



## Record of Meeting | October 15, 2020

The Illinois State Toll Highway Authority’s (“Tollway”) Board of Directors met in regular session on Thursday, October 15, 2020. The meeting was held pursuant to the By-Laws of the Tollway upon call and notice of the meeting executed by Chairman Willard S. Evans, Jr. and posted in accordance with the requirements of the Open Meetings Act, 5 ILCS 120/1, *et seq.*

Due to necessary precautions relating to COVID-19, in accordance with the Gubernatorial Disaster Proclamation and current conditions, and consistent with the Open Meetings Act, it was determined by Chairman Willard S. Evans, Jr. that an in-person meeting of the body was neither practical nor prudent. In compliance with all conditions of Section 7(e) of the Open Meetings Act, 5 ILCS 120/7(e), the Board of Directors meeting was conducted by audio conference, without the physical presence of a quorum of the members. A telephone access number was provided for members of the public to monitor and/or participate in the meeting.

*[Bolded entries indicate issues which may require follow-up to present or report to the Board.]*

## Call to Order / Roll Call

Chairman Evans called the meeting to order at approximately 11:00 a.m. He then asked the Board Secretary to call the roll, those Directors present and absent being as follows:

Board Members Present:
Chairman Willard S. Evans, Jr.
Director James Connolly
Director Stephen Davis
Director Alice Gallagher
Director Karen McConnaughay
Director Scott Paddock
Director Gary Perinar
Director James Sweeney

Board Members Not Present:
Governor JB Pritzker <i>[ex officio]</i>
Acting Secretary Omer Osman <i>[ex officio]</i>

The Board Secretary declared a quorum present.

Chairman Evans introduced Captain Bradley, Illinois State Police District 15, to provide the monthly Safety Message.



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## Safety Message

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Captain Bradley discussed "The Move Over Law," also known as Scott's Law, requiring drivers approaching any stopped vehicle with its emergency flashers activated to slow down, and if possible, to move over by safely changing lanes. He explained that this law increases roadway safety by requiring drivers to lower vehicle speeds and provide additional space to drivers who are stopped on or along roads.

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## Public Comment

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Chairman Evans opened the floor for public comment. No public comment was offered.

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## Chairman's Items

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*Item 1: Approval of the Minutes of the Regular Board of Directors Meeting held September 17, 2020.*

Chairman Evans entertained a motion to approve **Chairman's Item 1**, the Minutes of the regular Board of Directors meeting held on September 17, 2020, as presented. Director McConnaughay made a motion to approve the Minutes, seconded by Director Connolly. Chairman Evans asked that the roll be called on the motion, the vote of yeas and nays being as follows:

Yeas: Director McConnaughay, Director Connolly, Director Davis, Director Gallagher, Director Paddock, Director Perinar, Director Sweeney, Chairman Evans (8)

Nays: (0)

The motion PASSED.

*Item 2: Approval of the Minutes of the Executive Session of the Regular Board of Directors meeting held September 17, 2020.*

Chairman Evans stated that without objection, action on Chairman's Item 2, concerning the minutes of the closed meeting, will be deferred until after consideration in Executive Session.

*Item 3: Committee Reports*

Chairman Evans dispensed with committee reports, noting that all Directors were present at the committee meetings.

*Item 4: Additional Items.*



Having no further items, Chairman Evans turned the floor over to Executive Director José Alvarez.

### **Executive Director's Items**

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Executive Director Alvarez introduced T.J. Hengesbach, Tollway Inspector General, to present the Office of Inspector General's Summary Activity Report for the period of March 1, 2020 to August 31, 2020. [See attached report.](#)

Upon conclusion of the presentation, and having no further items, Executive Director Alvarez returned the floor to Chairman Evans.

