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
3rd Quarter 2021

October 15, 2021

OFFICE OF THE INDEPENDENT INSPECTOR GENERAL
Patrick M. Blanchard, Inspector General
69 West Washington Street | Suite 1160 | Chicago, IL 60602 | (312) 603-0350

October 15, 2021

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 (3rd Qtr. 2021)

Dear President Preckwinkle and Members of the Board of Commissioners:

This report is written in accordance with Section 2-287 of the Independent Inspector General Ordinance, Cook County, Ill., Ordinances 07-O-52 (2007), to apprise you of the activities of this office during the time period beginning July 1, 2021 through September 30, 2021.

OIIG Complaints

The Office of the Independent Inspector General (OIIG) received a total of 240 complaints during this reporting period.[1] Please be aware that 22 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, 77 OIIG case inquiries have been initiated during this reporting period while a total of 71 OIIG case inquiries remain pending at the present time. There have been 63 matters referred to management or other enforcement or prosecutorial agencies for further consideration. The OIIG currently has a total of 50 matters under investigation. The number of open investigations beyond 180 days of the issuance of this report is 13 due to various issues including the nature of the investigation, availability of resources and prosecutorial considerations.

OIIG Summary Reports

During the 3rd Quarter of 2021, the OIIG issued nine 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]

IIG19-0455. This investigation was initiated by the OIIG based on a complaint alleging that the Cook County Forest Preserve District (FPD) applied a policy violation designated for civilians to justify the removal of an FPD police officer from the promotional process to the rank of Sergeant. The investigation consisted of reviewing email communications, the Cook County Personnel Rules, the FPD Employment Plan, the Collective Bargaining Agreement between FPD and Fraternal Order of Police – Lodge 166, and the Cook County FPD Municipal Code / Title 3 – Police Regulations. The Office also conducted interviews of FPD personnel.

The preponderance of the evidence developed during this investigation supports the subject FPD police officer's contention that the provision of the Employment Plan cited to him as a basis for removal from the promotional process did not apply to him. However, we do not believe that the subject FPD police officer was unlawfully denied promotion. In the initial email exchange between the subject FPD police officer and the FPD representative, the FPD representative did cite the wrong section of the Employment Plan as the justification for removal from the promotional process. Nonetheless, despite the erroneous citation, Section VIII.E of the Employment Plan and Rule 3, Section 3.3 of the Cook County Personnel Rules afford the FPD the unambiguous authority to remove any candidate, at any time, from the promotional process prior to appointment. The subject FPD police officer's disciplinary history is a qualifying factor based on the tenets of this provision. It is also important to note that in subsequent communication between the FPD and the subject FPD police officer, the FPD representative stated his position by citing the applicable policy of the Employment Plan which references the Cook County Personnel Rules.

Based on the forgoing, we concluded that no improper or malicious action was committed by the FPD representative or the Administration of the FPD when it denied the subject FPD police officer a promotion. Although no personnel related action was warranted, the OIIG made the following recommendations:

1. The FPD should consider rescinding the original memorandum to the subject FPD police officer and acknowledge the follow-up memorandum sent to the subject FPD police officer as the official notification of disqualification, or similar communication.

2. Section V(Q)(2)(b) of the Employment Plan should be amended to include more comprehensive and inclusionary language that establishes all requirements for potential disqualifications and specifically identifies elements for disqualification within the section itself. The amendment would coincide with the District's intention to allow pre-

[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.

application and post-application discipline to be considered as a disqualifying factor and, importantly, will do so within the same section.

These recommendations are currently pending.

IIG20-0533-A. The OIIG opened this investigation based on a complaint alleging a full-time Cook County Health (CCH) House Administrator assigned to the Cook County Juvenile Temporary Detention Center (JTDC) is working full-time for Chicago Public Schools (CPS) in violation of CCH personnel rules regarding dual employment. During the investigation, this office reviewed the subject's CCH personnel file and documents obtained by subpoena from her secondary employer. This office also interviewed the subject CCH employee and her supervisor.

The preponderance of the evidence developed in this investigation supports the conclusion that the subject CCH employee violated Cook County Health and Hospitals System Personnel Rules, Report of Dual Employment – Section 12.3(2), which states in part, "Employees must complete, sign and submit the Report of Dual Employment Form prior to engaging in outside activities." It further states, "The Report of Dual Employment Form must be completed and signed by . . . (2) Any person who after entering County service as an Employee becomes engaged in any outside activities." According to records subpoenaed from CPS, the subject CCH employee began her employment on January 6, 2020; however, she did not provide a dual employment form to CCH until 11 months later, when the annual form was due in December 2020. The subject CCH employee failed to follow CCH personnel rules by not immediately informing CCH that she had outside employment before engaging in the work as required. Despite eventually submitting the dual employment form, it was never fully executed and only approved by her immediate supervisor. The document was never approved by the secondary approver. To date, the dual employment form remains in an unapproved status.

The subject CCH employee also violated Cook County Health and Hospitals System Personnel Rule, Parameters for Dual Employment – Section 12.4(a)(1). It states in part that, "Dual employment for System Employees is permissible only within the following considerations: (1) The outside activities do not exceed twenty (20) hours per week." According to the dual employment form submitted by the subject employee to CCH, she is a full-time employee at CPS and works 35 hours per week Monday through Friday. Her CPS payroll records confirmed that she has worked an average of 72 hours per pay period since she began her dual employment on January 6, 2020.

The underlying reasoning supporting the policies cited here appropriately seek to strike a balance between the interests of an employee to have secondary employment with the important interest of CCH to prevent conflicts of interest and ensure that secondary employment does not interfere with CCH employment. Here, the subject employee has worked two full-time positions during the Monday to Friday cycle since January 2020 by working 10:00 p.m. to 6:00 a.m. at the JTDC and a full-time day shift at CPS. In this regard, we view these circumstances as far more concerning than a typical failure to report dual employment matter, especially when considering

that the subject employee works in a healthcare environment. This is an aggravating factor that we believe no reasonable person would fail to recognize. *See* Cook County Health and Hospitals System Personnel Rules, Section 8.4(c)(2 and 3).

Based on the nature of the violations, we recommended the imposition of disciplinary action regarding the subject CCH employee based on the factors set forth in Cook County Health and Hospitals System Personnel Rules, Section 8.4(c)(1-5).

This recommendation is currently pending.

IIG20-0533-B. This matter involves the supervisor of the CCH employee who was the subject of IIG20-0533-A, discussed above, and was part of that same investigation.

The preponderance of evidence developed in this investigation, as it relates to the CCH supervisor, supports the conclusion that she violated Cook County Health and Hospitals System Personnel Rule 8.3(b)(8), Negligence in Performance of Duties. The CCH supervisor failed to properly review and evaluate the secondary employment form submitted by the House Administrator. The subject supervisor stated in her OIIG interview that she was thoroughly versed in the personnel rules regarding secondary employment and would have known not to approve the House Administrators' secondary employment at CPS. In her OIIG interview, she provided no plausible explanation for the failure to recognize the House Administrator's violation of the rule on the face of the form. The CCH supervisor further explained that she was not aware that the House Administrator worked at CPS, the type of work she performed there or that she worked there full-time. These are all facts that a supervisor must consider before authorizing secondary employment.

