altered in a way that put her at a disadvantage. The preponderance of the evidence developed during the course of this investigation failed to disclose the presence of political factors in connection with the drafting or posting of the Assistant Manager of Residential Field or the Residential Senior Field positions. In relation to the Assistant Manager of Residential Field position, complainant asserted that the minimum qualification of a bachelor's degree without an alternative "cut-out" for current Assessor employees with significant experience was purposefully done to disqualify her from the position and crafted to give an advantage to other candidates. However, the evidence shows that the Assistant Manager of Residential Field was a new job description that was posted for the first time in 2020. The minimum qualifications for this position were directly in line with other Assistant Manager positions within the CCAO office at the time including the Assistant Manager of Commercial Field and the Assistant Manager of Valuations positions. Not only did all interested CCAO employees (human resources, department head, compliance officer, deputy assessor) have to come to a consensus concerning the final version of the job description, the Assessor's *Shakman* Compliance Administrator also viewed and had the opportunity to suggest edits to the job description. Considering all the various people analyzing this job description before it was posted as well as the interview process being monitored from beginning to end, the OIIG determined that the complainant's lack of a bachelor's degree was not a factor in requiring a bachelor's degree as a minimum qualification.[6]

As it relates to the Residential Senior Field position, the complainant alleged that Assessor employees edited the position to include a bachelor's degree as a preferred qualification to put her

[6] The selection meeting notes for the Assistant Manager position indicate that there was nothing other than prior experience and quality of the answers provided by candidates that were considered in the selection of the Assistant Manager positions. There is no evidence that any political factors were considered in the decision of the candidates. In addition, a *Shakman* monitor was present at the selection meeting.

at a disadvantage and to give certain employees, who were friends of certain management employees, an advantage. However, for this position there were no preferred qualifications. There was an alternative set of minimum qualifications, which the complainant met. The complainant did apply and was interviewed for the position. Although the complainant was high on the selection list for the position, the two positions went to other candidates. The selection meeting notes reviewed by this office indicate that there was significant consideration given to the amount of detail offered by the candidates to the questions presented during the interview. There was no discussion surrounding anyone having, or not having, a bachelor's degree. There was also no discussion regarding any of the panelist's personal relationship with any of the candidates.

In regard to the complainant's interim pay for the Residential Senior Field position, the CCAO based the promotional pay rate according to its interpretation of the CBA and the Cook County personnel rules. The OIIG determines that no political factors were considered in relation to the complainant's interim pay rate.

In determining whether impermissible political factors or retaliation were considered in an employment decision, this office relies on First Amendment case law for guidance. To make a *prima facie* claim for a First Amendment violation, an individual must present evidence that (1) the speech is constitutionally protected; (2) the individual suffered a deprivation likely to deter free speech and (3) her speech caused the employer's action. *Gunville v. Walker,* 583 F.3d 979, 983 (7th Cir. 2009). Subsequent to the Supreme Court's ruling in *Gross v. FBL Financial Services Inc.,* 557 U.S. 167 (2009), an impacted individual must demonstrate that protected conduct was the but-for cause of the adverse employment action. If an individual can make a prima facie claim, the burden shifts to the employer to show that there was a legitimate, non-political reason for the employment decision. *Zerante v. Deluca*, 555 F.3d 582, 584 (7th Cir. 2009).

The complainant alleged that a management employee retaliated against her after she filed a complaint against her to the *Shakman* Compliance monitor and that she continues to harass her.[7] According to the complainant's personnel file, the complainant received a counseling in 2020, but an overall good evaluation for the year of 2020. The complainant also received a verbal reprimand on August 25, 2021 for insubordination. Although the supervisor is listed as the supervisor on the disciplinary form, this infraction was reported by someone else. The supervisor was required to facilitate the discipline only because she was the complainant's direct supervisor. The complainant believes that the August 2021 discipline was used against her in the determination of who received the Residential Senior Field Inspector position. However, the hiring decision on the Residential Senior Field positions was made on June 13, 2021, which predated the incident which led to the complainant's second discipline. There is no evidence that any political factors were involved in the selection of the Residential Senior Field Inspector positions. The complainant states that her supervisor also harasses her by calling and checking on what she is doing. However, a supervisor's

[7] The complainant sent an email complaining about the harassment she was enduring by the hands of her "politically favored supervisor" to the *Shakman* Compliance officer on October 29, 2020. There is no evidence that supervisor was informed about this email, and she denies knowing about any official complaint being filed against her by the complainant.

duties include keeping up-to-date on the status of a subordinate's work. Therefore, this office concludes that the complainant's complaints against her supervisor are more appropriately characterized as personality conflicts as opposed to unlawful political discrimination.

For the reasons outlined above, this office concluded that no political factors were involved in any of the alleged employment decisions made with respect to the complainant.

IIG22-0486 – Bureau of Technology. This investigation was based on a complaint alleging that a Bureau of Technology (BOT) Telecommunications Electrician (BOT Electrician) was observed multiple times at his residence during his regularly scheduled workday. It was further alleged that BOT Electrician consistently concealed his county vehicle around his neighborhood to give the appearance he went to work. The OIIG's investigation consisted of a review of the subject BOT Electrician's Cook County Time (CCT) records and Global Positioning System (GPS) records and interviews of other BOT Telecommunication employees.

Cook County Time and Attendance Policy

Section VII requires Cook County employees "to report to work as scheduled, on time and prepared to work, in accordance with their Standard Work Schedule." The policy further states all employees must comply with a Supervisor's directive "to be present at work during the County's standard work hours, as necessary to perform the employee's duties."

Section VII(A)(2)(d) allows employees to be "assigned access to either the Time Clock, IVR Clock (phone clock), or Web Clock use categories where Supervisors and Department Heads deem such access necessary due to an employee's job responsibilities, alternative work location, or where circumstances require such access from time to time."

Cook County Vehicle Policy

Sec. 2-673(k)(1) *Take-home assignment*. "A County vehicle other than a passenger vehicle may be assigned to employees in a service, management or supervisory position on call 24 hours a day, responsible for providing or supporting emergency services. A county passenger vehicle may be assigned to an employee as a take-home vehicle only where the employee travels frequently after-hours on behalf of the County, and it is less expensive to assign a take-home vehicle rather than reimburse the employee for use of a personal vehicle. There is a strong presumption against any take-home passenger vehicle assignments."

Sec. 2-673(k)(3) *Pool assignment*. "Pool vehicles are to be assigned on a periodic basis to individuals when the County work assignment requires a vehicle in order to properly conduct County business. A vehicle disclosure form and daily log shall be used and remain on file in the Department for all pool vehicles which are taken home overnight."

Sec. 2-673(k)(3)(b)(1) states "County employees, with the prior permission of their Department Head, may use their private vehicle to conduct official County business. Department Heads shall only approve the use of private vehicles for County business when it is in the best interest of the County to do so."

CCT Records and GPS Records

Based on the complaint, the OIIG compared the subject BOT Electrician's CCT entries with his GPS tracking records for the relevant four-month period. During this period, the BOT Electrician worked 68 days with a total of 136 time entries. He entered the majority of his time (86%) by phone. He entered approximately 9% of his time at a Time Clock Station near his home where he was not assigned to work.

According to the records, for the days the BOT Electrician used his County vehicle for work, he clocked in 99% of the time before arriving at his worksite and clocked out 86% of the time after leaving his worksite. Additionally, the records show he was clocked in at home for approximately 22 hours, or 2.75 workdays, before his County vehicle moved, and his County vehicle was parked for approximately 26 hours, or 3.25 workdays, before he clocked out. A more detailed breakdown is below. (Google Maps estimates the BOT Electrician's average commute time as 38-40 minutes to work and 40-75 minutes from work.)

Clocked In	Number of Days	Percentage of the 68 workdays
Prior to Leaving Residence via phone	32	47%
0-15 minutes After Left Residence via phone	11	16%
16-30 minutes After Left Residence via phone	1	1%
31-90 minutes After Left Residence via phone	1	1%
Time Clock Station near home (not assigned work location)	7	10%
Assigned Time Clock Station	1	1%
Total Clock Ins Prior to Arriving at a Worksite	51	75%

Clocked Out	Number of Days	Percentage of the 68 workdays
After Arriving at Residence via phone	15	22%
0-15 minutes Before Arrived at Residence via phone	12	18%
16-30 minutes Before Arrived at Residence via phone	11	16%
31-90 minutes Before Arrived at Residence via phone	7	10%
Time Clock Station near home (not assigned work location)	6	9%
Assigned Time Clock Station	1	1%
Total Clock Outs After Leaving a Worksite	44	65%

	Number of Days	Percentage of the 68 workdays
Clocked In/Out while County vehicle Remained Inactive	16	24%

The OIIG reviewed the BOT Electrician's time entries after the first OIIG interview of Telecommunications employees and noticed a significant change in pattern. The BOT Electrician went from entering a majority of his time via phone to entering a majority of his time (87%) via a Time Clock Station. However, the BOT Electrician continued to enter approximately 9% of his time at the Time Clock Station near his home where he was never assigned.

The preponderance of the evidence developed in this investigation supports the conclusion that the BOT Electrician violated Personnel Rule 8.2(b)(15)(b) by falsifying his time records. In his interview, the BOT Electrician admitted he violated this policy by clocking in and out at various locations within Cook County rather than at his worksite. While the BOT Electrician admitted he clocks in from home in the morning on rare occasions, his CCT records combined with his County vehicle's GPS records show he consistently entered his time either from his home or during his commute to work.

The preponderance of the evidence developed in this investigation also supports the conclusion that the BOT Electrician violated Personnel Rule 8.2(b)(21) when he used his personal vehicle for County business. The BOT Electrician admitted he chooses, without permission, to use his personal vehicle for work when it is convenient for his schedule. His CCT records combined with his County vehicle's GPS records show he did not use his County vehicle 24% of the time during the subject period. The records also show the BOT Electrician did not respond to any after-hours emergency calls during the four-month period.

Based on the foregoing, we recommended:

1. That a suspension of at least 3 days be imposed on the subject BOT Electrician for falsifying his time and other infractions noted above. We made this recommendation due to the serious nature of such infractions and aggravating factors including the BOT Electrician's admission that he has engaged in the conduct at issue for several years.

2. That the subject BOT Electrician no longer be assigned a take-home vehicle considering he admitted that he rarely works outside of his regular schedule and that the evidence shows the BOT Electrician did not use his County vehicle after-hours at all during the subject period.

3. That BOT require all Telecommunications Electricians to enter their time via a Time Clock Station located at their assigned worksite for that day.

4. That the Telecommunications Foremen request CCT time audit reports from electrician timekeepers on a quarterly basis to confirm employees are adhering to the time and attendance policy.

5. That BOT reevaluate take-home vehicle assignments to determine whether any other electricians should no longer be assigned such vehicles due to lack of usage for after-hours calls as in the case of the subject BOT Electrician.

This report was issued March 10, 2023, and the response is not yet due. However, BOT has initiated disciplinary proceedings against the subject BOT Electrician.

IIG22-0554 – Cook County Health. This investigation was initiated based on a complaint alleging that CCH, through a contractor ("Contractor"), hired Employee A as a Dietetic Service Director in violation of the Illinois Department of Public Health (IDPH) Administrative Code. The IDPH code allegedly requires the position be filled by a registered dietitian, or, in the alternative, requires the Hospital to have a registered dietitian on staff (or as a consultant), in addition to documenting legitimate reasons as to why the position was not filled with a registered dietitian.

This investigation consisted of a review of the IDPH Administrative Code and interviews with the subject Contractor's Regional Director of Operations ("Regional Director"), a Senior Assistant General Counsel for The Joint Commission ("Senior Assistant General Counsel"), CCH's Chief Compliance and Privacy Officer ("CCO"), and CCH's Executive Director of Operations and Support Services ("Executive Director").

Section 250.1610 of the IDPH Administrative Code outlines the requirements for dietary departments in hospitals and ambulatory care facilities. Section 250.1610(a) states that the dietary department "shall be an organized department of dietetics" which shall have "a well defined plan of operation designed to meet the needs of the patients whether the services are centralized, decentralized or provided under contractual agreement." Subsection (b) provides that "[t]he dietetic department shall be directed by a full-time person who is qualified by dietetic and food service management training and experience, *preferably a registered dietitian*." (Emphasis added.) Section (c) provides, in pertinent part, that "[w]hen the full-time dietetic service director *for legitimate, documented reasons*, is not a qualified registered dietitian or qualified nutritionist, the hospital shall employ a qualified registered dietitian on a part-time (minimum of 20 hours per week) or on a consulting basis." (Emphasis added.)

The preponderance of the evidence gathered during this investigation supports the conclusion that the subject Contractor was negligent in the performance of its contractual duties by failing to adhere to all of the requirements in the IDPH regulations as set forth above when Employee A was hired. Specifically, the Contractor failed to document legitimate reasons for hiring Employee A, who is not a registered dietitian nor a qualified nutritionist, over other applicants, one of whom was a registered dietitian, at the time of the hiring decision. This failure to document revealed that the Contractor was not considering the IDPH regulations but was relying

solely on The Joint Commission standards which do not cover all of the separate IDPH requirements. The Contractor's failure to follow IDPH regulations led not only to the problem at issue in this matter but also on a larger scale could have consequences in other hiring decisions as well. As a result of the investigation by the OIIG, CCH recognized that the Contractor was not compliant with IDPH standards in the hiring of Employee A. CCH addressed this issue with the Contractor and instructed the Contractor to follow IDPH requirements going forward.

Based on the above findings and conclusions, we recommended the following:

1. CCH take steps to confirm that the subject Contractor reviews IDPH rules and regulations in its vetting of candidates for all CCH job openings (not just Employee A's vacancy) to ensure IDPH compliance.

2. CCH take steps to ensure its contract managers are supervising the contracts they oversee to maintain compliance, particularly with IDPH regulations.

This report was issued March 7, 2023, and the response is not yet due.

IIG22-0658 – Cook County Health. The OIIG received a complaint alleging that a CCH employee left before her scheduled shift ended on numerous occasions and failed to clock out to avoid detection. During its investigation, the OIIG reviewed Cook County Time (CCT) System records, CCH Human Resource policies, and CCH personnel rules. The OIIG also interviewed CCH employees, including the subject employee and her supervisor.