### **Items for Consideration**

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#### **Finance**

*Item 1: Approval of the Tentative 2021 Budget.*

*Item 2: Award of Contract 19-0171 to Mesirow Insurance Services, Inc. for the purchase of insurance services relating to a Rolling Owner Controlled Insurance Program (ROCIP) in an estimated premium amount of \$3,900,000.00 for a three-year period. The ROCIP will provide General Liability insurance on multiple construction projects available for bid by small businesses (Order Against CMS Master Contract).*

*Item 3: Authorize issuance of \$100 million worth of Revenue Bonds to finance costs of the Move Illinois Program.*

*Item 4: Award of Contract 20-0121 to PFM Financial Advisors, LLC for the purchase of Municipal Advisory Services in an amount not to exceed \$150,000.00.*

Chairman Evans entertained a motion to consolidate for consideration and action Finance Items 1 thru 4. Director McConnaughay made a motion to consolidate these items, seconded by Director Connolly. Chairman Evans asked that the roll be called on the motion, the vote of yeas and nays being as follows:

Yeas: Director McConnaughay, Director Connolly, Director Davis, Director Gallagher, Director Paddock, Director Perinar, Director Sweeney, Chairman Evans (8)

Nays: (0)

The motion PASSED.



The motion to consolidate these items having carried, Chairman Evans entertained a motion to approve **Finance Items 1 thru 4**. Director McConnaughay made a motion to approve these items, seconded by Director Connolly. Chairman Evans asked that the roll be called on the motion, the vote of yeas and nays being as follows:

Yeas: Director McConnaughay, Director Connolly, Director Davis, Director Gallagher, Director Paddock, Director Perinar, Director Sweeney, Chairman Evans (8)

Nays: (0)

The motion PASSED.

### **Operations**

*Item 1: Renewal of Contract 17-0172 with Ada S. McKinley Community Services, Inc. for the purchase of Transponder Fulfillment Services in an amount not to exceed \$2,434,198.00 (State Use Program).*

Chairman Evans entertained a motion to approve **Operations Item 1**. Director McConnaughay made a motion to approve this item, seconded by Director Connolly. Chairman Evans asked that the roll be called on the motion, the vote of yeas and nays being as follows:

Yeas: Director McConnaughay, Director Connolly, Director Davis, Director Gallagher, Director Paddock, Director Perinar, Director Sweeney, Chairman Evans (8)

Nays: (0)

The motion PASSED.

### **Facilities and Fleet Operations**

*Item 1: Extension to Contract 15-0091 to W.W. Grainger, Inc. for the purchase of Maintenance, Repair, and Operations Catalog Products in an amount not to exceed \$275,000.00 (Order Against CMS Master Contract).*

Chairman Evans stated that Director Davis has indicated in advance his wish to recuse himself on Facilities and Fleet Operations Item 1.

Chairman Evans entertained a motion to approve **Facilities and Fleet Operations Item 1**. Director McConnaughay made a motion to approve this item, seconded by Director Connolly. Chairman Evans asked that the roll be called on the motion, the vote of yeas and nays being as follows:



Yeas: Director McConnaughay, Director Connolly, Director Gallagher, Director Paddock, Director Perinar, Director Sweeney, Chairman Evans (7)

Nays: (0)

Recusals: Director Davis (1)

The motion PASSED.

### **Information Technology**

*Item 1: Award of Contract 20-0147 to Motorola Solutions, Inc. for the purchase of Motorola TDMA (Time Division Multiple Access) Flash Upgrade in an amount not to exceed \$472,182.90 (Order Against DoIT Master Contract).*

*Item 2: Renewal of Contract 14-0087 with Sentinel Technologies, Inc. for the purchase of EMC Equipment, Maintenance, Support, and Services in an amount not to exceed \$1,400,000.00 (Tollway Invitation for Bid).*

*Item 3: Award of Contract 20-0143 to CDW Government LLC for the purchase of NetApp Maintenance and Support for Hardware and Software in an amount not to exceed \$771,798.95 (Cooperative Purchase).*

Chairman Evans entertained a motion to consolidate for consideration and action Information Technology Items 1 thru 3. Director McConnaughay made a motion to consolidate these items, seconded by Director Connolly. Chairman Evans asked that the roll be called on the motion, the vote of yeas and nays being as follows:

Yeas: Director McConnaughay, Director Connolly, Director Davis, Gallagher, Director Paddock, Director Perinar, Director Sweeney, Chairman Evans (8)

Nays: (0)

The motion PASSED.