Based on the foregoing, we recommended the imposition of disciplinary action for the failure of the CCH supervisor to adequately scrutinize the House Administrator's secondary employment form based on the factors set forth in the Cook County Health and Hospitals System Personnel Rule 8.4(c)(1-5), including the consideration of the level of discipline applied in other similar cases. We also recommended that the secondary employment forms approved by the subject supervisor since December 2020 be reviewed for compliance with CCH personnel rules regulating secondary employment.

These recommendations are currently pending.

IIG21-0194. This matter involves an allegation that an Aide to a Cook County elected official sexually harassed a visitor to the elected official's office. The OIIG conducted an interview with the visitor, the elected official, two of the elected official's Aides ("Aide A" and "Aide B"), and the subject Aide. This office also reviewed notes taken by the visitor shortly after the incident, and notes taken from a conference call between the elected official, Aide A, and the Director of the visitor's employer ("Director"). Further, this office reviewed notes from a meeting that occurred between the subject Aide and Aide A and Aide B.

The preponderance of the evidence developed during the course of this investigation supports the conclusion that the subject Aide violated Cook County Personnel Rules 8.2(b)(5) (which provides that it is improper for an employee to engage in "patient, employee or visitor abuse or harassment") and 8.2(b)(36) (which proscribes conduct unbecoming an employee or which brings discredit to the County). This conclusion is based on the fact that the subject Aide, while working as a representative of a Cook County elected official, sexually harassed a visitor to an elected official's office. The Cook County Code defines sexual harassment as "any unwelcome sexual advances, request for sexual favors or other verbal, visual or physical conduct of a sexual nature regardless of gender."[3] Here, the preponderance of the evidence establishes that the subject Aide made several inappropriate comments about the visitor's physical appearance, including stating that her hair and piercings were "hot" and that he "could not help himself being in front of someone so beautiful." Additionally, the subject Aide asked the visitor questions concerning her personal life that were clearly inappropriate such as her age, relationship status and whether she used any dating applications. The subject Aide knew that the conversation he was having with the visitor was inappropriate because he apologized during the conversation and said, "let me stop before I get into trouble." However, the subject Aide did not stop and continued to be inappropriate with the visitor even though she also told him on more than on occasion that he was being inappropriate.

The subject Aide has alleged that the visitor is not being truthful about how their conversation occurred. However, the details of the conversation provided by the visitor were very specific, contemporaneously reported to her employer and have not changed over time unlike the differing accounts offered by subject Aide. For example, the subject Aide told this office that the name of a restaurant only came up during the conversation as a reference point to direct the visitor to a certain location, but he told Aide A and Aide B that the restaurant came up to inform the visitor that the restaurant did work within the community. In addition, the subject Aide told this office that he never asked the visitor personal questions like how old she was and where she lived, but Aide B remembered that when the subject Aide was confronted with this allegation in their meeting, he indicated that he did ask her how old she was and where she was from. The subject Aide also told this office that he did not walk the visitor to her car after the meeting was over for fear of being locked out. However, Aide B recalled the subject Aide stating that after the meeting with the visitor he gave her some resources and took them to her car for her and that he did not see anything wrong with that.

Most important in our assessment of the relative credibility of the differing accounts offered by the visitor and the subject Aide is seen in the statement provided by the visitor. In her statement, she referred to two very specific details about the subject Aide's personal life, namely that he does not intend to remarry and that he is comfortable caring for the children of women he dates. The subject Aide has repeatedly denied having stated those facts to the visitor. Yet those facts are true and could not have been known by the visitor unless she learned them from the subject Aide himself. The visitor stated that the subject Aide told her that he would not remarry

[3] Chapter 44, Article II, Section 44-53(c) (2017).

after having been married twice. The subject Aide told this office that he did not tell the visitor that he would not marry again. However, Aide B stated that he could see the subject Aide mentioning this statement to the visitor because he has had similar conversations with the subject Aide concerning his thoughts on marriage. The visitor also stated that the subject Aide told her that he has raised children of the women he has dated in the past. The subject Aide denied ever making this statement to the visitor. However, the visitor's assertion here is corroborated by the subject Aide himself, who acknowledged this detail of his personal life in his OIIG interview, along with the statement of Aide B. Although Aide B could not recall precisely what the subject Aide said concerning this allegation, Aide B told this office that he could see the subject Aide mentioning this in conversation because the subject Aide has mentioned that he cared for the children of women he dated to Aide B in several past conversations.

The preponderance of the evidence developed during the course of this investigation also supports the conclusion that the subject Aide violated Cook County Personnel Rule 8.2(b)(36) (Conduct unbecoming an employee or conduct which brings discredit to the County). The visitor, in attempting to perform her job, was sexually harassed, subjected to innuendos, repeatedly subjected to details about the subject Aide's personal life and finally invited on a date at a restaurant or, alternatively, a visit to the subject Aide's residence. In the face of such treatment, the visitor abandoned her efforts and decided the best course of action in dealing with this particular Cook County employee was to leave the premises. The subject Aide's sexual harassment of this visitor fell far below any acceptable standard of conduct and thus was not only unbecoming to him but also brought discredit to the County.

The subject Aide is no longer employed by Cook County government as his employment was terminated by the elected official based on this incident. Therefore, no recommendation for disciplinary action was made. However, because of the serious and willful nature of this misconduct, we recommended placing the subject Aide on the *Ineligible for Rehire List* pursuant to Section IV.Q.2.a. of the *Cook County Employment Plan* (referencing Personnel Rule 3.3(b)(5)).

As indicated above, the subject Aide was terminated after an internal review initiated by the elected official. We believe that the actions taken by and on behalf of the elected official were appropriate in promptly reviewing and investigating the allegations of the visitor and taking the appropriate disciplinary action under the circumstances presented.

This recommendation is currently pending.

IIG21-0258. The OIIG opened this case after receiving information that a police officer with the Cook County Health Police Department (CCHPD) applied excessive force on a male subject he was attempting to place under arrest in the Stroger Hospital main lobby. It was further alleged that the subject police officer utilized a straight stick baton to place the subject in a chokehold by placing the baton around the neck of the subject and applying pressure to his neck and throat area.

During its investigation, the OIIG reviewed CCHPD investigative reports, Cook County Court documents, CCH video footage, CCHPD training documents, CCHPD General Orders and the Illinois law. The OIIG also interviewed multiple CCHPD employees.