The preponderance of evidence developed during the course of this investigation revealed that the subject CCH employee violated CCH timekeeping policies. A CCT Timesheet Audit Report revealed that on fifteen occasions during a period of approximately four months the subject employee failed to clock out at the end of her work shift when assigned to an alternate worksite. When interviewed by the OIIG, the subject employee acknowledged that she did not clock out on the days she worked at the alternate worksite and did not complete a Payroll Approval of Non-Punch Hours Form.

The preponderance of the evidence developed during the course of this investigation also revealed that the subject employee and her supervisor violated Rules of Conduct 8.03(c)(10)(b) – Misuse of timekeeping facilities or records by altering or falsifying timesheets, timecards, or other records. A review of the CCT Timesheets revealed that on the days the subject employee admitted to leaving work at approximately 3:00 p.m., her time was manually inserted to reflect that she ended her shift at 3:30 p.m. When interviewed by the OIIG, the subject employee's supervisor stated she authorized the employee to leave work 30 minutes early on days that she worked at the alternate worksite because the employee encountered additional commuting time when assigned there. On those days, the supervisor admitted that she manually adjusted the employee's time in the CCT system to reflect her end of the workday as 3:30 p.m. instead of the time she actually left work. During her OIIG interview, the subject employee admitted to leaving work between 3:00

p.m. and 3:15 p.m. on the days in question, but stated her time was manually entered by her supervisor to reflect she departed at 3:30 p.m. Other CCH employees confirmed that they observed the subject leave early on the days in question.

Based on the foregoing, we made the following recommendations:

1. That the subject employee and her supervisor receive discipline consistent with prior similar cases for violating the CCH time and attendance policy and rules of conduct.

2. That the subject supervisor receive additional training regarding the time and attendance policy, in addition to the duties and responsibilities of supervisors and managers when entering and approving entries into CCT.

This report was issued February 22, 2023. The 45-day response period ended on April 8, 2023, but CCH's response is not yet due as CCH requested a 30-day extension as permitted by the OIIG Ordinance.

IIG22-0871 – Facilities Management. The OIIG conducted a review for dual employment compliance of Cook County employees who applied for federal Small Business Administration Paycheck Protection Program loans ("PPP loan") to determine whether information submitted by County employees for the PPP Loans was consistent with Cook County records and/or in violation of any County Personnel Rules. Based on this review, it was discovered that a Facilities Management employee sought two PPP loans totaling $32,498 wherein he disclosed being the "Sole Proprietor" of a business. The OIIG conducted an investigation to determine if the subject employee informed his County employer that he was engaging in secondary employment as required by Cook County Personnel Rules.

This investigation consisted of a review of the subject employee's County personnel file, public and subpoenaed federal Small Business Administration PPP loan records, and CCT Time records, an Illinois Secretary of State Corporation/LLC search, and an interview of the subject employee.

The preponderance of evidence developed in this investigation supports the conclusion that the subject employee violated Cook County Personnel Rule 8.2(b)(36) – Conduct Unbecoming. The evidence gathered during this investigation, including the subject employee's statements to OIIG investigators, shows that the subject employee engaged in fraud by falsely claiming on two federal PPP loan applications that he owned a gardening business wherein he earned gross receipts of $82,000 in 2019. When the subject employee received the $32,498 in PPP funds, he admitted to spending all that money on personal expenses, including paying his rent, his car loan, and other personal expenses, none of which were related to a business. Committing financial fraud directed at the federal government tarnishes the subject employee's reputation and brings discredit to the County as it can erode the public's trust in Cook County government, Facilities Management, and their employees. This is especially true in this case considering that some of the subject employee's

conduct in fraudulently obtaining the loans occurred while he was on County time and, in at least one instance, while using a county computer.

The preponderance of evidence developed in this investigation supports the conclusion that the subject employee violated Cook County Personnel Rule 8.2(b)(32) – Unauthorized use of County Technology. Using any IT or County instrumentality for unauthorized purposes violates County Personnel Rules and also violates Cook County Ethics Ordinance Section 2-576 – County Owned Property. During its investigation, the OIIG obtained metadata that proved that, in at least one instance, the subject employee used a County computer to establish his PPP loan account while he was clocked in for work. The subject employee's statements to investigators further suggest that it was a computer to which he admittedly had access at his assigned work location.

Based on the serious nature of the misconduct at issue, we recommended that the subject employee's employment be terminated and that he be placed on the *Ineligible for Rehire List*. Aggravating factors considered in making this recommendation included the fact that the subject employee committed fraud against the federal government while on County time and while using County resources.

This report was issued March 17, 2023. The County adopted our recommendations, and the subject employee resigned after receiving notice that disciplinary proceedings had been initiated.

IIG22-0885 – Public Defender. The OIIG conducted a review for dual employment compliance of Cook County employees who applied for federal Small Business Administration Paycheck Protection Program loans ("PPP loan") to determine whether information submitted by County employees for the PPP loans was consistent with Cook County records and/or in violation of any County Personnel Rules. Based on this review, it was discovered that a Public Defender (PD) employee sought a federal PPP loan totaling $20,000 wherein she disclosed being the "Sole Proprietor" of a business. The OIIG conducted an investigation to determine if the subject PD employee informed her County employer that she was engaging in secondary employment as required by Cook County Personnel Rules. During the OIIG's investigation, it was further discovered that the subject PD employee had also obtained $10,000 in cash benefits through the U.S. Small Business Administration's ("SBA") Covid-19 Economic Impact Disaster Loan ("EIDL") program. The EIDL was another program through the SBA intended to help struggling businesses during the Covid-19 pandemic.

This investigation consisted of a review of the subject PD employee's County personnel file, public and subpoenaed federal SBA PPP loan and EIDL records, Cook County Time (CCT) records, an Illinois Secretary of State Corporation/LLC search, a search of the Illinois Department of Financial and Professional Regulation (IDFPR) records, and an interview of the subject PD employee.

The preponderance of evidence developed in this investigation supports the conclusion that the subject PD employee violated Cook County Personnel Rule 8.2(b)(36) – Conduct Unbecoming. The records obtained in this investigation and the subject employee's statements during her OIIG interview prove that she provided false and misleading information about owning a real estate business and the revenue the business generated to obtain a federal PPP loan for $20,000. Moreover, the subject PD employee further admitted that she fraudulently obtained an EIDL for $10,000. The subject PD employee admitted that, after fraudulently obtaining the $30,000 in loans, she improperly spent those funds to purchase a personal vehicle, pay her personal rent, pay personal credit card bills, and pay for other personal expenses not related to any business listed on her loan applications. Committing financial fraud directed at the federal government tarnishes the subject employee's reputation and brings discredit to the County as it can erode the public's trust in Cook County government, the Public Defender's Office, and their employees. This is especially true in this case considering that the subject PD employee is employed by an office of County government that requires a high level of ethics and integrity as well as trust by the residents of Cook County. Furthermore, some of the subject employee's fraudulent conduct regarding at least one of the loans occurred while she was on County time.

The preponderance of evidence developed in this investigation also supports the conclusion that the subject PD employee violated Cook County Personnel Rule 13.2(b) – Report of Dual Employment. This rule states that any person who, after entering County service as an employee, becomes engaged in any gainful employment must execute a dual employment form. Evidence obtained during this investigation and statements made by the subject PD employee shows that she has been engaging in outside employment (although not in a real estate business as falsely claimed on her loan applications) since starting her job with the Public Defender. Moreover, she acknowledged that she is aware of the requirement to disclose her dual employment to the County, yet to date has failed to report her outside employment as required.

Based on the serious nature of the misconduct and the subject employee's sensitive placement in government, we recommended that the subject employee's employment be terminated and that she be placed on the *Ineligible for Rehire List*. Aggravating factors considered in making this recommendation included the fact that the subject employee committed fraud against the federal government while on County time.

This report was issued March 23, 2023, and the Public Defender's Office adopted our recommendations. The subject employee resigned after disciplinary proceedings were initiated.

IIG22-0929 – Department of Human Rights and Ethics. This investigation was initiated based on a complaint alleging that the Director of the Department of Human Rights and Ethics ("DHRE") fired Employee A in retaliation for Employee A making a complaint with the OIIG. This investigation consisted of a review of internal communications of DHRE staff, interviews of other DHRE Employees including Employees A, B, and E, and the DHRE Director ("Director"), and a review of applicable Cook County Time and Attendance Policies and Personnel Rules.

Interview of DHRE Employee A

Employee A stated she believes that she was fired in retaliation for making a complaint to the OIIG the month proceeding her termination. Employee A stated that on December 5, 2022 she sent the following email entitled "Stress Leave" to the DHRE Deputy Director at 8:07 a.m. on December 5:

> Dear [Deputy Director],
>
> I am requesting to exhaust all hours (sick, personal, holiday, and vacation) for a total usage of eighty-hours for the next 10 days. My request is to also be without pay for the hours not covered…Thank you for prompt attention to this matter and I will not be available until December 19, 2022.

Employee A provided the OIIG with her initial email as well as the email response that followed. At 2:22 p.m. on December 5, the DHRE Legal Counsel responded to Employee A as follows, copying the Deputy Director as well as the Director:

> Hi [Employee A],
>
> I have attached the Time and Leave Policy to this email. The correct method to request time off is through the CCT. Please see pages 4-6 of this policy…. Due to the points above, this is currently an unapproved leave.

Employee A stated she did not see Legal Counsel's response until the following day on December 6. Employee A stated she did not report to work on the 5th or 6th because she had previously requested it off via the email. Employee A stated she did not attempt to contact Legal Counsel, the Deputy Director, or the Director to resolve the issue after she received notice that the leave was unapproved.

Employee A stated that she attempted to put her time off request into CCT on December 7 but stated she was locked out of her County laptop and could not access CCT. Employee A stated she received an email containing a letter digitally signed by both the Director and the Deputy Director informing her that she was terminated. Employee A stated she was never told why she was being terminated. Employee A stated that Bureau of Human Resources ("BHR") informed her that the DHRE had exercised its right to terminate her on December 7 during her probationary period. Employee A stated she applied for unemployment benefits, but the benefits were denied. Employee A stated the letter denying her benefits stated the benefits were denied because she was discharged for misconduct in violating the attendance policies of the employer in that "she failed to make a proper request for time off and was on an unapproved leave." The letter further stated that "the employer sent emails to her work and personal email, but she failed to respond and log in for work."

Interview of DHRE Employee B

Employee B stated she told Employee A to let the Deputy Director know she needed time off and instructed Employee A to request the time off through CCT. Employee B stated Employee A wanted to use all of her accrued time off. Employee B stated she told Employee A that she could use all her vacation, sick and personal time, but that she needed to put the request in through CCT. Employee B stated time off requests must be approved by the Director or the Deputy Director. Employee B stated she knew Employee A contacted the Deputy Director about the time off but was not sure if Employee A put the request into CCT.

Employee B stated that Employee A did not come to work after she requested the time off. Employee B stated that the Director informed the staff at a meeting that Employee A was terminated because she "did not respond when they reached out to her" and that Employee A was "automatically terminated" because she "did not respond [to DHRE staff] within three days."

Interview of DHRE Employee E

Employee E stated the senior staff is open to listening to her opinion and she is not treated adversely for having a difference of opinion. Employee E stated she did not know why Employee A was fired but stated she knew Employee A had disagreements with senior staff about several things, including the complaint intake process. Employee E stated she did not believe Employee A was retaliated against or fired for disagreeing with DHRE superiors. Employee E stated she believes the senior leadership at the DHRE is fair and reasonable.

Interview of DHRE Director

The Director stated she was notified of Employee A's complaints regarding the DHRE by the Cook County Board President's Office as well as the DHRE Commissioners. The Director stated she did not know the exact nature of the allegations until the President's Office contacted her and requested the DHRE respond to the allegations. The Director stated she did not receive a copy of Employee A's complaint but stated she was provided a detailed account of the allegations levied against the DHRE and herself. The Director stated that she and Legal Counsel provided a written response to the President's Office, which addressed each allegation contained in Employee A's complaint. The Director further stated she was informed that the President's Office had referred the complaint to the Equal Employment Office (EEO) and the OIIG.

The Director stated DHRE time off requests are submitted through CCT. The Director stated Employee A sent an email on December 5, 2022 improperly requesting to exhaust all her accrued time. The Director stated Legal Counsel informed Employee A via email that the request was not proper and the leave request was considered unapproved. The Director stated she asked other employees if Employee A was alright. The Director stated she became aware Employee A was responding via text messages to other DHRE staff but did not respond to Legal Counsel's email regarding the unapproved time off request. The Director stated Employee A did not report

to work on December 5, December 6, or December 7, and did not reach out to her, the Deputy Director, or Legal Counsel regarding the unapproved leave.

The Director stated Cook County Personnel Rule 8.2(b)(16) required Employee A to be discharged on December 7 – the third consecutive day Employee A failed to report to work. The Director stated she conferred with BHR regarding what steps needed to be taken. The Director stated there was "no wiggle room" with the rule, and the DHRE then took the necessary steps to discharge Employee A because of her failure to report to work for three consecutive days.

The Director stated Employee A was not terminated in retaliation for making allegations against the Director and the DHRE. To the contrary, the Director stated she and senior staff tried to avoid any type of discipline for Employee A because they were concerned about how it would appear. The Director stated, however, that Personnel Rule 8.2(b)(16) required Employee A be terminated and stated she and the DHRE acted pursuant to the County Personnel Rules.