The motion to consolidate these items having carried, Chairman Evans entertained a motion to approve **Information Technology Items 1 thru 3**. Director McConnaughay made a motion to approve these items, seconded by Director Connolly. Chairman Evans asked that the roll be called on the motion, the vote of yeas and nays being as follows:

Yeas: Director McConnaughay, Director Connolly, Director Davis, Director Gallagher, Director Paddock, Director Perinar, Director Sweeney, Chairman Evans (8)

Nays: (0)



The motion PASSED.

## Engineering

Item 1: Award of Contract RR-19-4472 to Lizzette Medina & Co. dba Lizzette Medina Landscape Management for Landscape Planting Improvements on the Tri-State Tollway (I-94) between Mile Post 1.50 (IL Route 173) and Mile Post 11.50 (IL Route 120) in the amount of \$1,268,001.50.

Item 2: Award of Contract RR-19-4467 to Semper Fi Yard Services, Inc. for Landscape Planting Improvements on the Reagan Memorial Tollway (I-88) between Mile Post 43.60 (US Route 30) and Mile Post 53.80 (IL Route 26) in the amount of \$758,369.49.

Item 3: Award of Contract I-18-4352 to Lorig Construction Company for Windsor Drive Bridge Replacement on the Illinois Tollway Connector Ramps M & N between the Reagan Memorial Tollway (I-88) & the Tri-State Tollway (I-294) in the amount of \$4,805,346.20.

Item 4: Award of Contract I-20-4541 to Lorig Construction Company for Noise Abatement Wall Construction on the Tri-State Tollway (I-294) between Mile Post 37.7 (O'Hare Oasis) and Mile Post 38.3 (Irving Park Road) in the amount of \$4,331,231.35.

Item 5: Extra Work Order on I-18-4427 to Plote Construction, Inc. / Dunnet Bay Construction Company (JV) for Roadway and Bridge Rehabilitation on the Tri-State Tollway (I-294) between Mile Post 37.85 and Mile Post 40.15 in the amount of \$503,820.63 from \$57,973,500.76 to \$58,477,321.39.

Item 6: Extra Work Order on I-18-4374 to Lorig Construction Company for Roadway and Bridge Reconstruction on the Tri-State Tollway Edens Spur (I-94) between Mile Post 29.0 (West of Union Pacific Railroad) and Mile Post 30.0 (Edens Expressway) in the amount of \$584,985.00 from \$40,770,413.34 to \$41,355,398.34.

Item 7: Extra Work Order on I-19-4449 to Plote Construction, Inc. / Dunnet Bay Construction Company (JV) for Roadway and Bridge Widening and Rehabilitation on the Tri-State Tollway (I-294) between Mile Post 36.3 (Wolf Road) and Mile Post 39.8 (Balmoral Avenue) in the amount of \$500,000.00 from \$62,638,837.48 to \$63,138,837.48.

Item 8: Acceptance of Proposal from T.Y. Lin International Great Lakes, Inc. on Contract I-18-4419 for Supplemental Design Services for Ramp Construction on the I-294 / I-57 Interchange between Mile Post 6.8 (Southbound I-57) and Mile Post 7.7 (Southbound I-294 Flyover) in an amount of \$69,970.15 from \$2,351,174.60 to \$2,421,144.75.