The preponderance of the evidence developed during the course of this investigation establishes that the subject police officer violated Cook County Code Sec. 46-6 (c) – Policy on Use of Force – Choke Holds Prohibited when he utilized his baton to place the subject in a choke hold.[4] During his OIIG interview, the subject police officer adamantly denied ever placing his baton around the neck of the subject while attempting to place him under arrest. According to him, he placed the baton around the torso of the subject as a control tactic and the subject himself pushed the baton up around his own neck area, while attempting to defeat the arrest. However, there is substantial video evidence to support the contrary. The video footage depicts the subject police officer quickly and directly placing the baton around the neck of the subject and applying enough force to cause the subject to lose his balance and adjust his gait while twisting and turning his torso. That is, the video confirms that the subject police officer utilized the baton to place the subject in a choke hold. In addition, this finding is corroborated by the statement of another police officer who explained to OIIG investigators that he observed the subject police officer place the baton around the subject's neck and apply pressure causing him to intervene by grabbing the baton to remove it from the subject's neck, though because his fingers were caught between the baton and the subject's neck, he was unable to release the hold.

The preponderance of the evidence developed during the course of this investigation further establishes that the subject police officer violated CCHPD General Order 03.1 – Use of Force, which prohibits the use of excessive force.[5] Section 03.1 (a) states, "The Officer will use the minimum amount of force necessary to fulfill his or her official duties." The subject police officer failed to follow this general order when he utilized his baton as a control tactic against the subject who was at most an "aggressive resistor." During his OIIG interview, the subject police officer stated that he placed his baton around the torso of the subject to control him because he was resisting arrest. The CCHPD Use of Force Continuum reveals that the appropriate level of force to be utilized by an officer for an aggressive resistor is "Hard Hand" tactics and intermediate weapons should be utilized for "aggressive or violent aggressors." Here, the subject police officer utilized more than the amount of force necessary to make the arrest when he introduced his baton (an intermediate weapon) into the incident by placing the baton around the subject's neck and

[4] County Code Sec. 46-6 (c) states: No Employee of the Cook County Health and Hospitals System shall apply a carotid control hold in the performance of his or her duties unless faced with a situation in which the use of deadly force is justified under applicable law. A carotid control hold shall include, but is not limited to, any sustained pressure to the throat or windpipe, which may prevent or hinder breathing or reduce intake of air. Illinois law is consistent. See 720 ILCS 5/7-5.5 (Prohibited use of force by peace officer).

[5] CCHPD General Order #3, Use of Force and Weapons states: "It has been the policy of CCHPD that only the minimum amount of force necessary is to be used by Hospital Police to effect arrest and control violent situations". Section 03.1 (a) states, "The use of force is acceptable to effect lawful purposes and protect life. The Officer will use the minimum amount of force necessary to fulfill his or her official duties." Section 03.1(b) states, "The Officer will generally follow the Department's Use of Force Continuum when using force and will utilize a "Dynamic Use of Force," at all times attempting to deescalate a confrontation.

applying pressure. During his OIIG interview, which was also corroborated by the video footage, another police officer on the scene stated he was initially able to control the subject by grabbing his arms from behind and turning him towards the door. The subject became more aggressive after the subject police officer placed the baton around the subject's neck to place him in a choke hold.[6]

The preponderance of the evidence developed during the course of this investigation also establishes that the subject police officer violated CCHPD General Order 05.1 (k), which prohibits the making of a false report. The subject police officer reported that he had been struck in the chest with a right balled-up fist by the subject in the CCHPD Incident Report and the Misdemeanor Complaints charging the subject with Battery and Assault (Simple). This assertion is countered by video evidence and witness statements. The video footage contradicted the subject police officer's account of the events and failed to depict the subject ever striking him in the chest or making physical contact with him as he reported internally and certified in the Misdemeanor Complaints. During his OIIG interview, another police officer who observed the incident in its entirety, denied ever seeing the subject strike the subject police officer in the chest or make similar physical contact with him. The other police officer stated when he prepared the CCHPD Incident Report, the subject police officer told him that the subject had struck him in the chest with "a balled-up fist." During his OIIG interview, the subject police officer continued to provide varying accounts of the incident. When initially asked, before reviewing the incident report or camera video, the subject police officer stated the subject was arrested because he had "charged at and threatened his life." He never mentioned being struck in the chest by the subject. When questioned after reviewing the incident report, the subject police officer denied telling the other police officer that the subject had struck him in the chest with a fist. He stated the other police officer assumed the subject had struck him because he had asked if the subject made physical contact with him and he responded, "yes." The subject police officer later admitted to providing the information in the incident report to the other police officer and completing all three misdemeanor complaints.

Based on the serious nature of the violations outlined above, we recommended that the subject police officer's employment be terminated and that he be placed on the *Ineligible for Rehire List*. CCH adopted both of these recommendations.[7]

IIG21-0337. This investigation was initiated by the OIIG based on a complaint alleging that a nurse had been taking medication home from Stroger Hospital and forwarding the medication out of the country to her family to subsequently be sold for personal gain. This investigation consisted of conducting interviews with the complainant, the subject nurse's secondary employer, and the subject nurse. The OIIG also recovered and inventoried the medication in question, reviewed the Cook County Health (CCH) Dual Employment Disclosure form and the Electronic Dispensary System Audit Transaction reports.

[6] The subject police officer's use of the baton would still be considered excessive per CCHPD policy should the subject have struck him with a balled-up fist as he has suggested.
[7] The State's Attorney's Office dismissed the misdemeanor complaints (3) filed by the subject police officer following their review of the evidence outlined above.

The preponderance of the evidence developed during this investigation supports the conclusion that the subject nurse violated CCH Personnel Rule 8.03(c)(9) - Theft or unauthorized possession of System property when she exerted unauthorized control over medication belonging to CCH. When interviewed, the subject nurse acknowledged inadvertently taking medications home from CCH but attributed it to being an oversight. She stated the medications were accidently left in her uniform pockets and she had forgotten to return them at the end of her shifts. However, she had no valid explanation as to why she never returned the medication the following day to CCH. The nurse denied stealing the medication, shipping it out of the country and subsequently facilitating its sale by her relatives. Although no evidence was obtained to corroborate that the subject nurse was shipping the medication to her relatives, the amount of medication discovered in her residence is of concern. While it is possible that nursing staff could forget about medication in a uniform pocket after the conclusion of a busy shift, it is absolutely unacceptable that it would never be returned when discovered. Moreover, in this case, the amount of medication recovered in her home was significant. The nurse could not provide a credible reason to account for the significant amount of medication that was recovered from her residence.

The preponderance of the evidence developed during this investigation also supports the conclusion that the subject nurse violated CCH Personnel Rule 8.03 (c)(14) - Falsification of, or failure to complete, patient records. In order to obtain the medication from the Pixis System, the subject nurse would have had to access the Pixis System to obtain the medication for the purpose of administering it to her patient. When administering the medication to the patient, she would have had to scan the patient's identification wrist band and the medication to document that the patient received the medication. If the patient refused the medication after it had been scanned, the nurse was required to edit the medication administration in the medication administration record (MAR) system to reflect the patient refused the medication and, either dispose of the medication if said medication had been opened or return the unopened package to the Pixis. A review of the subject nurse's Audit Transaction Report revealed that she did not return any of the medications recovered from her residence to the Pixis System. Therefore, the subject nurse either falsely documented that she administered medications to patients in the MAR, or she removed more medication from the Pixis System than authorized.