DHRE Supplemental Department Time Policy & Performance Guidelines

The DHRE Department Time Policy requires DHRE employees submit time off requests through CCT as stated below:

> If an FLSA-Non-Exempt employee plans to be absent for any reason, he or she must submit a request to use accrued time through the CCT System in accordance with the following guidelines:
>
> > 1. Compensatory: Submit requests to use accrued compensatory time as you become aware of the need for time off. As a general rule, please submit these requests at least 5 business days prior to the requested time off. Compensatory time must be used in minimum increments of 30 minutes.
> >
> > 2. Vacation: Submit vacation time requests as you become aware of the need for time off. As a general rule, please submit these requests at least 5 business days prior to the requested time off. Vacation time must be used in minimum increments of 15 minutes.
> >
> > 3. Personal: Submit personal time requests as soon as you become aware of the need for time off. As a general rule, please submit these requests at least 2 business days before the requested day off. Personal time must be used in minimum increments of four-hours.
> >
> > 4. Floating Holiday: Submit requests to use a floating holiday as soon as you become aware of the need for time off. As a general rule, please submit these requests at least 2 business days before the requested day off. Floating holidays must be used in an eight-hour increment.

> 5. Sick: Submit sick time requests as soon as you become aware of the need for time off. As a general rule, please submit these requests for my signature at least 1 business day before the requested day off. Sick time must be used in minimum increments of 15 minutes.

The DHRE Supplemental Department Time Policy & Performance Guidelines is the time and leave policy which Legal Counsel referred to and attached to the response to Employee A after Employee A requested time off via email.

Cook County Bureau of Human Resources Employee Time and Attendance Policy

This policy covers all departments in the Offices Under the President, which includes the DHRE. This policy also requires employees to submit time off requests via CCT:

> E. Requesting Time Off
>
> 1. FLSA Non-exempt employees are expected to request time off as soon as practicable in advance of a scheduled Absence for any period of time within their Standard Work Schedule.
>
> 2. FLSA Exempt employees are expected to request time off as soon as practicable in advance of a scheduled Absence.
>
> 3. If advanced notification is not possible, employees must notify their Supervisors as soon as practicable to explain the circumstances and to request the use of accrued PTO in the increments described in section F below.
>
> 4. Employees must request time off through the CCT System.
>
> 5. Approval/Denial of employee requests for time off will be sent through the CCT System.

Cook County Personnel Rule 8.2(b)(16)

Cook County Personnel Rule 8.2(b)(16) provides that in the event of an absence without approved leave, "[a] department head or the department head's designee may discipline an employee for an absence without leave of any duration, including discharge in appropriate circumstances." The Rule further states "[a] department head *is required to initiate discharge action* against an employee who is absent without an approved leave for three consecutive work days." (Emphasis added.)

OIIG Findings and Conclusion

The preponderance of the evidence gathered in this investigation does not support the conclusion that the DHRE Director violated Cook County Code Section 2-291(a)(1) or Cook County Personnel Rule 8.2(b)(33) by retaliating against Employee A for her complaint to the OIIG. Instead, the preponderance of the evidence revealed that Employee A violated the DHRE Time and Attendance Policy as well as the Cook County BHR Employee Time and Attendance Policy by failing to make the request for time off through CCT even after Employee A was notified of such requirement by Legal Counsel. Employee A then violated both policies again by failing to report to work for three consecutive days, which triggered the application of Cook County Personnel Rule 8.2(b)(16). Even if Employee A had been permitted to submit her leave request by email rather than CCT, the result would not have changed as the leave request was not approved and Employee A failed to report to work or contact DHRE management while knowing that her leave was not approved. The Director was bound by Cook County Personnel Rule 8.2(b)(16) to initiate termination of Employee A on the third consecutive day (December 7) Employee A failed to report to work. This was not an act of retaliation but rather the legitimate enforcement of applicable County Personnel Rules. Accordingly, the allegations were not sustained, and no recommendations were offered.

IIG22-0968 – Board of Review. This office received information that the BOR hired an Assessment Analyst in December 2022 without following the hiring process and procedures contained in the BOR's Employment Plan. During its investigation, the OIIG interviewed a BOR Commissioner, the BOR Commissioner's First Assistant, two high ranking BOR Human Resources Officials (HR Official A and HR Official B), and the newly hired Analyst. We also reviewed the BOR's Employment Plan, email records and BOR meeting minutes.

Minutes from the BOR's Meeting of November 4, 2022

During the meeting of the BOR occurring on November 4, 2022, a now former BOR Commissioner spoke about the BOR's new Employment Plan, which was before the BOR for approval on his motion, saying:

> So, this is important because we spent at least two years working on a streamlined personnel policy and I really want to thank the Secretary's office, the current Secretary and our previous Secretary, for taking a look at how other offices in Cook County do their hiring and their onboarding and really streamlining this. We have three different Commissioners, but it's one Board of Review. I think it adds that transparency that we are looking for and that stability. You know, some of us are leaving the Board. Some of us are staying on the Board. But I think it creates a nice stable platform for the new folks to come in and do their hiring for their team. So again, thank you to the staff for putting this together.

Another BOR Commissioner added, "Just to add to that, I agree that we've consistently improved various processes, and this is a very important one. It has been streamlined and standardized. And it is a very important one. So, I do want to commend the staff and thank them for their diligence and hard work in this effort."

The BOR's Commissioners went on to approve the Employment Plan by a vote of two to one.

The BOR's Employment Plan

On February 10, 2023, the BOR's (now former) General Counsel provided a copy of the BOR's Employment Plan by email to the OIIG stating: "This plan was adopted on November 4, 2022. There has been a change in Commissioners, Board of Review Secretary and Chief Deputy Commissioner; thus, implementation is ongoing."

The BOR's Employment Plan includes provisions that prohibit the entry of political factors at any stage of the selection and hiring process for covered positions. The Employment Plan states that it is intended to provide equal employment opportunity to all qualified applicants and create a transparent hiring system that minimizes the ability to manipulate employment decisions. The BOR Employment Plan purports to have been developed by the BOR in compliance with OIIG Report IIG18-0344.[8]

According to the Employment Plan, certain hiring procedures must be followed for all positions at the BOR (except for a list of *Shakman*-exempt positions, which does not include the Assessment Analyst position at issue in this case). These procedures include intake meetings between HR and the department manager regarding details of the position and preferred candidate qualifications, posting of the position on both internal and external (Illinois Job Link) websites, certification by HR of minimum qualifications by applicants and the creation of a list of such applicants, the creation by HR and the hiring department of standard, job-specific interview questions, candidate interviews by at least two BOR employees (one from HR and one from the hiring department), the completion of candidate evaluation forms which are to be retained by HR with each application along with interviewer notes, consensus meetings led by HR and attended by the interviewers and hiring department manager to select candidates, and reference checks, among other things.

[8] The Summary Report in IIG18-0344 was issued by the OIIG to the BOR's Board of Commissioners in July 2020. While the BOR was not a party to the *Shakman* litigation and does not operate under the conditions set by the U.S. District Court in that litigation, the OIIG found the BOR to have filled employment openings using impermissible political factors in violations of the First and Fourteenth Amendments to the United States Constitution. The Summary Report contained seven recommendations to the BOR to remedy these violations, one of which was to develop an Employment Plan.

The detailed procedures set forth in Employment Plans are designed to provide structure and transparency in the hiring process in order to, among other things, minimize the possibility of unlawful hiring based on political reasons or factors.

Interview of the BOR HR Official A

HR Official A was asked if she knew which BOR employee interviewed the subject BOR Analyst hire. She said she did not know but would find out and inform the OIIG. HR Official A later sent OIIG investigators an email in which she wrote, "I was unsuccessful with finding out who conducted the interview."

HR Official A said she believed the BOR had an Employment Plan but did not know if the Plan was in effect or not. She said she knew the BOR had an Employment Plan not from having seen it, but from conversations she had with a former Secretary to the Board. HR Official A said, "I don't recall if I saw it [an Employment Plan]. There may have been one, but I was not part of creating one." She said she and the former Secretary to the Board had discussed the need for the BOR to create an Employment Plan as a result of an OIIG report issued in 2020. She said she did not know if the Board had ratified an Employment Plan. She said she was not familiar with the Plan's terms.

HR Official A said the BOR maintains an email account, BORHiring@cookcountyil.gov, where employment applications and resumes are submitted. She had not heard of Illinois Job Link. HR Official A said she and several BOR employees have access to BORHiring@cookcountyil.gov and receive email job applications and resumes from applicants. HR Official A was asked how she handles job applications and resumes she receives on BORHiring@cookcountyil.gov. She said she typically forwards all emails from applicants, including attachments, to the BOR's three Commissioners' First Assistants because they are typically the managers who make final hiring decisions.

HR Official A was asked how many people applied for the Analyst position posted by the BOR in November 2022 that was eventually filled with the hiring of the subject Analyst. She said she did not know. HR Official A was asked to search the BORHiring@cookcountyil.gov account and determine the position number for the Analyst position in question, then determine how many applicants submitted applications for that position. She said she would conduct the search and advise the OIIG later.[9] She said she recalled forwarding a number of emails relating to the specific Analyst position to both current and incoming First Assistants.

HR Official A was told by OIIG investigators that the subject Analyst submitted his application and resume to BORHiring@cookcountyil.gov on Tuesday, November 28, 2022 and received an email five days later, on Saturday, December 3, 2022 from HR Official B welcoming

[9] On March 20, 2023, HR Official A forwarded email records to the OIIG showing 22 people applied for the subject Assessment Analyst position, which was eventually given to the subject BOR Analyst.

him to the BOR. HR Official A was asked if the four working day period between the application and hiring caused her to suspect the hiring had not followed the BOR's Employment Plan. She said no and said that she did not know what the provisions of the BOR's Employment Plan were.

HR Official A was asked which BOR employees participated in an intake meeting to discuss the Analyst position before its posting. She said she "was not aware" of any intake meeting occurring. She said HR did not create a Candidate List for the Analyst position in question, nor did she know anything about Candidate Evaluation Forms, Interview Questions, Interviewer Notes, or the holding of a Consensus Meeting regarding the Analyst position in question (all of which are required by the Employment Plan). HR Official A also said BOR's HR Department did not conduct professional reference checks or employment verification regarding the subject Analyst following his hiring.

HR Official A was asked how BOR's HR Department tracks applications and retains resumes. She said, "We don't retain anything. It's in emails and that's it." HR Official A said she had been advocating for the use of Taleo (an online application platform used by other County agencies) for BOR hiring but that it had been resisted by BOR Commissioners for the past several years. She said the use of emails to collect employment applications was "arduous and messy." She said the use of Taleo would "absolutely" make the hiring process at the BOR more efficient. She said she recently met with another BOR official to discuss their continued interest in using Taleo for BOR hiring, but that the decision to use it ultimately rested with the Commissioners.

HR Official A said she "tries to" attend all meetings of the BOR Board of Commissioners. She said the only Board meeting she missed in 2022 was the one held on December 5, 2022. She said it was important for her to attend Board meetings because in another role she handles for BOR she ensures the agenda is followed, that the Open Meetings Act is being complied with, and that the meeting is recorded.

HR Official A said she never received any documents associated with the BOR's new Employment Plan. She said she had first reviewed the Employment Plan only on March 9, 2023, after having been provided it by "somebody, I don't know." HR Official A said she did not know of the Employment Plan's existence until informed by the OIIG in February 2023.

HR Official A was asked how it was possible that she, as a high ranking HR Official, could have attended the November 4, 2022 meeting of the BOR (at which a new Employment Plan was discussed at length by the Commissioners and adopted by vote) but be completely unaware that the Employment Plan even existed. She said she did not know how that was possible.

HR Official A said she had read the Employment Plan on March 9, 2023, but "most of it didn't make sense to me." She said the Employment Plan needed to be revised because the BOR did not have the staffing to comply with it. She said there were provisions of the Employment Plan, such as "background checks and drug testing" that the BOR could not execute. When asked if she, as an HR Official, intended to disregard the Employment Plan, HR Official A said, "Look,

I didn't adopt the plan and wasn't involved in drafting it." When asked if it was her position that she intended to disregard official BOR hiring policy, HR Official A said, "It was just a statement."

Interview of the BOR HR Official B

HR Official B described her duties as primarily dealing with "onboarding and off boarding employees." HR Official B said most HR functions at the BOR are handled by her and HR Official A.

HR Official B was asked if the BOR had an Employment Plan and said, "Not that I've seen." OIIG investigators described the document ratified by the BOR's Commissioners on November 4, 2022 to HR Official B by title and page count. She said she could not recall ever having seen it.

HR Official B said HR Official A was responsible for the posting of open BOR positions and for the handling of emailed job applications received for BOR positions. HR Official B said HR Official A and another BOR official had access to the email account at which job applicants submit application and resumes, BORHiring@cookcountyil.gov.

HR Official B said the BOR's First Assistants made final hiring decisions. She said the subject First Assistant was the subject BOR Commissioner's First Assistant and would make final hiring decisions for that BOR Commissioner's District.

HR Official B was asked who instructed her to send an email to the subject Analyst on December 3, 2022 welcoming him to the BOR. She said sometime in December 2022, HR Official A handed her a sheet of paper which contained approximately 16 to 18 names of new hires to whom HR Official B was to send an email informing them of their successful application for BOR employment, one of whom was the subject Analyst.

HR Official B said she did not know what Illinois Job Link was or whether the BOR used it in the applications process. She was not aware of any other external source the BOR used to post job openings other than the BOR's website.

HR Official B said she was not involved in the hiring of the subject Analyst. She said her only involvement was being instructed by HR Official A to inform him by email of his hiring. She said she did not have any other emails relating to that hiring.

HR Official B said the BOR did not maintain or create any file to document job posting or hiring activities. She said the only file containing any information about the hiring of BOR employees is contained in their respective personnel files.

Interview of Subject BOR Analyst

The subject BOR Analyst said he is a recent hire at the BOR, having started there in December 2022. He described his job duties as handling appeals at the BOR, but also said he was hired due to his political connections. During his OIIG interview, he received a phone call from an Illinois State Representative, which he told interviewers demonstrated the scope of his political network. He said he is contacted by elected officials all the time. The subject BOR Analyst said his new position at the BOR was "almost like an exempt" position but agreed that his position was not *Shakman* exempt.[10]

The subject BOR Analyst said he knew the subject BOR Commissioner prior to the Commissioner's work at the BOR. The subject BOR Analyst said he first met the subject Commissioner when the Commissioner held a different elected office.