*Item 9: Award of Contract 18-0111RRR to William Charles Construction Company, LLC; Tiles In Style LLC (d.b.a. Taza Supplies) and Civil Constructors, Inc. for the purchase of Stone, Gravel, and Limestone in an aggregate amount not to exceed \$313,545.00 for an initial three-year term and a possible three-year renewal term in an aggregate amount not to exceed \$313,545.00 (Tollway Invitation for Bid).*

*Item 10: Award of Contract 20-0150 to Cargill, Inc. and Morton Salt, Inc. for the purchase of Bulk Rock Salt in an aggregate amount not to exceed \$5,240,142.48 (Order Against CMS Master Contract).*

*Item 11: Land Acquisition – Sale of Excess Property in the amount of \$446,236.00 for parcel TW-3B-229.2.EX, located west of I-294 and north of 75th Street in the Village of Hodgkins. Cost to Tollway: N/A.*

*Item 12: Land Acquisition – Transfer of Excess Property authorization for parcels NW-7B-12-901.2.EX and N-7B-45.3EX located along Jarvis Avenue in Des Plaines, IL. Cost to Tollway: N/A.*

Chairman Evans stated that Director Davis has indicated in advance his wish to recuse himself on Engineering Items 5 thru 7. He requested, without objection, that these items first be taken as a group.

Chairman Evans entertained a motion to consolidate for consideration and action Engineering Items 5 thru 7. Director McConnaughay made a motion to consolidate these items, seconded by Director Connolly. Chairman Evans asked that the roll be called on the motion, the vote of yeas and nays being as follows:

Yeas: Director McConnaughay, Director Connolly, Director Gallagher, Director Paddock, Director Perinar, Director Sweeney, Chairman Evans (7)

Nays: (0)

Recusals: Director Davis (1)

The motion PASSED.

The motion to consolidate these items having carried, Chairman Evans entertained a motion to approve **Engineering Items 5 thru 7**. Director McConnaughay made a motion to approve these items, seconded by Director Connolly. Chairman Evans asked that the roll be called on the motion, the vote of yeas and nays being as follows:

Yeas: Director McConnaughay, Director Connolly, Director Gallagher, Director Paddock, Director Perinar, Director Sweeney, Chairman Evans (7)



Nays: (0)

Recusals: Director Davis (1)

The motion PASSED.

Chairman Evans stated that Director Davis and Director Gallagher have indicated in advance their wish to recuse themselves on Engineering Item 8. He requested, without objection, that this item be taken next.

Chairman Evans entertained a motion to approve **Engineering Item 8**. Director McConnaughay made a motion to approve this item, seconded by Director Connolly. Chairman Evans asked that the roll be called on the motion, the vote of yeas and nays being as follows:

Yeas: Director McConnaughay, Director Connolly, Director Paddock, Director Perinar, Director Sweeney, Chairman Evans (6)

Nays: (0)

Recusals: Director Davis, Director Gallagher (2)

The motion PASSED.

Chairman Evans next entertained a motion to consolidate for consideration and action Engineering Items 1 thru 4 and 9 thru 12. Director McConnaughay made a motion to consolidate these items, seconded by Director Connolly. Chairman Evans asked that the roll be called on the motion, the vote of yeas and nays being as follows:

Yeas: Director McConnaughay, Director Connolly, Director Davis, Director Gallagher, Director Paddock, Director Perinar, Director Sweeney, Chairman Evans (8)

Nays: (0)

The motion PASSED.

The motion to consolidate these items having carried, Chairman Evans entertained a motion to approve **Engineering Items 1 thru 4 and 9 thru 12**. Director McConnaughay made a motion to approve these items, seconded by Director Connolly. Chairman Evans asked that the roll be called on the motion, the vote of yeas and nays being as follows:

Yeas: Director McConnaughay, Director Connolly, Director Davis, Director Gallagher, Director Paddock, Director Perinar, Director Sweeney, Chairman Evans (8)

Nays: (0)



The motion PASSED.

## Legal

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*Item 1: Approval of an Intergovernmental Agreement with the Village of Hodgkins. Cost to the Tollway: \$0.*

*Item 2: Authorization to Enter a Worker's Compensation Settlement – Tijuana Williams. Cost to the Tollway: As discussed in Executive Session.*

Chairman Evans stated without objection, action on Legal Item 2 will be deferred until after consideration in Executive Session.