Based on the facts gathered in this investigation and the serious nature of the violations at issue, which constitute major cause infractions, the OIIG recommended that the subject nurse be terminated and that she be placed on the CCH *Ineligible for Hire List*.

These recommendations are currently pending.

IIG21-0403. This investigation was initiated by OIIG based on a complaint alleging that an unknown Cook County Medical Examiner Office (MEO) employee stole $1,100 from a file cabinet drawer in the storage area used to retain the personal effects of decedents transported to the MEO for forensic examination. This investigation consisted of the review of video surveillance footage and inventory reports, interviews of MEO personnel, a site inspection and the

consideration of the Cook County Code of Ordinances. The OIIG also reviewed the MEO Forensic Technicians Standard Operating Procedures and the MEO General Policies / Procedures.

The preponderance of the evidence developed during this investigation supports the conclusion that an MEO Forensic Technician violated Cook County Personnel Rules 8.03(b)(10) - Theft or Unauthorized Possession of Patient, Employee or County Property when he removed the inventory bag containing $1,100 from the file cabinet drawer located in the storage area, concealed it inside his uniform and ultimately exited the MEO. Although the subject Forensic Technician denied removing the money from the storage area, a review of the video footage along with the MEO LabLynx report represents strong evidence implicating him. Moreover, unlike the subject Forensic Technician, all other Forensic Technicians seen on video during the subject time period had a documented official purpose for being in the storage area on the dates and times they are seen on the video. In addition, the subject Forensic Technician was the only employee who was observed on the video footage making suspicious movements, as though he was placing items into his clothing with his back to the camera. During his interview, the subject Forensic Technician stated that that he was not aware of the location of the camera in the storage area – a proposition that lacks credibility when considering the mounted camera is in plain view and is unmistakable.

Additionally, during the course of this investigation we also developed information to support the conclusion that the mechanisms currently in place for the recovery, documentation, and disposition of decedents' personal property are appropriately in place. However, we also observed that the system lacks sufficient internal controls for monitoring MEO personnel when accessing the stored property area. That is, other than documenting the inventory and release of property in the LabLynx System, security protocols do not exist to hinder or otherwise prevent a staff member from going into the Storage Area and removing valuables without scrutiny. During our site inspection, we noted that the entry door does not lock and does not possess a mechanism to monitor and record entry entering the room. The file cabinets are also left unlocked and partially opened. Forensic Technicians can enter the room alone and with no supervision. There is only one camera affixed to the ceiling near the rear wall of the room, which provides limited coverage leaving numerous blind spots, as evidenced in this case.

Based on the foregoing, the OIIG made the following recommendations:

1. Additional surveillance cameras should be installed inside the Storage Area to provide a 360° view of the room.

2. A locked entrance door to the Storage Area should be installed which requires key code access uniquely linked to each individual employee.

3. File cabinet drawers containing valuables and large amounts of currency should be locked.

4. The file cabinet drawer key should be maintained by the on-duty supervisor.

5. Sign In/Out logs for key control should be maintained.

6. The Storage Area should be reconfigured to eliminate clutter.

7. MEO operational supplies and equipment should be stored in another location.

8. A policy should be implemented mandating that only personnel assigned to deposit or release property are permitted access to the Storage Area.

9. A chain-of-custody policy should be implemented with training provided for same.

10. While the subject Forensic Technician was separated from employment with the MEO for unrelated performance issues, he should also be placed on the *Ineligible for Hire List*.

These recommendations are currently pending.

IIG21-0414. This case involved an allegation that a Forest Preserve District (FPD) Laborer who was injured on duty (IOD) and filed a Workers' Compensation ("W/C") claim with the FPD was also serving as a volunteer auxiliary police officer with a different municipal agency during the time he was off work due to the W/C related injury. During its investigation, the OIIG obtained the Laborer's files pertaining to his W/C claim and interviewed the department head at the other agency to ascertain whether the Laborer, while volunteering with the municipal police department, was engaged in duties that are physically demanding or otherwise inconsistent with his asserted condition outlined in his W/C claim.

The preponderance of the evidence developed during the course of this investigation revealed that the Laborer has not been performing physically demanding activities on behalf of the other municipal agency which are inconsistent with his medical condition as outlined in the documents associated with his W/C matter. Accordingly, the allegation was not sustained, and no recommendations for remedial or other action were offered.

IIG21-0415. This investigation was initiated based on a complaint from an employee ("Employee") at the CCMEO. Employee made several allegations with respect to his treatment by the CCMEO and the general practices of the CCMEO. Primarily, Employee alleged that he has been harassed via email, improperly denied COVID benefit time, was improperly sent for a fitness for duty evaluation and drug test on June 4, 2021 and thereafter was subject to unpaid leave and a therapeutic protocol with no clear path to return to work. Employee believed this evaluation and subsequent treatment protocol during his unpaid leave were in retaliation for allegations he had previously made about working conditions at the CCMEO. Employee further alleged that during the period of his leave, the CCMEO misused confidential information related to him and failed to

follow benefit time procedures which would have minimized the financial impact of the leave. Finally, Employee believed another employee may have violated procurement policy when purchasing equipment for the CCMEO. During its investigation, the OIIG examined numerous emails, Cook County policies and procedures, doctors' notes, the Cook County procurement database, and the HR file of the Employee. OIIG Investigators also interviewed various employees at the CCMEO, Cook County Bureau of Human Resources ("BHR") and the private treatment provider to which Employee was referred. The OIIG analyzed Employee's allegations as possible violations of the following Cook County Personnel Rules:

Cook County Personnel Rule 8.2(b)(5) – Employee Harassment

Employee alleged that he was harassed via email and sent for a fitness for duty evaluation as a result of his complaints about working conditions. OIIG Investigators reviewed the emails between Employee and other CCMEO employees. None of the emails received by Employee appeared harassing or offensive. The emails showed that management repeatedly sought to speak with Employee about his concerns, but Employee appeared to be unresponsive to such requests.