The subject BOR Analyst said he remained in touch with the Commissioner and did some consulting work for the Commissioner on the Commissioner's transition to the BOR. The subject BOR Analyst said he also knew the subject First Assistant, who had previously worked for the Commissioner at a prior elected office. The subject BOR Analyst said he kept in touch with Commissioner and First Assistant, who both mentioned to him in the fall of 2022 that there was going to be an open analyst position at the BOR in the event he was interested. The subject BOR Analyst said another BOR official also mentioned the position to him. The subject BOR Analyst further stated another BOR Commissioner contacted him about a potential IT or FOIA position at the BOR.

The subject BOR Analyst said the subject First Assistant contacted him in November 2022 and asked him to apply for the BOR analyst position and to use the BOR's website to do so. The subject BOR Analyst said he used the email address BORHiring@cookcountyil.gov to submit his resume and cover letter on November 28, 2022. The subject BOR Analyst provided investigators with two emails, one in which he submitted his resume and cover letter and one on December 3, 2022 from the BOR welcoming him to the agency.

The subject BOR Analyst said no one from the BOR interviewed him regarding his November 28, 2022 submission. He said the only communication from the BOR after he submitted his resume was the December email from BOR's HR Department welcoming him as a new employee.

Interview of Subject BOR Commissioner

The subject Commissioner was asked whether he knew the newly hired Analyst prior to his hiring in December 2022. The subject Commissioner said he knew the Analyst from when the

[10] The BOR's Employment Plan specifies six positions within the BOR as "*Shakman* Exempt": the Chief Clerk, the Secretary of the Board, the Chief Deputy Commissioner, and the three First Assistant Commissioners.

Analyst did work for a political group while the subject Commissioner held a different elected office. The subject Commissioner said he and the subject BOR Analyst were not personal friends.

The subject Commissioner was asked if there was a formal hiring process at the BOR. The Commissioner said, "I don't know about a formal process." The Commissioner did not know whether the BOR had an Employment Plan but said "the Secretary [of the Board] would know." The subject Commissioner did not receive any information from the BOR's Human Resources Department about its hiring process before hiring District staff. The Commissioner recalled a Teams meeting which "maybe" HR Official A and "maybe" the former BOR General Counsel attended to discuss hiring.

The subject Commissioner said he delegated hiring authority for District staff to the subject First Assistant with instructions to "make sure to follow the resume process and do interviews." The subject Commissioner directed the subject First Assistant to "follow the guidelines for hiring."

The subject Commissioner did not review the subject BOR Analyst's application or resume for the Analyst position. The subject Commissioner did not instruct the subject First Assistant to hire the subject BOR Analyst.

The subject Commissioner was asked who made the final decision to hire the subject BOR Analyst and said, "It's all on guidelines." The Commissioner said the Secretary of the Board makes final hiring decisions and then added, "HR handles all that." Eventually the Commissioner said final hiring decisions were "a consensus between me, [the subject First Assistant], and the HR person."

Interview of Subject BOR First Assistant

The subject First Assistant said he was acquainted with the new BOR Analyst prior to his own hiring by the BOR. The subject First Assistant said he did not recall mentioning to the subject BOR Analyst any open Analyst position at the BOR. He said he assumed the subject BOR Analyst would have known about the position from it being posted on the BOR's website.

The subject First Assistant was asked if he interviewed the subject BOR Analyst for the Analyst position. He said yes and that it was an "informal conversation" but did not recall when it occurred. He said it "could have been a phone call." He said no one from the BOR's HR Department participated in the "informal conversation."

The subject First Assistant was asked if he knew any of the other applicants and said, "it's blurry, it's hard to recall." He finally said the subject BOR Analyst was the only person he could specifically recall being an applicant for the Analyst position. The subject First Assistant said he reviewed other applications and resumes for the Analyst position for which the subject BOR Analyst was selected. He said those applications and resumes were transmitted to him by HR Official A by email. He was asked to estimate the number of applications or resumes he reviewed

and said he could not. The subject First Assistant was asked if he spoke to any other potential applicant about the open Analyst position and said he could not remember.

The subject First Assistant said he was the person who made the decision to hire the subject BOR Analyst for the Analyst position. He said he did not recall if the subject Commissioner instructed him to hire the subject BOR Analyst. He recalled speaking with the subject Commissioner about the fact that the subject BOR Analyst had applied for the position but did not recall any of the substance of the conversation, when it occurred, or if it was in person or by email or phone. The subject First Assistant said he informed HR Official A of his decision to hire the subject BOR Analyst. He said he did not remember how or when he communicated his hiring decision to HR Official A.

The subject First Assistant said. "There's not a formal process" regarding hiring at the BOR. When asked if he was familiar with the BOR's Employment Plan, he said, "No. I've never read it."

OIIG Findings and Conclusions

The preponderance of the evidence in this investigation demonstrates that the BOR disregarded its Employment Plan, almost in its entirety, in its hiring of the subject Analyst in December 2022. The evidence showed that, although the BOR adopted an Employment Plan by vote of the Commissioners on November 4, 2022, no BOR employee involved in the hiring of the subject BOR Analyst took any steps to comply with it. Among other omissions, there was no intake meeting, no certification of goals, no interviews, no consensus meeting, and no reference check. The Analyst simply sent his resume to an email address and was informed he was hired five days later with no other intervening action by the BOR. Given the disregard of the Employment Plan and the subject BOR Analyst's self-professed and apparently well-known political connections, the subject BOR Analyst's hiring has all the hallmarks of the old school political patronage hiring historically employed by the BOR as documented in the OIIG's prior investigation resulting in OIIG Summary Report IIG18-0344 (which is summarized in the OIIG's Quarterly Report for the 2nd Quarter of 2020 issued on July 15, 2020 and posted on the OIIG website). The subject BOR Analyst told OIIG investigators he was hired due to his political connections. Such hiring practices violate not only the BOR Employment Plan here but also the First Amendment (as discussed more fully in the prior OIIG report) as the evidence suggests that the subject BOR Analyst was hired over the other 21 applicants for political reasons. This is exactly the type of improper hiring activity the BOR Employment Plan was designed to prevent.

We find that the preponderance of the evidence supports the conclusion that BOR HR Official A was negligent in the performance of her official duties in violation of Cook County Personnel Rule 8.2(b)(13). Elected officials have the reasonable expectation that they will be provided competent, informed advice from long-tenured professional support staff on issues such as Human Resources and hiring. In this case, HR Official A told us she attended the meeting of the Board of Commissioners in her capacity as an HR Official during which an Employment Plan

was not only adopted by vote but discussed extensively by the Commissioners. Yet HR Official A claimed she was not only uninformed of the requirements of the Employment Plan but was unaware that it even existed. We find HR Official A's lack of engagement on an issue on which she should have been the BOR's primary subject matter expert and her failure to competently advise BOR hiring managers and elected officials on a critical Human Resources issue to constitute negligence in the performance of her official duties. We also find by a preponderance standard that HR Official A participated in hiring activity in violation of the BOR's Employment Plan in contravention of Cook County Personnel Rule 8.2(b)(34).

Our office was also concerned by HR Official A's assertion during her interview that her department did not have sufficient resources to comply with the Employment Plan. Its provisions, especially those merely requiring an interview process and documentation of such for BOR applicants, is not an unduly burdensome process. In any event, it is not within the scope of HR Official A's authority to elect to disregard policy promulgated by the Commissioners. If HR Official A's posture on this issue persists, we face a situation where her disregard of the BOR Employment Plan becomes insubordination subject to a recommendation for more serious discipline.

We also find that the preponderance of the evidence supports the conclusion that the subject Commissioner's First Assistant was negligent in the performance of his official duties in violation of Cook County Personnel Rule 8.2(b)(13) and that he conducted hiring activity in violation of the BOR's Employment Plan (which violates Cook County Personnel Rule 8.2(b)(34)). The subject Commissioner told us that the subject First Assistant was instructed to "follow the guidelines for hiring." However, the subject First Assistant did precisely the opposite: he made a hiring decision entirely outside the BOR's hiring guidelines without even inquiring what guidelines were in place. During his interview, the subject First Assistant referred repeatedly to everything being a "blur," but given his management position, the subject First Assistant cannot simply claim ignorance of BOR policy as an excuse for not following it or attempting to learn what it is. He is a high-ranking manager within the BOR and is charged with understanding and following BOR policy, especially when he received the subject Commissioner's specific instructions to do so. The subject First Assistant followed the subject Commissioner from employment at another government agency to Cook County. That other government agency has had an Employment Plan in place for many years so the subject First Assistant was likely aware of the Employment Plan concept and its importance. Although admittedly new to the First Assistant position at the BOR, the subject First Assistant is not new to government management. His failure to take even the most rudimentary steps to determine whether the BOR had an Employment Plan, much less comply with it during the hiring of the subject BOR Analyst, constitutes negligence in the performance of his official duties and a violation of the BOR's Employment Plan.

Our office was not persuaded by the BOR's former General Counsel's representation to us that the BOR's Employment Plan's implementation was "ongoing." The BOR's Employment Plan contains no effective date later than November 4, 2022. None of the Commissioners told the public on November 4, 2022 that the Employment Plan was anything other than current policy. It was

presented to the public by BOR Commissioners on November 4, 2022 as an "important" goal which had been accomplished after work described by one Commissioner as taking BOR staff "at least two years." The Commissioner commended BOR staff for creating a "stable platform for the new folks to come in and do their hiring," clearly evincing the Board's intent that the Employment Plan was in place and was to be used for hiring after November 4, 2022.

OIIG Recommendations

Based on the foregoing, we made the following recommendations:

1. That the BOR impose a suspension on HR Official A and admonish her to adhere to the BOR Employment Plan in all hiring activity.

2. That the BOR impose discipline on the subject First Assistant and admonish him and the other two BOR First Assistants to adhere to the BOR Employment Plan in all hiring activity.

3. That the position given to the subject BOR Analyst be reposted and filled following the provisions of the BOR's Employment Plan and without the influence of any political reasons or factors.

4. That all current BOR employees receive Employment Plan training within the next 60 days.

5. That the BOR Employment Plan be amended to require Employment Plan training for all BOR employees within 90 days of being hired and then annually thereafter.

6. That the BOR Employment Plan be amended to prohibit the participation of any BOR employee in any hiring activity who has not received training on the Employment Plan, application selection process, and interviewing procedures.

7. That the BOR Employment Plan be amended to require the use of Taleo or other similar online application platform in the BOR's hiring process.

8. That, like other Cook County government agencies, the BOR post its Employment Plan on its website to provide transparency in its hiring process.

This report was issued March 31, 2023. The BOR's response is not yet due.

Responses to Recommendations from Prior Quarters

In addition to the new cases being reported this quarter, the OIIG has followed up on OIIG 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 OIIG recommendations or after a grant of an additional 30-day extension to respond to the recommendations. Below is an update on responses we received during this quarter to recommendations made in prior quarters.

From the 4th Quarter 2022

IIG21-0671 – Human Resources. This investigation was initiated after receiving a complaint that multiple Department of Facilities Management (DFM) employees who failed to return to work at the expiration of their approved Family and Medical Leave Act (FMLA) Leaves or, absent an approved leave, continued to receive Cook County Health Benefits. Decisions as to whether the employees in question should have been terminated from their employment for their failure to return to work were not made in a timely manner, costing the County tens of thousands of dollars in Health Benefits. During its investigation, this office reviewed correspondence between the Bureau of Human Resources (BHR) and DFM management, BHR FMLA documents, Cook County Time (CCT) time and attendance records, and Risk Management Healthcare Benefits documents relating to Employee A, Employee B and Employee C. This office also conducted interviews with BHR and DFM employees.

Cook County Employment Plan – Supplemental Policy 2013-2.8 – Disciplinary Action, Documentation, Documentation of Disciplinary Action provides, in pertinent part: "All terminations . . . of non-probationary employees must be reviewed in advance by the Chief of BHR or his or her designee. Department Heads must complete and send Disciplinary Notice and Request for Approval Form, along with the proposed Disciplinary Action Form, to the Chief of BHR or his or her designee and receive his or her approval in advance of the discipline. The policy further states: "The Chief of BHR or his or her designee shall review and approve or deny the proposed Discipline and send written notice of his or her determination to the Department Head, with a copy to the Compliance Officer. The Chief of BHR may consult with the Department Head and request additional information regarding the request prior to making his or her determination."

The preponderance of the evidence developed during the course of the investigation supports the conclusion that BHR violated Cook County Personnel Rule 8.2(b)(13) – Negligence in Performance of Duties.

Over two years elapsed from the time of Employee A's pre-disciplinary hearing to the time of a final termination determination. During this time period, the County spent over $40,000.00 in health insurance benefits for Employee A. DFM made multiple requests for updates during the time it took to receive a final disposition. Nearly 22 months after DFM requested Employee A's termination, BHR Official A responded to an update request by stating, "[Employee A] [is in] no man's land right now" when in fact the delay was caused by BHR. It was through BHR's neglect to act in a timely manner that approximately two years passed before Employee A was terminated, costing the County thousands of dollars.

Employee B was in an unauthorized pay status from the end of May 2021. From DFM's first request in July 2021 to when a hearing was held in September 2021, approximately two and half months passed. Following the hearing officer's recommendation, DFM submitted a termination request to BHR. Five months passed from September 2021 to February 2022 until BHR made a final determination as to Employee B's termination. From June 2021 through February 2022, it cost the County over $10,000.00 in insurance benefits for Employee B. BHR gave no reasonable explanation for the delay.

Employee C was in an unapproved status when she stopped reporting to work at the end of July 2020. Employee C used accrued paid time off which she exhausted by August 26, 2020. Employee C applied for Ordinary Disability (OD) in November 2020 which was retroactively approved to September 2020. Subsequently, Employee C applied for additional OD and is eligible to receive OD until 2024. However, there were month long gaps where DFM and Employee C sought updates on Employee C's employment status. Even after BHR and the Compliance Officer both signed off on the denial for Employee C's termination, DFM was not made aware of the decision or the reasoning until the Compliance Officer had a conversation with DFM management in March 2022. Although the Compliance Officer did indicate that BHR needed additional information before making a final determination for Employee C's termination, months had passed without any progress being made.

Employee A, Employee B and Employee C's cases demonstrate BHR's inattention to duties and responsibilities. It is BHR's responsibility to follow up and make timely determinations. According to BHR Official B, it is unusual for decisions to exceed seven days. Allowing months and years to pass by before making determinations was negligent.

Based on all of the foregoing, we recommended BHR develop a consistent and more meaningful oversight to the termination process. BHR should institute a policy that delineates time frames and protocols for more timely determinations in termination requests and for communicating more efficiently with Department Heads on a timely basis so that instances such as those discussed above do not continue to happen, costing the County thousands of dollars.

This report was issued December 15, 2022. Although BHR noted in its response that it did not agree with all of the OIIG findings, it substantially adopted the OIIG recommendations.

IIG22-0118 – Secretary to the Board of Commissioners. The OIIG conducted a review for dual employment compliance of Cook County employees who applied for federal Small Business Administration Paycheck Protection Program loans ("PPP loan") to determine whether information submitted by County employees for the PPP Loans was consistent with Cook County records and/or in violation of any County Personnel Rules. Based on this review, it was discovered that a Secretary to the Board of Commissioners employee sought a PPP loan totaling $20,833 in which she disclosed being a "Single Member LLC" business. The OIIG conducted an investigation to determine if the subject employee informed her County employer that she was engaging in secondary employment as required by Cook County Personnel Rules.

This investigation consisted of a review of the subject employee's County personnel file, public and subpoenaed federal Small Business Administration PPP loan records, bank records, credit union records, and Illinois Secretary of State Corporation/LLC records and two interviews of the subject employee.

The preponderance of evidence developed in this investigation supports the conclusion that the subject employee violated Cook County Personnel Rule 8.2(b)(36) – Conduct Unbecoming. The subject employee falsely stated on her PPP loan application that her business earned gross receipts in the amount of $126,400 in 2020. In her OIIG interview, the employee admitted, and evidence shows, that her business received significantly less in gross receipts from her business in 2020 than what she represented on her PPP loan application. She further admitted to signing the PPP loan application which she knew contained materially false representations about her business. The evidence suggests that the employee may have been eligible for some PPP support based on her verbal description of her business. However, the employee greatly overstated her business activities and supplied false loan information in order to maximize the federal dollars available to her. Committing financial fraud directed at the federal government tarnishes the employee's reputation and brings discredit to the County as it can erode the public's trust in Cook County government, the Secretary to the Board of Commissioners Office, and its employees. This is especially true in this case, considering that the subject employee is employed by an office of County government that works with the County's elected officials.

The preponderance of evidence developed in this investigation also supports the conclusion that the subject employee violated Cook County Personnel Rule 13.2(b) – Report of Dual Employment. This rule states that any person who becomes engaged in any gainful employment after entering County service as an employee must execute a dual employment form. The OIIG finds that the subject employee failed to disclose her outside work as required by County's personnel rules and the County's Code of Ethics.

The preponderance of evidence developed in this investigation also supports the conclusion that the subject employee violated Cook County Personnel Rule 8.2(b)(32) – Unauthorized use of County Technology. During her OIIG interview, though she could not recall how frequently, the employee admitted that she had used her County issued laptop to conduct her real estate management business. An employee's use of any IT or County instrumentality for unauthorized purposes violates County Personnel Rules and further violates Section 2-576 of the Ethics Ordinance related to improper use County Owned Property.

Based on the serious nature of the misconduct and the employee's sensitive placement in government, we recommended that the subject employee's employment be terminated and that she be placed on the *Ineligible for Rehire List*.

This report was issued December 20, 2022, and we were notified that the subject employee resigned in January 2023.

IIG22-0124 – Assessor's Office. The OIIG conducted a review for dual employment compliance of Cook County employees who applied for federal Small Business Administration Paycheck Protection Program loans ("PPP loan") to determine whether information submitted by County employees for the PPP Loans was consistent with Cook County records and/or in violation of any County Personnel Rules. Based on this review, it was discovered that a Cook County Assessor's Office (CCAO) employee sought a PPP loan totaling $20,833 in which she disclosed being an "Independent Contractor" of a business. The OIIG conducted an investigation to determine if the CCAO employee informed the CCAO that she was engaging in secondary employment as required by the Cook County Assessor's Employee Handbook.

This investigation consisted of a review of dual employment records for the CCAO employee, public and subpoenaed federal Small Business Administration PPP loan records, Illinois Secretary of State Corporation/LLC records, U.S. Bankruptcy Court documents, and Cook County Time (CCT) records. The CCAO employee was also interviewed.

The preponderance of evidence developed in this investigation supports the conclusion that the CCAO employee violated Cook County Assessor's Employee Handbook, Section – 19(o) Conduct Unbecoming an Employee of the Assessor's Office. The records demonstrate that the subject employee sought a PPP loan, executed the loan application and affirmed she was eligible to receive PPP funds in relation to an HR business that she allegedly owned. During her OIIG interview, the CCAO employee admitted that she signed a loan application falsely stating that she owned a business and falsely stating that she had gross receipts from that business in the amount of $105,550. She further admitted that information was submitted for the purpose of obtaining $20,833 in government funds which she then spent on personal expenses. Committing financial fraud directed at the federal government tarnishes the subject employee's reputation and brings discredit to the County as it can erode the public's trust in Cook County government, the Cook County Assessor's Office, and its employees. This is especially true in this case considering that the subject employee is a manager employed by an office of County government that handles sensitive taxpayer information. The violation is further aggravated by the fact that some of the subject employee's conduct in obtaining the loan at issue occurred during her working hours at the County.

Based on the serious nature of the misconduct, the subject employee's sensitive placement in government, as well as other aggravating factors present, we recommended that the subject employee's employment be terminated and that she be placed on the *Ineligible for Rehire List*.

This report was issued November 14, 2022. The CCAO adopted our recommendation to terminate the subject employee. The CCAO rejected our recommendation to add the subject employee to the *Ineligible for Rehire List*.

IIG22-0277 – Clerk's Office. This investigation was based on a complaint alleging that a Cook County Clerk's Office (CCCO) attorney (Employee A) intentionally redirected a write-in candidate's mail containing the candidate's electoral filings, which caused the candidate's filings

to be tardy and resulted in his exclusion from the ballot for the Primary Election held on June 28, 2022.

This investigation included, among other things, a review of documents provided by the write-in candidate (Candidate), as well as voicemail communications from a Manager at the CCCO (CCCO Manager) to the Candidate, and interviews of the CCCO Manager, Employee A, and the Candidate.

Interview of Candidate

The Candidate stated that he had worked with the CCCO as far back as 2015 and stated that some of the employees at the CCCO knew him and remember his political party affiliation. The Candidate stated that he believed there was a plan to keep him off the primary ballot, which would allow an incumbent State Senator to run unopposed.

The Candidate stated that he decided to run for political office as a write-in candidate in the Cook County Primary Election, which was held on June 28, 2022. The deadline to file the requisite paperwork to run as a candidate in the Primary Election was April 28, 2022. The Candidate stated that he had multiple conversations with the CCCO Manager in the month of April prior to the filing deadline.

The Candidate provided the OIIG with documentation which showed a four-minute call on April 18 to the CCCO Manager at her direct number at the CCCO. The Candidate stated that during the conversation with the CCCO Manager on April 18, she told him that "the walk-in option during the Clerk's regular business hours [was] the preferred method for filing," but that "it is acceptable to mail it in." The Candidate stated that the CCCO Manager specifically told him that the Clerk's Office "goes by the date of the postmark."

The Candidate also provided evidence of three calls placed to the CCCO on April 21. Two of the calls were one minute in length and were made to the CCCO Manager's direct number. The third was placed to a general number for the CCCO. This conversation is documented as being three minutes in length. The Candidate stated that in this conversation, he again spoke with the CCCO Manager because he wanted to verify that it was acceptable to mail in his candidacy paperwork "because of the risk" of putting it in the mail. The Candidate stated that the CCCO Manager reiterated that mailing the paperwork was acceptable and again referred to the postmark date on the mailing. Candidate stated that due to the CCCO Manager's position in the CCCO, he relied on her advice. The Candidate placed his write-in candidacy filings in the mail via certified mail on April 23 – five days before the deadline.

The Candidate also provided the OIIG with two voicemail recordings left on his phone from the CCCO Manager, one prior to the filing deadline and one after the filing deadline. In the voicemail prior to the filing deadline, the CCCO Manager states:

> Hi, this is [CCCO Manager], Cook County Clerk's Office. We will be watching for it. You have until tomorrow, if not, we'll figure something out. We'll have to see the postmark and everything. Like I said, it may be able to come in today or tomorrow. I'll give you a call back when it does come in. And I also talked to our mailroom to go make sure they check all the boxes for it.

The Candidate stated this message was in response to a message he left the CCCO Manager inquiring as to whether his filings had arrived.

The Candidate stated that he spoke with Employee A over the phone after the filing deadline passed. The Candidate stated that Employee A informed him that the CCCO was not accepting his paperwork because it was received by the CCCO the day after the filing deadline. The Candidate stated that he informed Employee A that the CCCO Manager instructed him that the CCCO looks at the postmark date and stated that his candidacy paperwork was postmarked before the deadline. Employee A responded by stating "What part of no don't you understand." The Candidate stated that then Employee A hung up on him.

The Candidate stated that he made a complaint with the United States Postal Service regarding the delivery of his filings. The Candidate stated that he eventually spoke with the Regional Manager for the United States Postal Service. The Candidate stated that the Regional Manager informed him that he had visited the Chicago processing center, conducted interviews, and accessed internal documents, and determined that human error was to blame for his write-in filings arriving late. The Candidate further stated that the Regional Manager informed him that he determined that there was no ill will or malintent, rather simply human error to blame. The Candidate stated that after this in-depth conversation, he felt there was an adequate quality control investigation conducted by the United States Postal Service and admitted that there is "no evidence of a plot to refuse to accept his letters."

Interview of the CCCO Manager

Investigators asked the CCCO Manager what the Clerk's policy is regarding when electoral filings were considered filed: Was it when the filing was postmarked or when the filing was received by the Office? The CCCO Manager stated that it is when the filing is postmarked. Upon further questioning by Investigators, she changed her answer and stated that a filing is considered filed when "it is in our custody." When asked if the CCCO has ever accepted electoral filings based on the date it was postmarked, the CCCO Manager stated that she "takes those to their attorney." When asked who the attorney is, she responded by stating it was Employee A.

Investigators asked if the CCCO Manager took phone calls from individuals wanting to know the process of filing for candidacy for office. When asked if she gives advice on how to file, the CCCO Manager stated that she "does not answer legal questions" and simply tells people when the deadline to file is. Investigators then asked the CCCO Manager if she remembered talking to the subject Candidate. The CCCO Manager stated that she talks to a lot of people. Investigators

began to play one of the voicemails from the CCCO Manager which was provided by the Candidate, but before Investigators could play the voicemail, the CCCO Manager asked if "he was a write-in candidate." Investigators responded in the affirmative. The CCCO Manager then stated that she did remember him. When asked how she remembered the Candidate, the CCCO Manager stated that reporters were calling about him and she had to let "their media person" know about it.

Investigators then played one of the CCCO Manager's voicemails to the Candidate. The CCCO Manager confirmed that the voice on the message was hers. Investigators then asked the CCCO Manager what she meant in her voicemail when she said "you have until tomorrow, if not, we'll figure something out. We'll have to see the postmark and everything." The CCCO Manager stated that she "never makes that decision" regarding whether a filing is timely filed or not. The CCCO Manager stated she takes filings received after the deadline to Employee A. When Investigators again asked her what she meant in the message when she referenced looking at the postmark and informing the Candidate that they would "figure something out," The CCCO Manager stated again that she talks to a lot of people and does not know what she was thinking that day.

Investigators showed the CCCO Manager a copy of the Candidate's certified mail receipt. The CCCO Manager verified that it was properly addressed to her office. Investigators also showed The CCCO Manager the letter she wrote to the Candidate informing him that his filing was late, and he would not be on the ballot. The CCCO Manager stated that she wrote the letter after having a conversation with Employee A. However, she could not remember the contents of that conversation. Investigators asked how many times she spoke with the Candidate prior to the deadline, and she stated that she could not remember but admitted that she may have spoken with him one to two times. Investigators asked the CCCO Manager if she spoke with Employee A about the subject Candidate's intention to file as a write-in candidate prior to receiving his filings. The CCCO Manager said she may have, but if she did, she does not remember the contents of the conversation.

The CCCO Manager was asked about the procedure for handling electoral filings. The CCCO Manager stated that when filings come in, she makes sure they are time stamped. When asked why a filing may not be time stamped upon receipt by the Office, she explained that if it is sent directly to her, it may not be time stamped because the mailroom staff will not have opened it. The CCCO Manager stated that "most people know to file in person." The CCCO Manager stated that she and her staff receive training on receiving candidate petitions every campaign filing period but admitted that she has never received training on write-in filings. The CCCO Manager stated that if a filing comes in after the deadline, she gives it to Employee A and asks if she needs to "write a letter" (referring to the one she wrote the Candidate). When asked if a late filing had ever made the ballot, she said she could not recall, but that she does not make those decisions; Employee A does. The CCCO Manager stated that Employee A has never asked her to do anything that she felt was wrong or inappropriate.

Interview with Employee A

Employee A stated that almost all County electoral filings are filed in-person at the CCCO located at 69 West Washington. Employee A acknowledged that the statute allows for submissions by mail, provided those submissions meet the filing deadline, but reiterated that most people choose to file in person. Employee A stated that the statute requires submissions to be filed and "filed" means when the CCCO receives it. Employee A acknowledged that this was a bright line rule, which means that the postmark date on the mailed submission is irrelevant for filing purposes.[11] Employee A stated that whether a filing is received before the filing deadline is a factual decision, not a legal one. Investigators asked Employee A if he was ever asked to look at a mailed submission to determine if it was timely filed. Employee A responded by stating "not usually."

Investigators asked Employee A if the CCCO held trainings for employees regarding election law, such as filing deadlines and rules, including the statutory requirement that mailed submissions are only timely filed if received before the deadline, regardless of the postmark date. Employee A stated that the employees have "general discussions," but admitted that the CCCO does not have a formal training regarding these issues. Employee A stated that the employees know the deadline date and are generally familiar with election law as part of their job. Employee A stated that the employees do not give legal advice and added that if someone calls requesting information, the employees simply direct the individual to where they can find the information.