Regarding Employee's referral for an evaluation, OIIG Investigators interviewed Employee, CCMEO management and another CCMEO employee who witnessed the events involving Employee on the day Employee was referred for an evaluation. The day the Employee was referred for an evaluation he asked a CCMEO engineer to bring a dehumidifier into the autopsy room and complained of the heat. The engineer returned with the CCMEO Safety Manager to evaluate the temperature in the room, and it was confirmed to be within the normal range of 58 to 65 degrees. The CCMEO Safety Manager explained how the Employee had an emotional outburst and complained that it was too hot. The Employee admitted to "losing his cool" and making statements such as "I implore you to put on all the PPEs and see how you'd feel if you had to constantly work in these conditions." According to the CCMEO Safety Manager, the Employee was only wearing scrubs, a hat and a N95 mask which is typically what he wears. The CCMEO Safety Manager stated that no one else complained of the temperature. The CCMEO Safety Manager stated that although the outside weather conditions can impact the percentage of humidity in the autopsy rooms, the CCMEO recently purchased new dehumidifiers and new chillers. The CCMEO Safety Manager documented this incident involving Employee and emailed it to CCMEO management staff. CCMEO management collectively agreed that a fitness for duty test was warranted. CCMEO staff members all affirmed that no one reported Employee for being under the influence at work. Employee was sent for the fitness for duty test solely based on his emotional outburst and repeatedly stating he felt excessively hot in a normal temperature. Based on the foregoing, this allegation was not sustained.

Cook County Personnel Rule 8.2(b)(20) - Misuse of Confidential Information

Employee alleged that the program to which he has been referred, Magellan, has not provided a clear understanding of what he must do in order to return to work and that the CCMEO

is misusing confidential medical information obtained by Magellan in order to frustrate Employee's attempts to return to work.

OIIG Investigators interviewed the Magellan caseworker assigned to Employee. She advised that the program protocols are different for each individual participant based on the nature and severity of the conditions presented. She related that Magellan contacts BHR to notify them of the participant's progress but does not provide any confidential information to BHR or CCMEO without written consent from the participant. According to the caseworker, Cook County cannot interfere with an employee completing a program, and she can only release information if the participant consents. The caseworker advised Employee has started to complete the program and was initially expected to finish by the end of August 2021. Subsequent interviews with Employee Health Services confirm that no confidential information, including the results of drug tests, are ever relayed to the County. The only communication from EHS to the County is a singular statement that the employee is either fit or unfit to return to work. Later, on September 10, 2021, Employee contacted the OIIG to allege that the County was continuing to prevent his return to work. After further discussion with Employee, he revealed that he had not successfully completed a final step necessary to exit the program and return to work. The OIIG further interviewed CCMEO staff members regarding the issue of Employee's medical information. All employees affirmed they do not have access to Employee's personal health records and none had any familiarity with the nature of his treatment or where he was being treated. Based on the foregoing, this allegation was not sustained.

Cook County Personnel Rule 8.2(b)(31) - Create Unsafe Condition

Employee made complaints regarding working conditions at the CCMEO and has alleged that CCMEO is failing to address these concerns. OIIG Investigators, after reviewing records and interviewing CCMEO leadership, have determined that CCMEO is working with OSHA to determine whether any safety issues are presented in the circumstance of which Employee has complained. OSHA has conducted an inquiry and is expected to issue a report to the CCMEO shortly. Given the statements by the CCMEO that it intends to adopt any OSHA recommendations, the OIIG considers this allegation resolved given that OSHA is actively involved.

Cook County Personnel Rule 8.2(b)(21) -Fail to Work in Accordance with County Policies, Procedures and/or Practices

Employee alleged that another CCMEO employee, in the course of purchasing photographic equipment for use by the CCMEO, violated Cook County procurement policy. OIIG Investigators examined the purchases in question by reviewing the associated purchase order and the relevant County policy. The CCMEO followed the proper procedures and received the necessary approvals to make this purchase. Based on the foregoing, this allegation was not sustained.

Cook County Personnel Rule 6.2 Addendum
COVID-19 Related Leaves and Return to Work Processes

Employee alleged that he was improperly denied COVID benefit time during a period when he remained home while seeking COVID testing (late 2020 to early 2021).

The applicable policy appears to exclude Employee from COVID benefit time due to his classification as an emergency responder. The BHR policy states: "Be advised that health care providers and emergency responders, as defined by the FFCRA, are excluded by the Act and are not to be approved for COVID sick hours." CCMEO employees are considered safety sensitive and emergency responders according to BHR and are thus exempt from the BHR policy authorizing COVID leave. The CCMEO has its own set of guidelines when it comes to approving COVID paid hours. Executive level staff members at CCMEO approved COVID sick time for those who test positive for COVID, are being tested for COVID, and those who are scheduling COVID vaccinations. Throughout 2020, employees were permitted to leave work early and utilize sick time for a full shift if they fell into any of the above circumstances. Employees who actually tested positive (and thus quarantined) were paid through the pay code "COVID 19" as opposed to using accrued sick time. Employee tested negative for COVID on December 22, 2020. Thereafter, Employee visited his primary care physician to complete another test which was also negative. Based on the foregoing, this allegation was not sustained.

In sum, the preponderance of the evidence developed during the course of the investigation failed to support any of the allegations made by Employee. Accordingly, no recommendations are being made at this time.

Outstanding OIIG Recommendations

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

From the 2nd Quarter 2021

IIG19-0554. The OIIG received information alleging that a property located on Berteau Ave., Chicago was improperly granted a reduction in assessed value for the 2018 assessment year by the BOR. It was further alleged the homeowner has a personal relationship with a BOR Commissioner which may have influenced the BOR's decision to grant the reduction. Accordingly, the OIIG initiated this investigation to ascertain whether the reduction in assessed value was influenced by the alleged relationship between the Commissioner and the taxpayer or whether proper procedures were followed.

During this investigation, the OIIG reviewed tax appeals filed by the taxpayer with the Cook County Assessor's Office (CCAO) and BOR, interviewed personnel from both offices in connection to the appeals filed, and reviewed emails concerning the subject property.

The preponderance of evidence developed during the course of this investigation failed to support the allegation that the reduction in assessed value to the subject property was attributable to the taxpayer having a personal relationship with a BOR commissioner.

During the course of this investigation, however, the evidence reflected the BOR's failure to recognize and incorporate the recent sale of the subject property in its decision to grant a reduction in assessed value. BOR Official Rule 19 states in part, "[a] taxpayer shall disclose the purchase price of the property and the date of purchase if it took place within three years of the lien date and shall file with the Board appropriate relevant sales documents …." We noted the taxpayer did not disclose the recent sale and the BOR's process of reviewing the appeal failed to capture the fact of sale. As a result, the taxpayer wrongfully received a reduction in assessed value, which led to underassessment of the subject property and a reduction in tax liability for the property during tax year 2018.

Based on the foregoing, we recommended the following:

1. The BOR should conduct a review of the 2018 appeal and incorporate the recent high value sale (June 2017) of the subject property. The BOR should consult with applicable County agencies to ascertain the necessary back-taxes, late interest, and penalties owed by the taxpayer and take any actions deemed necessary to collect monies owed as a result of the erroneous omitted assessment.

2. The BOR should conduct an analysis of its internal systems and processes to ensure the BOR has consistent access to the most accurate and up-to-date sales data.

3. With regard to the processing of appeals, the BOR should institute uniform rules whereby analysts are required to follow standard procedures in processing the appeals and documenting the appeal files to support the reason for granting or denying an appeal.

The BOR substantially adopted these recommendations.