Employee A stated that the subject Candidate tried to run as a write-in candidate, but stated he was unsure for what office the Candidate was attempting to run. Employee A denied ever knowing the Candidate prior to his attempt at running for office in the 2022 June Primary Election. Employee A stated that the CCCO Manager brought the Candidate's electoral filings to his attention because the CCCO received his mailed filings after the deadline. Employee A was not sure if he looked at the Candidate's filings but denied that the CCCO Manager requested that he look at it to determine if the submission was timely filed. Employee A stated that the CCCO Manager sent the Candidate a letter informing him that his mailed electoral filings were not accepted since they were received after the deadline and, therefore, not timely filed.

Employee A stated that the Candidate called him after he received the letter informing him that his filings were not accepted. Employee A stated that the Candidate was trying to assert that his electoral filings were timely filed based on the postmark date. Employee A stated that he spoke with the Candidate on more than one occasion but stated that he believed that the Candidate reached out to the CCCO Manager first.

Employee A denied that the CCCO Manager informed the Candidate that his electoral submissions were considered "filed" on the day they are postmarked, stating "she wouldn't give

[11] Employee A's statements on this topic are consistent with the Illinois Election Code which addresses the issue of filing date in terms of "actual receipt" with no mention of a postmark date.

that advice" and "she did not give that information." Investigators then played the voicemail the CCCO Manager left for the Candidate prior to the deadline. Employee A responded that the postmark "has no meaning."

OIIG Findings and Conclusion

Employee A

CCCO Policy (D)(2)(t): Conduct unbecoming of CCCO Employee (Violation of Law – 720 ILCS 5/33-3: Official Misconduct; Violation of County Ethics Ordinance)

The preponderance of the evidence gathered in the course of this investigation does not support the conclusion that Employee A violated the Cook County Clerk's Office's Policy Manual sections (D)(2)(t): Conduct unbecoming of CCCO Employee or Cook County Code of Ethics Section 2-751(b)(2): Breach of Fiduciary Duty to comply with laws and regulations by avoiding both the violation of any applicable law or regulation and the creation of a strong risk of a violation of any other law or regulation. The evidence gathered shows that the Candidate's electoral filings were placed in the mail on April 23 but did not reach the CCCO until April 28 – the day after the filing deadline. There is no evidence to suggest this tardiness was due to interference with the mail delivery by Employee A or any other CCCO employee. To the contrary, the Candidate stated he spoke with a Regional Manager for the United States Postal Service who conducted a thorough review of the tardy delivery of the Candidate's filings and admitted the fault was due to human error on the part of the United States Postal Service.

CCCO Manager

CCCO Policy (D)(1)(e): Incompetency or Inefficiency in the performance of duties of the position

The preponderance of the evidence gathered during this investigation supports the conclusion that the CCCO Manager violated CCCO Policy (D)(1)(e): Incompetency or Inefficiency in the performance of duties of the position. This policy provides in pertinent part that the section applies to "performance [which] does not meet the expectation of the CCCO or is not commensurate with performance of other Employees in similar positions, due to either lack of ability, knowledge or fitness, lack of effort or motivation, carelessness or neglect." The CCCO Manager displayed a clear lack of knowledge of the applicable law, as well as carelessness, when she provided the Candidate with incorrect information regarding his candidacy papers being considered filed when they were postmarked. This is information the Candidate relied on to his detriment.

Although Employee A asserts that the CCCO Manager would not give that advice, the evidence supports the conclusion that she did. The Candidate provided the OIIG with evidence that he had multiple conversations with the CCCO Manager. More importantly, the Candidate

provided the voicemail from the CCCO Manager in which she clearly states that the CCCO will need to look at the postmark. Furthermore, the CCCO Manager told Investigators in her interview that the CCCO goes by the postmark date when determining the date an electoral filing is filed. While the CCCO Manager backtracked and changed her answer upon further questioning, her initial response cannot be ignored. The CCCO Manager's own statement to the OIIG in conjunction with the voicemail to Candidate clearly supports the conclusion that she gave Candidate incorrect information.

A manager in her position at the CCCO should know the rules regarding electoral filings. The fact that the CCCO Manager lacked the knowledge regarding the provision regarding mail-in filings and advised the Candidate to his detriment constitutes a violation of CCCO Policy (D)(1)(e).

OIIG Recommendations

Based on our findings above, we made the following recommendations:

1. We recommended that the CCCO Manager receive discipline consistent with the CCCO Personnel rules regarding her negligence in providing incorrect information to the Candidate.

2. We further recommended that the CCCO develop a written policy regarding what type of information CCCO employees may give customers and whether employees should instead refer customers to a specific person or people within the office to answer certain types of questions.

3. We further recommended that all CCCO Election Division employees receive regular training regarding applicable election law, including laws relating to mail-in filings.

These recommendations were made on December 19, 2022. In its timely response, the CCCO rejected the OIIG's first recommendation to impose discipline on the CCCO Manager. The CCCO accepted the second and third recommendations.

IIG22-0412 – Animal Control and Rabies. The OIIG received an allegation that a Cook County Animal and Rabies Control (CCARC) Administrative Assistant I (Administrative Assistant A) was negligent in her response to a report from a Cook County resident that a dog which had bitten the resident's minor was not being confined by the dog's owner pursuant to Illinois and Cook County law. Also alleged was that the CCARC as an agency failed to investigate a veterinarian's alleged failure to submit a vaccination card to CCARC upon the biting dog's initial rabies vaccination as required by law.

OIIG Investigation

The OIIG's investigation consisted of interviews of the complainant and two CCARC "Bite Officers," one of whom was the subject of the allegation. The OIIG also interviewed the CCARC's Executive Director and the CCARC's Deputy Director. The OIIG reviewed CCARC documents relating to the bite incident, CCARC's internal "Bite Protocol" policy, the CCARC's web page titled, "Animal Bite Investigations," and Illinois and Cook County law relating to animal bites and rabies vaccinations.

CCARC's Authority Under Illinois Law and Cook County Ordinance

Section 5/5 of the Animal Control Act (510 ILCS 5/1 *et seq.*) authorizes Counties to determine the extent of police powers which may be exercised by an "Administrator appointed by the County Board." Cook County's Animals Act (Cook County Code Section 10-3) confers on CCARC's Administrator (known within the CCARC as the Executive Director) the power to enforce the terms of the Act against "any person violating any provision of this chapter."

Veterinarians' Rabies Vaccination Obligations
Under Illinois and Cook County Ordinance

Sections 5/8(c) and (d) of the Animal Control Act, 510 ILCS 5/8(c) and (d)), set forth a veterinarian's rabies vaccine obligations as follows:

> (c) A veterinarian immunizing a dog … against rabies shall provide the Administrator of the county in which the dog … resides with a certificate of immunization. Evidence of such rabies inoculation shall be entered on a certificate the form of which shall be approved by the [County] Board and which shall contain the microchip number of the dog … if it has one and which shall be signed by the licensed veterinarian administering the vaccine….
>
> (d) Veterinarians who inoculate a dog shall procure from the County Animal Control in the county where their office is located serially numbered tags, one to be issued with each inoculation certificate. The Board shall cause a rabies inoculation tag to be issued, at a fee established by the Board for each dog inoculated against rabies.

The Cook County Code addresses veterinarians' responsibilities regarding rabies vaccination in Sec. 10-41, Rabies Vaccination, as follows:

> Evidence of such rabies inoculation shall be entered on a certificate approved by the County Board of Commissioners. Veterinarians who inoculate an animal shall procure from the County Department of Animal and Rabies Control serially numbered tags, one to be issued with each inoculation certificate….

Biting Animal Owner Obligations Under Cook County and Illinois Law

Both Illinois law (510 ILCS 5/8(a)) and Cook County Code (Section 10-41(a)) require dog owners to have their animals vaccinated against rabies by a licensed veterinarian. Both Illinois law (510 ILCS 5/13(a-5)) and Cook County Code (Sec. 10-42(b)) require the owners of animals which have bitten a person to present the animal to a licensed veterinarian for examination within 24 hours. Cook County Code Section 10-42(a) also provides that owners of dogs which have bitten a person to notify the police who are responsible for the area in which the bite occurred within 24 hours.

Observation Periods of Biting Animals Under Illinois and Cook County Ordinance

Section 5/13 of the Animal Control Act, 510 ILCS 5/13, sets forth biting animal confinement requirements in relevant part as follows:

> When the Administrator or, if the Administrator is not a veterinarian, the Deputy Administrator or his or her authorized representative receives information that a person has been bitten by an animal and evidence is presented that the animal at the time the bite occurred was inoculated against rabies within the time prescribed by law, the animal may be confined in a house, or in a manner which will prohibit the animal from biting a person, if the Administrator, Deputy Administrator, or his or her authorized representative determines the confinement satisfactory. The confinement shall be for a period of not less than 10 days from the date the bite occurred and shall continue until the animal has been examined and released from confinement by a licensed veterinarian. The Administrator or, if the Administrator is not a veterinarian, the Deputy Administrator may instruct the owner, agent, or caretaker to have the animal examined by a licensed veterinarian immediately. The Administrator or, if the Administrator is not a veterinarian, the Deputy Administrator may permit the confinement to be reduced to a period of less than 10 days. At the end of the confinement period, the animal shall be examined by a licensed veterinarian and microchipped, if the dog or cat is not already, at the expense of the owner. The veterinarian shall submit a written report listing the owner's name, address, dates of examination, species, breed, description, age, sex, and microchip number of the animal to the Administrator advising him or her of the clinical condition and the final disposition of the animal on appropriate forms approved by the Department. The Administrator shall notify the person who has been bitten and, in case of confirmed rabies in the animal, the attending physician or responsible health agency advising of the clinical condition of the animal.

Section 10-42 of the Cook County Code sets forth biting animal confinement requirements in relevant part as follows:

> (b) Except as otherwise provided by State law with respect to police dogs, when the Administrator receives information that any person, service animal or companion animal has been bitten by an animal or scratched by an animal that is considered a potential transmitter of rabies as provider [sic] in subsection (a) of this section, the Administrator shall have the owner confine the biting or scratching animal under observation of a licensed veterinarian for a period of ten days beginning within 24 hours of the biting or scratching incident. The biting or scratching animal may be confined in the house of its owner in a manner which will prohibit it from biting or scratching any person or animal if the animal is currently vaccinated with an approved rabies vaccine….
>
> (1) When the biting animal or scratching animal is currently inoculated with rabies vaccine the animal's health shall be reported by the veterinarian to the Cook County Department of Animal and Rabies Control on the first and tenth days of the observation period for rabies.
>
> (2) When the biting animal or scratching animal is not currently inoculated with rabies vaccine the animal shall be confined for ten days in a veterinary hospital or animal control or humane shelter provided there is a veterinarian daily on the premises.
>
> (c) Confirmation of the health of the biting animal shall be sent by the veterinarian to the Cook County Department of Animal and Rabies Control within 24 hours of the first and final examinations. Official forms shall be provided by the Department.
>
> * * *
>
> (e) If the animal confined is determined not to be infected with rabies at the end of the period of confinement, it shall be released from quarantine….

Interview of the Complainant

The complainant said her nine-year-old daughter was bitten by a neighbor's dog on May 13, 2022 in front of an apartment building in a suburban municipality. The complainant said she took her daughter to the emergency room, where the physician attending the complainant's daughter called the local police about the incident. She said an officer from the local Police Department responded and prepared a report regarding the incident.[12]

The complainant said she later contacted the owner of the dog. She said the dog's owner said the dog had been vaccinated for rabies and provided the complainant with a form documenting

[12] The report prepared by the local Police Department says the dog bite occurred on May 14, 2022.

that vaccination. The complainant said she called CCARC on Monday, May 16, 2022, and spoke to an employee whose name she did not remember. She said she provided CCARC with the rabies tag number. She said the CCARC employee told her they did not have any information on the dog because the veterinarian who administered the dog's initial rabies vaccine did not submit a certification to the CCARC after the vaccination.

The complainant said she later spoke with Administrative Assistant A from CCARC. She said Administrative Assistant A told her that the animal would be "under confinement." However, the complainant later observed the dog which bit her child outside the apartment building in which its owners reside. She said she also observed the dog's owners attending a local parade along with the dog during the period in which the dog was to be confined.

The complainant said she again contacted Administrative Assistant A by phone. The complainant said she informed Administrative Assistant A that she had observed the dog outside in public when CCARC had told her the dog was under confinement. The complainant said this was her final contact with CCARC and Administrative Assistant A.

Interview of Administrative Assistant A

Administrative Assistant A said she is a "Bite Officer" with CCARC. There are three Bite Officers at CCARC. One handles animal bite complaints for the City of Chicago while the other two split responsibilities between Cook County's north and south suburbs. Administrative Assistant A said CCARC typically receives complaints about animal bites from municipal police departments who submit "Bite Cards" (Animal Bite Reports) to CCARC. Administrative Assistant A said the Bite Card at issue in this investigation was submitted to CCARC by a suburban municipality Police Department on May 14, 2022.

Administrative Assistant A said when a veterinarian provides evidence that a dog which is the subject of a biting complaint has already been vaccinated for rabies, the protocol under the law is that the animal must be seen by a veterinarian twice, ten days apart. During the ten-day period the animal must be confined to the owner's home and yard. She said if an animal has not been vaccinated for rabies at the time of the bite complaint, the law requires it to be confined for ten days within a veterinarian's office.

Administrative Assistant A viewed the CCARC Rabies Observation Notice pertaining to the dog which bit the complainant's child and the subsequent CCARC Rabies Release Notice presented by interviewers and said, "It looks like the owner did what they were supposed to do." Administrative Assistant A explained that, following the animal bite report by the victim to the police, the owner took the dog to a veterinarian as documented in the Rabies Observation Notice dated May 17, 2022. Administrative Assistant A said CCARC never had to send a notice to the dog's owner because the owner took the animal to be examined prior to CCARC even being informed of the biting incident by way of the police report. She said the Rabies Observation Notice

documented the veterinarian's confirmation of the dog's pre-existing rabies vaccination on December 11, 2021. She said the animal was released from confinement on May 27, 2022.

Administrative Assistant A said CCARC has the authority to issue citations for non-compliance with its confinement protocols. For example, a dog owner who does not comply with impoundment or rabies observation requirements may be cited by the CCARC. Administrative Assistant A said that it is impossible for CCARC to monitor each dog owner's compliance with ten-day home confinement requirements and must rely on their word that they have complied. She said on occasion the CCARC will receive information that an owner is not complying with confinement terms. In those cases, Administrative Assistant A said CCARC advises complainants to contact the police. She said she did not know if that advice is part of formal CCARC policy.

Administrative Assistant A said she handles large numbers of bite reports every year and did not recall the incident related to the complainant's child (identified to Administrative Assistant A by interviewers only by the Rabies Observation Notice number). She said she did not recall any interaction with the minor bite victim's mother.

Interview of Administrative Assistant B

Administrative Assistant B said CCARC employs three Administrative Assistants I, also known as Bite Officers within the CCARC. She said CCARC Bite Officers are responsible for logging animal bite reports submitted to CCARC from municipal police departments and health care facilities, then matching the reports with corresponding rabies observation reports, if any, from veterinarians. Administrative Assistant B said CCARC receives approximately 5,000 bite reports per year. She said data from these reports are entered in the CCARC's Passport system.

Administrative Assistant B said CCARC's bite reports, which are a paper template, contain an instruction to owners of biting animals that they must have the animal seen immediately by a veterinarian. Administrative Assistant B said if a veterinarian certifies that an animal has a current rabies vaccine, the animal must be confined to the owner's residence for ten days, after which the animal must be seen again by a veterinarian. She said if the animal cannot be certified by a veterinarian as having a current rabies vaccination, it must be confined within a veterinarian's office for ten days.

Administrative Assistant B said if CCARC receives a report of non-compliance with home confinement, they will typically call the owner and caution them about the need to follow home confinement protocols. She said if owner non-compliance continues, CCARC can ultimately issue a citation requiring a biting animal owner to appear in court. Administrative Assistant B said CCARC employees receiving a report of non-compliance will also occasionally advise those reporting to contact their municipal police to file a police report. She said such advice is not official policy at CCARC but has been the practice for years.

Interview of CCARC Deputy Director

The Deputy Director said there is an exception to the 10-day quarantine rule for animals which are subject to a bite complaint. He said that if a veterinarian believes there is a medical or behavioral issue which prohibits a 10-day quarantine, the veterinarian may request a waiver of the requirement from CCARC. The Deputy Director said CCARC rules on those requests on a case-by-case basis.

The Deputy Director said it is impossible for CCARC to investigate a report of an animal owner failing to comply with rabies quarantine requirements. He said CCARC currently employs six animal control wardens, all of whom are fully assigned at any given time and cannot respond on an on-call basis to such reports. The Deputy Director said even if a CCARC animal control warden attempted to respond to the site at which an animal subject to quarantine was allegedly not confined, there would be little chance of observing the violation.

The Deputy Director said CCARC's primary objective is controlling the spread of rabies. He said that is the reason CCARC enforces "less stringently" the legal obligation of animal owners to report dog bites to municipal police departments within 24 hours and take biting animals to a veterinarian within 24 hours. The Deputy Director said CCARC was more interested in enforcing compliance with rabies treatment and quarantine and accordingly focused more of its time and resources on those issues.

The Deputy Director said he had never seen an instance where CCARC had cited a veterinarian for failing to submit rabies vaccination certificates to CCARC as required by law, although he said he had heard that CCARC did cite a veterinarian for such a failure prior to his tenure at CCARC. The Deputy Director said typically, if CCARC suspects a veterinarian is neglecting to submit rabies vaccination certificates, they will simply contact the practice to resolve the issue. The Deputy Director said issuing citations to veterinarians would adversely affect the collegial and open communications which enhance CCARC's mission.

The Deputy Director said CCARC receives rabies vaccination certificates from veterinarians electronically and in paper form. He said data contained in the certificates is entered in CCARC's OnBase application. He said veterinarians can submit rabies vaccination certificates by email to CCARC with the certificates attached as a Notepad document. He said paper submissions are more problematic because their data must be manually entered in OnBase by CCARC personnel. For that reason, CCARC is unable to determine on what date veterinarians submit paper rabies vaccination certificates to CCARC.

During his interview, the Deputy Director was asked to search the rabies vaccination tag pertaining to the complainant's child in OnBase. He said he was able to view data contained in that tag number but was not able to determine when CCARC received it, probably because the certificate had been submitted in paper form.

The Deputy Director said citations for non-compliance with Cook County's biting animal ordinance may be issued by CCARC Bite Officers. He said CCARC always attempts to communicate with animal owners to resolve compliance issues before issuing a citation, which is always a last resort. The Deputy Director said most citations issued by CCARC pertain to failure to follow animal bite protocols.

The Deputy Director reviewed CCARC's webpage titled, "Animal Bite Investigations." He said "we felt the information was complete" but agreed that the instructions provided by CCARC to the public about steps to be taken if their dog bites a person could be clearer. He agreed that the statutory 24-hour time frame for police notification of dog bites and for presenting a biting dog to a veterinarian for examination should be specified. He also clarified that the instructions regarding rabies vaccinations during quarantine applied only to unvaccinated animals.

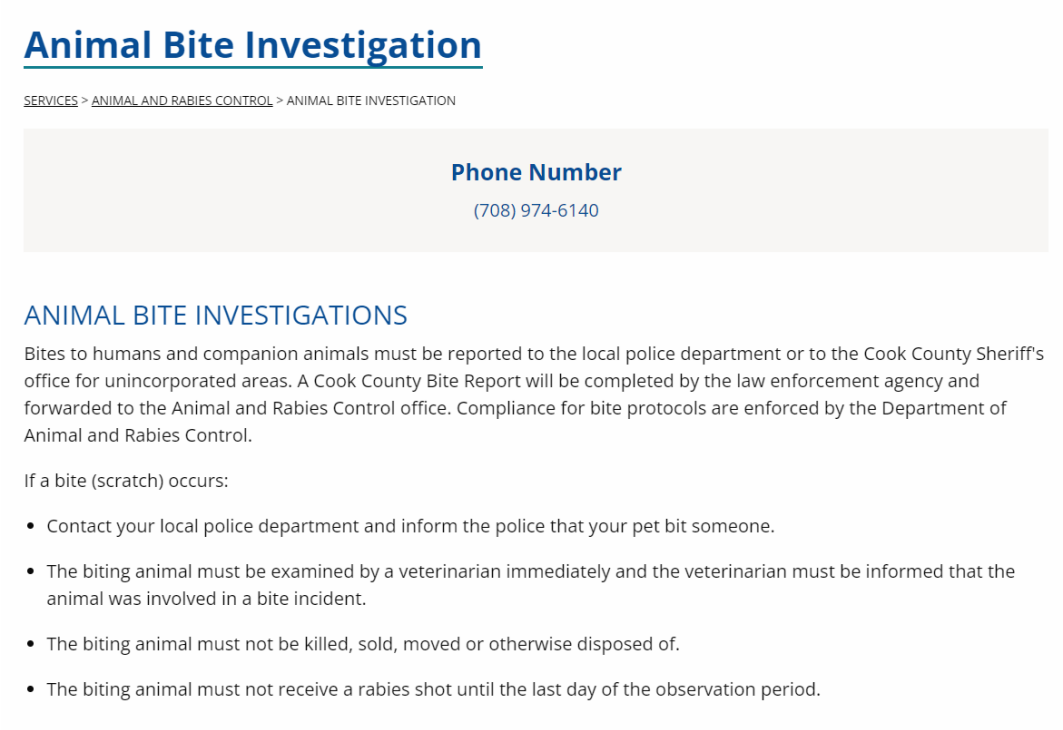
Interview of CCARC Executive Director

The Executive Director said CCARC was planning an upgrade to its rabies vaccination certificate intake process, which would include a scanning function. She said this would streamline data entry for the certificates, currently handled manually for paper certificates. She said CCARC had an outreach effort underway to encourage veterinarians to move away from submitting paper records to CCARC and begin using electronic platforms such as Automatic Certificate Entry (ACE).

Investigators reviewed with the Executive Director the guidance CCARC provides on its website regarding what steps the public should take if they observe an animal not being quarantined under CCARC's bite protocol. When asked if CCARC should provide more detailed information to the public on the issue, the Executive Director said the matter "warrants a look." The Executive Director agreed that the instructions contained on the CCARC's website regarding biting dog owners' obligations were too vague and should be revised. She said CCARC was conducting a review of its website anyway.

CCARC Website "Animal Bite Investigation" Page

CCARC provides information to the public relating to bite investigations on its website on a single page titled, "Animal Bite Investigations," displayed in its entirety below:



Animal Bite Investigation

SERVICES > ANIMAL AND RABIES CONTROL > ANIMAL BITE INVESTIGATION

Phone Number

(708) 974-6140

ANIMAL BITE INVESTIGATIONS

Bites to humans and companion animals must be reported to the local police department or to the Cook County Sheriff's office for unincorporated areas. A Cook County Bite Report will be completed by the law enforcement agency and forwarded to the Animal and Rabies Control office. Compliance for bite protocols are enforced by the Department of Animal and Rabies Control.

If a bite (scratch) occurs:

- Contact your local police department and inform the police that your pet bit someone.
- The biting animal must be examined by a veterinarian immediately and the veterinarian must be informed that the animal was involved in a bite incident.
- The biting animal must not be killed, sold, moved or otherwise disposed of.
- The biting animal must not receive a rabies shot until the last day of the observation period.

CCARC's Internal "Bite protocol" Policy

This office reviewed CCARC's current Bite Protocol policy, which is contained at Number 1.17 in CCARC's Policies and Procedures Manual. This policy specifies a step-by-step procedure for CCARC employees to follow upon receiving Bite Cards in the mail from police departments, including the processing of Bite Reports, the handling of Rabies Observation Notices and Releases, and how to complete and mail citations and summonses. The policy does not contain information to be provided to the public regarding a report of non-compliance with observation requirements.

OIIG Findings and Conclusions

The preponderance of evidence developed in this investigation does not support the allegation that Administrative Assistant A was negligent in her duties. Neither statute nor CCARC policy created a duty on the part of Administrative Assistant A to take any further action after receiving a report from a member of the public that a dog owner was not complying with confinement requirements. Advising the public to contact the police when observing an instance of non-compliance with confinement requirements is only an informal practice within the CCARC. Furthermore, CCARC does not have the personnel to respond to such non-compliance reports. Administrative Assistant A could not have conducted any additional investigation of the complaint even if she had attempted to do so.

The preponderance of evidence developed during this investigation does not support the allegation that CCARC as an agency was negligent in failing to issue a citation to the veterinarian who did not submit to CCARC a rabies vaccination certificate for the dog in question. While CCARC may issue a citation to a veterinarian who fails to submit a rabies vaccination certificate, CCARC's Deputy Director articulated clearly to the OIIG that CCARC's mission of rabies control takes precedence over policing veterinarians' timely submission of documents. The Deputy Director explained that issuing citations against veterinarians for such infractions would unnecessarily chill communications between veterinarians and CCARC which are critical to CCARC's rabies control mission. The Deputy Director explained that these are the reasons CCARC does not often, or ever, perform this regulatory function. Even if CCARC had decided to issue a citation against the veterinarian in question, it would not have been able to prove when the rabies vaccination certificate had been received by CCARC because the certificate in question was submitted in paper form and CCARC does not maintain a record of the date of receipt of paper certificates.

OIIG Recommendations

While the allegations against the CCARC and Administrative Assistant A are not sustained, this office noted ambiguity in both public guidance on the CCARC's Animal Bite Investigations webpage and in its internal "Bite Policy" steps for employees. Accordingly, we made the following recommendations:

1. The guidance provided to the public on CCARC's "Animal Bite Investigations" web page in the first and second bullet points should specify the statutory 24-hour time limits for reporting bites to the police and for presenting biting animals at a veterinarian. The guidance provided in the fourth bullet point regarding rabies vaccinations during observation should specify that it applies to unvaccinated animals only.

2. CCARC should add guidance to its "Animal Bite Investigations" page regarding steps the residents may take upon observing an animal which is not being confined according to the law, e.g., contacting their municipal police department.

3. While the policy is otherwise detailed and comprehensive, CCARC should amend its internal "Bite Protocol," CCARC Policies and Procedures Manual Number 1.17, by adding guidance for Bite Officers to disseminate to residents upon receiving a complaint regarding an animal which is not being confined according to law, e.g., contacting their municipal police department.

This report was issued December 28, 2022, and Animal Control accepted each of the OIIG's recommendations.

<u>IIG22-0378 – Cook County Health</u>. This investigation was initiated based on a complaint alleging an Administrative Employee in the Stroger Hospital Police Department has been

falsifying his hours through the Cook County Time (CCT) system for over a year, thereby getting paid for numerous hours of overtime he did not actually work.

This investigation consisted of a review of Cook County Quarterly Employee Earnings Reports, CCT records, public and subpoenaed records from the Illinois Law Enforcement Training Standards Board ("ILETSB"), subpoenaed records from North East Multi Regional Training, Inc. ("NEMRT"), and documents produced by the subject Administrative Employee. The OIIG also conducted interviews of the subject Administrative Employee, the subject employee's supervisor who is a high-ranking Stroger Police Official ("Police Official"), a CCH Executive Director of Operations ("CCH Director"), and the Deputy Director of NEMRT ("NEMRT Deputy Director").