IIG20-0439. The OIIG received information that a uniform manufacturing company, failed to utilize a Minority-Owned Business Enterprise Subcontractor (hereinafter "MBE A.") as set forth in Cook County contracts with the company. This office reviewed the company's contracts with Cook County, the Minority-Owned and Women-Owned Business Utilization Plans, payment information, and Contract Compliance documents to evaluate whether company officials failed to comply with its Utilization Plans. Company officials did not respond to this office's requests for interviews.

The preponderance of evidence demonstrated the following:

- The subject company committed to use MBE A in the amount of $121,646.16 and a Women-Owned Business Enterprise (WBE) in the amount of $34,756.00 in a contract for the Juvenile Temporary Detention Center (JTDC). However, the subject company paid the WBE only $16,890.74 and did not utilize MBE A whatsoever.

- The subject company committed to use MBE B in the amount of $152,139 and to use a WBE in the amount of $60,855.95 in a contract for the Sheriff. However, the subject company paid MBE B only $1,595.00 and did not use a WBE whatsoever.

- The subject company committed to use MBE C for 12.5% ($6,139.97) of a contract for the Medical Examiner's Office. The Board of Commissioners approved the contract on January 24, 2019 for the period from February 1, 2019 through January 31, 2022. As of the date of this report, the subject company had not yet utilized MBE C.

Upon previously being asked by the Cook County Compliance Officer why the subject company did not satisfy its goals in the contract for the JTDC, a manager for the subject company said that MBE A was "unable to meet the needs of the order." This assertion lacks credibility when considering the subject company has demonstrated a pattern of presenting Utilization Plans that match the MBE/WBE goals set for the contracts and then only minimally utilizing (or not utilizing) the MBE and WBE companies. We know that the subject company was aware of its obligations to submit written requests for changes to the Utilization Plans because it submitted such a request to replace MBE A with MBE B in the contract with the Sheriff. The subject company, however, never made any attempts to award any work to any of the MBE or WBE companies in another capacity outside of the Cook County contracts (as contemplated through the indirect use exception) or request modifications to the Utilization Plans to the Contract Compliance Directors. As a result, the evidence supports the conclusion that the subject company failed to comply with its Utilization Plans in good faith.

In addition, Section 2-285(a) of the OIIG Ordinance requires all County contractors to cooperate with the OIIG in the conduct of its investigations. This admonition is provided in all of the above-mentioned County contracts. Section 2-285 (b) further requires contractors to comply with OIIG requests in a timely fashion. This office requested the subject company to participate in an interview. An investigator subsequently forwarded the OIIG interview form and asked for the company manager's availability. The manager failed to respond to this email request and the follow-up attempts to contact her by OIIG Investigators all in violation of Sections 2-285(a) and 2-285(b).

Based on the foregoing, we recommended:

1. In accordance with Section 34-176 of the Cook County Code, the CPO should declare the subject company to be in material breach of the contracts above and that the CPO disqualify it from participation in any Cook County contracts and seek all available contractual remedies and penalties pursuant to the Procurement Code;

2. In accordance with Section 34-175 of the Cook County Code, the County should consider terminating the contract with the subject company and disqualifying it for a certain period due to the provision of false information in Utilization Plans concerning the existence of contractual participation with MBE and WBE subcontractors; and

3. In accordance with Section 2-291(b)(3) of the OIIG Ordinance, the subject company's existing contracts should be terminated and the company should be rendered ineligible for future contracts for a period of two years.

These recommendations were made on June 28, 2021, and to date we have not received a response from the County.

IIG20-0553. This investigation was initiated based on a complaint alleging that a Department of Transportation and Highways (DOTH) employee, who is also an elected official in a suburban municipality, falsified prior employment applications for positions he held at Cook County. It was further alleged that the subject employee, while on compensated County time, was utilizing Facebook to make posts that were (1) political in nature and (2) related to his work as an elected official in the suburban municipality. These allegations raised the possibility that the subject employee violated the following personnel rules and ordinances: (1) Ch. 44, Art. I, Sec. 44-54 of the Cook County Code (False statements in seeking promotion); (2) Cook County Personnel Rule 13.2(b): Failure to report outside employment; (3) Ethics Ordinance - Cook County Code, Article VII. Section 2-583(c): Performing prohibited political activity during compensated time; and (4) Cook County Personnel Rule 8.2(b)(23): Engaging in non-County business on County time.

During this investigation the OIIG reviewed Cook County employee time and attendance records (CCT), the subject employee's Facebook account, personnel files, online records related to the employee's prior Cook County employment applications, the suburban municipality's financial reports, and the subject employee's current LinkedIn profile. Below are the OIIG findings, conclusions and recommendations regarding the various alleged violations by the subject employee.

Section 44-54[8]

The preponderance of the evidence developed during the course of this investigation establishes that the subject employee did not meet the minimum qualifications when he applied for a Highway Engineer position. For that application, the subject employee was required to have four years of full-time engineering experience. At the time of his application, the subject employee had 30 months of full-time experience. Nonetheless, the subject employee represented in his application that he possessed at least 48 months of full-time engineering experience. When asked by OIIG Investigators why he stated this in his application, the subject employee stated that he believed his 14 months of part-time internship experience was the equivalent of the full-time experience he did not possess. However, the subject employee was missing 18 months of full-time engineering experience. It is patently unreasonable to assert that 14 months of half-time experience is the equivalent of 18 months of full-time experience. Therefore, it was false and misleading for the subject employee to represent he possessed 48 months of full-time engineering experience in this application. As such, the provision of this false information constitutes a violation of Section 44-54 of the Human Resources Article.

Dual Employment

The preponderance of the evidence developed during the course of this investigation establishes that the subject employee violated Personnel Rule 13.2 Report of Dual Employment which requires Cook County employees to disclose outside employment. This rule plainly requires employees to file a new dual employment form should they begin outside employment. The subject employee, upon his hire in 2017, executed just such a form stating he had no outside employment. That later changed when the subject employee was elected as an official in a suburban municipality yet no updated form was filed as required.

Cook County Ethics Ordinance

The preponderance of the evidence developed during the course of this investigation establishes that the subject employee violated Cook County Ethics Ordinance Article VII. Section 2-583(c) which prohibits performing prohibited political activity during compensated time.[9] The subject employee's Facebook page contains posts in support of his political party made during times when he was swiped into CCT. Although the subject employee initially stated to this office that his girlfriend makes the posts using the subject employee's Facebook account when the subject employee was working at DOTH during the day, he later retreated from that position by stating that both he and his girlfriend use the subject employee's phone to make the posts and that he may

[8] Section 44-54(b) of the Cook County Human Resources Article provides that "No persons shall make any false statement, certificate, mark, rating or report with regard to any test, certification or appointment made under any provisions of this article or in any manner commit or attempt to commit any fraud, prevent the impartial execution of this article and any rules issued under this article."