OIIG Findings and Conclusion

Subject Administrative Employee

CCH Personnel Rule 8.03(c)(10)(b): Misuse of timekeeping facilities or records through altering or falsifying time sheets, timecards, or other records

The preponderance of the evidence gathered during this investigation supports the conclusion that the subject Administrative Employee violated CCH Personnel Rule 8.03(c)(10)(b) by falsifying his timesheets from June of 2021 through August of 2022. During this period, the subject Administrative Employee logged over 1,110 hours of overtime for himself in CCT. The Administrative Employee's contention that he was working on either Stroger Police Department related work or Police Academy coursework during the hours he inputted into CCT that were outside his regularly scheduled shift is not supported by the evidence. To the contrary, the evidence supports the finding that the Administrative Employee was working on Police Academy coursework mostly during his regularly scheduled shift and was not working on Academy coursework late at night or on weekends when there was no in-person Academy training. Furthermore, nothing the Administrative Employee submitted supports his statements that he was working on Stroger Police Department related work for the 602 hours of overtime he logged for himself prior to beginning the Police Academy. When the OIIG informed the Police Official that the Administrative Employee had accrued an average of 30-40 hours of overtime per pay period for approximately two years, the Police Official stated that he did not remember seeing such large amounts of overtime and added that if he had seen it, he "would have questioned it." Critically, when the Administrative Employee's overtime hours were brought to the attention of the Police Official, he concluded that it "looked like he was stealing time." The Police Official stated that the Administrative Employee does not work on the weekends, except for the Saturdays and/or Sundays he attends training at the Academy. The Police Official stated that the Administrative Employee has no reason to be clocking in early and should not be doing that. When the OIIG directed the Police Official to the dates and times where the Administrative Employee had clocked out at 10:45 p.m., the Police Official stated that there was "no justification" for clock outs that late, and further stated that the Administrative Employee was not working that late. The Director also stated that the Administrative Employee clocking out at 10:45 at night "would be very strange" and that it is

rare that the Administrative Employee would be working on something past the end of his shift but if he did there should be a paper trail which would document these requests.

The OIIG investigation determined that the Administrative Employee spent 205 hours in overtime on Police Academy training (159 in-person training hours plus 14 hours for online materials plus 32 hours for offline tasks). The Police Official and the Director stated in their OIIG interviews that the Administrative Official was occasionally asked to work past his shift a handful of times; however, the Administrative Employee did not produce a single CCH Overtime Authorization Form to show how much or when overtime was worked. The Administrative Employee's Badge or Biometrics clock in and outs reveal 35.51 hours of overtime during this time. This accounting brings the employee's valid overtime hours to 240.51 hours, far short of the 1,110 he inputted into CCT, leaving a total of 869.49 unsubstantiated overtime hours. The Administrative Employee earned time and a half at a rate of $51 per hour during overtime, which means he profited by a minimum $44,344 for overtime he did not actually work from June of 2021 through August of 2022.

CCH Personnel Rule 8.03(c)(13): Violation of policy or procedure (CCH Employee Identification, Time and Attendance, Time Recording Policy)

The preponderance of the evidence gathered during this investigation supports the conclusion that the Administrative Employee violated the CCH Employee Identification, Time and Attendance, Time Recording Policy. Section II(B)(1)(b) of the Policy states that employees will "record work time by using a Badge or Biometric Reader daily when scheduled to work." In his OIIG interviews, the Administrative Employee admitted that he violated this policy by failing to use the Badge reader to clock in and out as required. The Administrative Employee's CCT records prove that he failed to record work time as required.

Additionally, Section II(B)(2)(c) of the Policy states that employees eligible for overtime will "[o]btain written approval via the Overtime Authorization Form from his/her immediate supervisor or department head to begin work prior to their scheduled start time or obtain written approval to work after a scheduled shift concludes for overtime…." While the OIIG finds that the Administrative Employee did not work 1,110 hours of overtime from June 2021 until August 2022, the Police Official and Director stated in their OIIG interviews that the Administrative Employee was requested to work past his shift a handful of times. However, the Administrative Employee did not obtain written approval from either the Police Official or Director for any validly worked hours of overtime.

CCH Personnel Rule 8.03(c)(13): Violation of policy or procedure (CCH Internet Acceptable Use Policy)

The preponderance of the evidence gathered during this investigation supports the conclusion that the Administrative Employee violated the CCH Internet Acceptable Use Policy. The Policy states that "[i]nternet users must utilize the account credentials provided to them by the

IT Department. Use of another user's account is strictly prohibited." The Administrative Employee admitted that he utilized his supervisor's CCT credentials to access his supervisor's CCT account and enter his own time into CCT in violation of this policy.

CCH Personnel Rule 8.03(c)(8): Negligent performance or willful misconduct in the performance of duties

The preponderance of the evidence gathered during this investigation supports the conclusion that the Administrative Employee violated CCH Personnel Rule 8.03(c)(8). The records obtained in this investigation prove that the Administrative Employee engaged in willful misconduct in the performance of his duties by engaging in time theft by falsely logging hundreds of hours of overtime that he did not actually work, thereby profiting by over $44,000, and violating not one, but two, CCH policies.

CCH Personnel Rule 8.03(c)(25): Engaging in conduct that reflects adversely or brings discredit to CCH

The preponderance of the evidence gathered during this investigation supports the conclusion that the Administrative Employee violated CCH Personnel Rule 8.03(c)(25). The Administrative Employee received the Police Academy's Rules and Regulations, which state that participants must be employed as a law enforcement officer. Instead of declaring his status as a civilian, he signed the acknowledgement and acceptance form and has continued to attend the Police Academy under the guise of being a sworn police officer. Making false certifications to gain admittance to a police academy for which he knew he was ineligible tarnishes the Administrative Employee's reputation and brings discredit to CCH and Stroger Police Department as it can erode the public's trust in both CCH and its Police Department.

Subject Police Official

CCH Personnel Rule 8.03(c)(13): Violation of policy or procedure (CCH Employee Identification, Time and Attendance, Time Recording Policy)

The preponderance of the evidence gathered during this investigation supports the conclusion that the subject Police Official violated the CCH Employee Identification, Time and Attendance, Time Recording Policy. Section II(A)(3) of the Policy states that managers are responsible for performing "on-going audits of Employee time records, including Payroll Approval of Non-Punch Hours Form requests, to ensure compliance with time recording procedures." The subject Police Official, by his own admission, failed to notice the unusual amount of overtime on the Administrative Employee's timesheets prior to approving and certifying them. This perpetual oversight allowed the Administrative Employee to falsify his timesheets and engage in time theft.

CCH Personnel Rule 8.03(c)(13): Violation of policy or procedure
CCH Password Management Policy

The preponderance of the evidence gathered during this investigation supports the conclusion that the subject Police Official violated the CCH Password Management Policy. The Policy provides in pertinent part that "passwords should never be written down or shared." The subject Police Official admitted that he gave the Administrative Employee his password and login information to his computer and access to his CCT account in violation of this policy.

CCH Personnel Rule 8.03(c)(8): Negligent performance or willful misconduct in the performance of duties

The preponderance of the evidence gathered during this investigation supports the conclusion that the subject Police Official violated CCH Personnel Rule 8.03(c)(8). The records obtained in this investigation prove that he had virtually no oversight of the Administrative Employee. The Police Official admitted to providing the Administrative Employee with the password and login information to his computer and allowing the Administrative Employee to enter his own time into the Police Official's CCT account. Additionally, the Police Official admitted that he failed to see the unusual amount of overtime on the Administrative Employee's timesheets prior to approving them every pay period. While the OIIG found nothing to indicate that the Police Official was complicit in the Administrative Employee's falsification of his timesheets, the Police Official's gross negligence facilitated the Administrative Employee's ability to falsify his own timesheets and engage in time theft.

CCH Personnel Rule 8.03(c)(25): Engaging in conduct that reflects adversely or brings discredit to CCH

The preponderance of the evidence gathered during this investigation supports the conclusion that the Police Official violated CCH Personnel Rule 8.03(c)(25). The records obtained in this investigation reveal that the paperwork submitted to ILETSB and NEMRT by the Police Official on behalf of the Administrative Employee contained intentional misrepresentations of fact. The Police Official admitted that the Administrative Employee is not, nor has ever been, a sworn or appointed law enforcement officer. Yet, he falsely certified to the Police Academy that the Administrative Employee was a sworn police officer. The only plausible purpose in falsely certifying the Administrative Employee's rank as a police officer with a fictitious appointment date was to assure his acceptance into the Police Academy – an academy intended solely for law enforcement officers. This fraudulent behavior tarnishes the Public Official's reputation, especially considering his role as a high-ranking police official, and brings discredit to CCH and Stroger Police Department as it can erode the public's trust in both CCH and its Police Department.

OIIG Recommendations

Based on the above findings and conclusions, we recommended the following:

1. Due to the serious nature of the violations at issue, all of which are Major Cause infractions under the CCH Personnel rules, the Administrative Employee's employment should be terminated, and the Administrative Employee should be placed on the *Ineligible for Rehire List*.

2. CCH should seek reimbursement from the Administrative Employee in the amount of $44,344, or, in the alternative, conduct its own internal audit of the Administrative Employee's time and attendance records and seek reimbursement in the amount the auditors determine the Administrative Employee should not have been paid.

3. Due to the serious nature of the violations at issue, all of which are Major Cause infractions under the CCH Personnel Rules, CCH should terminate the subject Police Official's employment, and the Police Official should be placed on the *Ineligible for Rehire List*.

4. CCH should make the appropriate notifications to NEMRT and ILETSB with respect to the fraudulent statements made by the Police Official and the Administrative Employee that were made to obtain the Administrative Employee's entry into the Academy.

This report was issued December 12, 2022. CCH adopted all of the OIIG recommendations.

From the 2nd Quarter 2022

IIG22-0036 – Bureau of Administration. This investigation was based on a complaint alleging that an incumbent Cook County Bureau of Administration (BOA) Administrative Assistant V (AAV), a *Shakman* exempt position, does not perform the duties outlined in the job description. The complaint further alleged that the AAV conducts only ministerial functions and produces little to no work product contemplated by the parameters of the job description.

The parameters for the designation of a government job as exempt from the protections afforded by the First and Fourteenth Amendments to engage in political association can be found in the Cook County *Employment Plan*, 1994 Consent Decree entered in *Shakman v. Cook County Democratic Party*, 69 C 2145 (N. D. Ill) and legal precedent, including the Supreme Court's holding in *Branti v. Finkel*, 445 U.S. 507 (1980). 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" 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. The 1994 *Shakman* Consent Decree parallels the holding in *Branti* wherein it directed "[t]he criteria for the positions to be Exempt Positions is that the job involves policymaking to an extent or is confidential in such a way that political affiliation is an appropriate consideration for the effective performance of the job and that therefore hiring or discharge from the job should be exempt from inquiry under this

Judgment and the Consent Judgments." Section II of the Cook County *Employment Plan* adopts this language in defining which positions may be designated as exempt.

During our investigation, this office reviewed the incumbent AAV's job description and interviewed the incumbent AAV, the AAV's *de facto* Supervisor, and the BOA Chief Administrative Officer ("CAO"). The preponderance of the evidence developed in this investigation supports the conclusion that the AAV does not perform most of the core responsibilities and duties outlined in the Administrative Assistant V position job description. The position description itself contains several of the functions associated with exempt status under *Branti*, namely that the AAV is responsible for assisting the CAO in developing new policies, procedures, and programs. However, based on witness interviews, the AAV does not perform any such duties and appears to function nearly exclusively as a warehouse records clerk.

Despite being asked several times about duties apart from record maintenance, the AAV could not articulate any additional duties that corresponded with the position description, and which would meet the standard for exempt status. This information was confirmed in the interviews with the CAO and the Supervisor. We also note that the Supervisor, who is not exempt, appears to be the AAV's *de facto* supervisor. This circumstance highlights the concerns of this office that the AAV is not functioning in a manner consistent with exempt status under *Branti v. Finkel*.

Based on the foregoing and pursuant to Section XII.C.2. of the *Employment Plan*, we recommended that Cook County remove the Administrative Assistant V title from the Exempt List and that the AAV be reclassified in accordance with the functions being performed.

This report was issued on June 27, 2022. The President's Office adopted the OIIG recommendation in part. In its response, the President's Office stated that it performed a desk audit to ascertain the duties being performed and if the Administrative Assistant V position should be removed or reclassified. The Bureau of Human Resources has affirmed the duties being performed are not consistent with the job description. As such, the Bureau of Administration has removed the individual from this position. At this time, the Bureau of Administration will maintain the position on the exempt list but will determine its operational needs moving forward which may include filling the position, restructuring the position, or removing the position from the exempt list.

Outstanding Recommendations from Prior Quarters

During this reporting period, there are no recommendations provided in prior quarters to which the OIIG has still not received a response.

Activities Relating to Unlawful Political Discrimination

In April of 2011, the County implemented the requirement to file Political Contact Logs with the Office of the Independent Inspector General. The Logs must be filed by any County

employee who receives contact from a political person or organization or any person representing any political person or organization where the contact relates to an employment action regarding any non-Exempt position. The OIIG acts within its authority with respect to each Political Contact Log filed. From January 1, 2023 to March 31, 2023, the Office of the Independent Inspector General received four Political Contact Logs.

Post-SRO Complaint Investigations

The OIIG received no new Post-SRO Complaints during the last quarter.

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

The OIIG received five new 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, CCH, and Assessor by conducting joint investigations where appropriate and supporting the embedded compliance personnel whenever compliance officers need assistance to fulfill their duties under their respective Employment Plans.

Employment Plan – Do Not Hire Lists

The OIIG continues to collaborate with the various County entities and their Employment Plan Compliance Officers 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 hiring of *Shakman* Exempt and Direct Appointment employees, (2) proposed changes to Exempt Lists, Actively Recruited lists, Employment Plans and Direct Appointment lists, (3) disciplinary sequences, (4) employment postings and related interview and selection sequences and (5) Supplemental Policy activities. In the last quarter, the OIIG has reviewed and acted within its authority regarding:

1. Three proposed changes to the Cook County Actively Recruited List;
2. Three proposed changes to the CCH Direct Appointment List;
3. The hire of fifteen CCH Direct Appointments;
4. Nine proposed changes to the Cook County Exempt List;

Monitoring

The OIIG currently tracks disciplinary activities in the Forest Preserve District and Offices under the President. In this last quarter, the OIIG tracked eighteen disciplinary proceedings including Employee Appeals Board and third step hearings. 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 consideration 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,

Steven E. Cyranoski
Interim Inspector General

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