[9] Prohibited political activity includes participating in any political meeting, political rally, political demonstration or other political event. (Cook County Code of Ordinances, Article VII, Section 2-562).

have made the posts himself. As such, the preponderance of the evidence supports the conclusion that the subject employee made political posts on compensated time in violation of the Code of Ethics.

Cook County Personnel Rule 8.2(b)(23)

The preponderance of the evidence developed during the course of this investigation establishes that the subject employee violated Cook County Personnel Rule 8.2(b)(23) which prohibits the performance of non-County business during compensated time. As stated above, the subject employee has stated that he makes Facebook posts related to his other employment and acknowledged he may have made the posts himself during compensated time. Therefore, the preponderance of this evidence also supports the conclusion that the subject employee has posted, during compensated time, posts related to his other work as an elected official of a suburban municipality.

Based on the above, the OIIG made the following recommendations:

(1) By providing false information in his application for employment as a Highway Engineer position, the subject employee stands in violation of the above Human Resources Article.[10] Section 44-54 is explicit where it requires termination and a five-year employment ban for a violation. As such, we recommended that the County terminate the employment of the subject employee and regard the subject employee as ineligible for County service for a period of five years by placing him on the *Ineligible for Hire List*.

(2) By making Facebook posts regarding political matters during compensated County time, the subject employee violated the Cook County Ethics Ordinance as outlined above. This office recommended the imposition of discipline consistent with the treatment of past infractions of a similar nature.

(3) By making Facebook posts regarding business related to his duties as an elected official of a suburban municipality during compensated County time, the subject employee violated Personnel Rule 8.2(b)(23). This office recommended the imposition of discipline consistent with the treatment of past infractions of a similar nature.

(4) By failing to file a dual employment form upon gaining outside employment the subject employee violated Cook County Personnel Rule 13.2(b). Similarly, we recommended the imposition of discipline consistent with the treatment of past infractions of a similar nature.

[10] Section 44-54 (e) provides, in part "[A]ny person who is found to be in violation of this section shall, for a period of five years, be ineligible for appointment to or employment in a position in the County service."

The recommendations for discipline became moot as the subject employee resigned after the recommendations were made but before any disciplinary proceeding had been initiated. The recommendation to make the subject employee ineligible for County service for a period of five years by placing him on the *Ineligible for Hire List* is currently pending.

IIG21-0025. The subject of this investigation is a supervisor assigned to Cook County Animal and Rabies Control (CCARC). The OIIG received an allegation that while CCARC employees were on the scene of a hoarding call, the subject supervisor loudly and profanely berated two CCARC Animal Control Wardens on a cellular phone call while the phone was on speaker. It was further alleged that the subject supervisor's outburst was heard by two Cook County Sheriff's Police Animal Crimes officers who were present at the scene assisting CCARC, as well as the resident who was the subject of the hoarding complaint. These allegations raised the possibility that the subject supervisor violated the following Cook County Personnel Rules: (1) Personnel Rule 8.2(b)(5) (Employee abuse including, but not limited to, racial and ethnic slurs); and (2) Personnel Rule 8.2(b)(36) (Conduct unbecoming an employee or conduct which brings discredit to the County).

During its investigation, this office interviewed two CCARC employees and one of the Cook County Sheriff's Police officers who were at the hoarding scene, as well as the subject supervisor, and considered the CCARC's "Policies and Procedures" manual.

The preponderance of the evidence developed in this investigation supports the conclusion that the subject supervisor's conduct represents a violation of Cook County Personnel Rule 8.2(b)(5), which provides that it is improper conduct to engage in "patient, employee or visitor abuse or harassment including, but not limited to, racial and ethnic slurs." While the subject supervisor's outburst did not include racial or ethnic slurs, it did contain profanity and was directed at two subordinates who were simply requesting his assistance as they performed their official duties. Moreover, the subject supervisor's language and tone served no legitimate purpose other than to be abusive and is further aggravated due to the fact that his language was overheard by three other individuals, including the subject of the animal hoarding.

Similarly, Personnel Rule 8.2(b)(36) prohibits "conduct unbecoming an employee or conduct which brings discredit to the County." In the instant case, the subject supervisor's profane outburst was not only unbecoming as it related to the wardens present but was also audible to a resident of Cook County and two Sheriff's Police Officers, one of whom told us that he found the supervisor's behavior to be "unprofessional and completely inappropriate," and that a member of the public was "100% offended."

Also of concern to our office are reports to us that the subject supervisor had engaged in this type of behavior in the past. During an interview, one warden expressed fears for her physical safety in the workplace due to the subject supervisor's volatile nature and feared that one day he would "lose it," an apparent reference to behavior which could escalate beyond mere verbal outbursts.

Based on all of the foregoing, we recommended that disciplinary action be imposed upon the subject supervisor consistent with the factors set forth in Personnel Rule 8.3(c), including past practice involving similar cases. The CCARC adopted our recommendation for discipline and issued a 10-day suspension to the subject supervisor.

From the 1st Quarter 2021

IIG20-0149. This investigation was initiated based on a complaint alleging a Clinical Nurse at Cook County Health (CCH) failed to disclose secondary employment. The complaint also alleged that the subject nurse filed a false grievance statement claiming that when CCH hired her, she was denied health insurance benefits in violation of her Collective Bargaining Agreement. This investigation consisted of an interview of the nurse, a review of her CCH personnel file, documents provided by the Cook County Department of Risk Management, and documents produced pursuant to subpoena by the nurse's secondary employer.

The preponderance of the evidence developed in this investigation supports the conclusion that the subject nurse failed to disclose her secondary employment, a violation of CCH Personnel Rule 12.3(1) which states:

> The System Report of Dual Employment Form must be completed and signed by CCHHS Employees annually, whether or not the Employee engages in outside activities, and must be submitted by the Employee to his/her direct supervisor for placement in the Employee's personnel file. Employees must complete, sign and submit the Report of Dual Employment Form prior to engaging in outside activities.
>
> The Report of Dual Employment Form must be completed and signed by the following:
>
> 1. Persons initially entering County service and assigned to work in the System.

As outlined above, the nurse was hired in June 2019 yet failed to disclose her secondary employment until December 2019. As acknowledged by the nurse in her OIIG interview, this represents a violation of CCH policy. Additionally, as demonstrated by the payroll records produced by her secondary employer, the nurse worked full-time (in excess of 20 hours per week) there for approximately five weeks while she worked at CCH. In this regard, the nurse also violated CCH Personnel Rule 12.4(a)(1) which limits secondary employment. Finally, the nurse violated CCH Personnel Rule 12.04(a)(2) by not having her secondary employment approved by her department head. This violation of CCH personnel rules stems from the nurse not initially submitting her dual employment form to make her department head aware that she had secondary employment.

Based on the preponderance of the evidence developed in this investigation, we believe the evidence fails to support the allegation that the nurse intentionally filed a false grievance alleging that she was denied health benefits as outlined in the applicable CBA. Although evidence supports the fact that a 3rd step grievance was filed, by the time the grievance was escalated to the 3rd step, the nurse had already obtained health benefits based upon a qualifying life event. The nurse provided documentation to the Cook County Department of Risk Management that she had lost benefits from her secondary employer, who provided her with a COBRA letter. Therefore, it ultimately allowed the subject nurse to obtain the benefits her grievance was premised upon. In other words, there was simply an error in the timing of when the 3rd step grievance was ultimately filed.

As presented above, the circumstances that prevented the subject nurse from enrolling in County health benefits were based upon her inactions and negligence upon entry to service at CCH. During her OIIG interview, the nurse admitted that she was careless in her responsibilities as a new CCH employee. According to the nurse, she was "too busy" and was unsure that she would keep the position at CCH due to various issues in her personal life at the time. Moreover, the nurse acknowledged that she was aware that there were deadlines for enrollment but failed to appreciate their importance. The nurse's general nonfeasance, coupled with the knowledge that she and her family were covered under existing benefits provided by her secondary employer resulted in her not enrolling and receiving benefits.

Based on all of the foregoing, we recommended that disciplinary action be imposed on the subject nurse consistent with the factors set forth in CCH Personnel Rule 8.3(a), including past practices involving similar cases. These recommendations were made on March 24, 2021, and to date we have not received a response from CCH.

From the 4th Quarter 2020

IIG20-0436. This investigation involved an allegation that a Cook County Heath (CCH) employee submitted Transportation Expense Vouchers ("TEV") containing false information for mileage and per diem reimbursement payments. The issue arose after the employee submitted a grievance claiming she failed to receive reimbursement by CCH for travel expenses. At the center of this grievance was whether the employee was entitled to receive compensation for both mileage and a travel per diem payment for the same workday. The information also suggested that the subject employee supported her grievance with reimbursement requests related to days when she was not at work and received improper per diem compensation on days for which she also received mileage reimbursement.

The preponderance of the evidence developed during the course of this investigation revealed that the subject employee did submit TEVs which contained false information. The employee claimed and received per diem for 10 days when she was on vacation, sick leave, Family and Medical Leave Act leave or off for a CCH holiday. In addition, the employee submitted TEVs claiming reimbursement for both per diem and mileage for the same travel on 35 occasions.

However, the investigation failed to demonstrate that the employee intentionally submitted false information. Rather, the preponderance of the evidence revealed that the employee was negligent when she drafted TEVs. Relying primarily on historic calendars contained within emails, the employee drafted TEVs *en masse* without regard to whether she had been on leave for a holiday, vacation or illness. The employee's negligence resulted in inaccurate TEV forms resulting in improper reimbursement and the mistaken belief that she was entitled to further compensation.

Although the employee had a plausible explanation for the errors contained in the TEVs, she nevertheless had an obligation to ensure that her expenses and related reimbursement requests were accurate and compiled with all applicable policies.[11] The evidence revealed that the employee had in fact already been paid for travel mileage and/or per diem and had been careless in drafting her reimbursement requests. Furthermore, the employee stated she was not aware that she was prohibited from claiming both per diem and mileage for the same day because the CBA is not clear. However, statements provided by CCH employees suggest that she was informed of the restriction. Minimally, management's practice of prohibiting both mileage and a per diem payment for the same date working was soundly in place.

The union contended that the CBA is ambiguous with regard to the reimbursement option of per diem on the basis of $5.00 for each day worked and makes no mention as to whether it can be claimed in lieu of or in addition to mileage. Management asserted the language in the CBA and related policy make clear that an employee has the option of taking either per diem or mileage, but not both. The evidence demonstrates that management's interpretation has become the CCH policy, custom and practice on the issue. We concur with management's position on the issue. While the issue is not central to our recommendation pertaining to the subject employee, we recommended all staff be made aware of this practice, if it is not already clear, to avoid misunderstanding by staff.

In any case, the Cook County Travel and Business Expense Policy is clear regarding the responsibility to ensure the accuracy of expenses and related reimbursement requests. The subject employee failed to appreciate the importance of doing so and submitted requests in violation of the policy. Accordingly, we recommended CCH impose an appropriate level of discipline on the subject employee consistent with other similar cases of negligence in the course of duty. We also recommended that the subject employee repay Cook County for $235.00 in per diem travel reimbursement payments she was not entitled to receive.

These recommendations were made on December 11, 2020, and to date we have yet to receive a response.

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[11] The 2017 Cook County Travel and Business Expense Policy and Procedures states, Excessive costs or unjustifiable costs are not acceptable and will not be reimbursed. The individual requesting reimbursement is responsible for ensuring that his/her expense and related reimbursement request complies with all applicable policies, is properly authorized, and is supported with necessary receipts and documentation.

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 July 1, 2021 to September 30, 2021, the Office of the Independent Inspector General received one Political Contact Log.

Post-SRO Complaint Investigations

The OIIG received one new Post-SRO Complaint during the last quarter. It is the only pending Post-SRO Complaint.

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

Apart from the above Post-SRO activity, the OIIG has opened three additional UPD inquiries during the last reporting period. The OIIG also continues to assist and work closely with the embedded compliance personnel in the BHR, FPD, 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 Cook County entities and the Cook County Compliance Administrator to ensure the lists are being applied in a manner consistent with the respective Employment Plans.

OIIG Employment Plan Oversight

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

1. Six proposed changes to the Cook County Actively Recruited List;
2. One proposed change to the Public Defender Actively Recruited List
3. 11 proposed changes to the CCH Direct Appointment List;
4. 13 proposed changes to the CCH Actively Recruited List;
5. The hire of eight CCH Direct Appointments;

6. Five proposed changes to the Cook County Exempt List;
7. A comprehensive overhaul of the Cook County Forest Preserve District Employment Plan.

Monitoring

The OIIG currently tracks disciplinary activities in the Forest Preserve District and Offices under the President. In this last quarter, the OIIG tracked (and selectively monitored) 62 disciplinary proceedings including EAB 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.

Miscellaneous

IIG13-0390. The former owner of a debt collection company pleaded guilty to a federal criminal charge for corruptly agreeing to underwrite certain expenses for a special event hosted by the former Cook County Clerk of the Circuit Court. Donald Donagher was a former owner of the Pennsylvania based Penn Credit Corporation, which in 2014 had a non-exclusive contract with Cook County to perform debt collection work. Donagher admitted in a plea agreement that in March 2014, he agreed to underwrite certain expenses for a Woman's History Month Celebration hosted by the Circuit Court of Cook County. Donagher admitted he underwrote the expenses in an effort to corruptly reward the Clerk of the Circuit Court for her perceived favorable treatment with respect to the awarding of debt collection work to Penn Credit. In addition to the guilty plea by Donagher, Penn Credit Corporation must also pay a monetary penalty of $225,000 for its role in the scheme.

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,

Patrick M. Blanchard
Independent Inspector General

cc: Attached Electronic Mail Distribution List

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