Chairman Evans entertained a motion to approve **Legal Item 1**. Director McConnaughay made a motion to approve these items, seconded by Director Connolly. Chairman Evans asked that the roll be called on the motion, the vote of yeas and nays being as follows:

Yeas: Director McConnaughay, Director Connolly, Director Davis, Director Gallagher, Director Paddock, Director Perinar, Director Sweeney, Chairman Evans (8)

Nays: (0)

The motion PASSED.

## Executive Session

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Chairman Evans called for a motion to enter into Executive Session pursuant to exceptions provided in Sections 2(c)11 and 21 of the Open Meetings Act (5 ILCS 120/2(c)11 and 21) to consider Tollway matters related to probable or pending litigation and the minutes of closed meetings. Director McConnaughay made a motion, pursuant to the sections specified, to enter Executive Session, seconded by Director Connolly. Chairman Evans asked that the roll be called on the motion, the vote of yeas and nays being as follows:

Yeas: Director McConnaughay, Director Connolly, Director Davis, Director Gallagher, Director Paddock, Director Perinar, Director Sweeney, Chairman Evans (8)

Nays: (0)

The motion PASSED.

At approximately 11:30 a.m., the Board entered into Executive Session.



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### **Return from Executive Session and Action (if any)**

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At approximately 11:39 a.m., the Board re-entered the public session of the Meeting.

*Chairman's Item 2: Approval of the Minutes of the Executive Session of the Regular Board of Directors meeting held September 17, 2020.*

Chairman Evans entertained a motion to approve **Chairman's Item 2**, the Minutes of the Executive Session of the Board of Directors meeting held on September 17, 2020. Director McConnaughay made a motion to approve the Minutes, seconded by Director Connolly. Chairman Evans asked that the roll be called on the motion, the vote of yeas and nays being as follows:

Yeas: Director McConnaughay, Director Connolly, Director Davis, Director Gallagher, Director Paddock, Director Perinar, Director Sweeney, Chairman Evans (8)

Nays: (0)

The motion PASSED.

*Legal Item 2: Authorization to Enter a Worker's Compensation Settlement – Tijuana Williams. Cost to the Tollway: As discussed in Executive Session.*

Chairman Evans entertained a motion to approve **Legal Item 2**, as discussed in Executive Session. Director McConnaughay made a motion to approve this item, seconded by Director Connolly. Chairman Evans asked that the roll be called on the motion, the vote of yeas and nays being as follows:

Yeas: Director McConnaughay, Director Connolly, Director Davis, Director Gallagher, Director Paddock, Director Perinar, Director Sweeney, Chairman Evans (8)

Nays: (0)

The motion PASSED.

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### **Adjournment**

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There being no further business before the Board, Chairman Evans entertained a motion to adjourn. Director McConnaughay made a motion to adjourn, seconded by Director Connolly. Chairman Evans asked that the roll be called on the motion, the vote of yeas and nays being as follows:



Yeas: Director McConnaughay, Director Connolly, Director Davis, Director Gallagher, Director Paddock, Director Perinar, Director Sweeney, Chairman Evans (8)

Nays: (0)

The motion PASSED.

The Meeting adjourned at approximately 11:44 a.m.

Minutes taken by: \_\_\_\_\_

Christi Regnery  
Board Secretary  
Illinois State Toll Highway Authority



Illinois State Toll Highway Authority

**Office of the Inspector General**

**SUMMARY ACTIVITY REPORT**

For the period March 1, 2020 through August 31, 2020

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Theodor J. Hengesbach  
Inspector General

Hotline: 866.786.5544  
Fax: 630.795.7661  
<https://www.illinoistollway.com/OIG>

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## OFFICE OF THE INSPECTOR GENERAL

Theodor J. Hengesbach – Inspector General

### SUMMARY ACTIVITY REPORT

**To:** The Office of the Governor  
The Board of Directors of the Illinois State Toll Highway Authority  
The State of Illinois General Assembly

**From:** Theodor J. Hengesbach, Inspector General

**Date:** September 30, 2020

**Re:** Office of the Inspector General Summary Activity Report for the Period  
Spanning March 1, 2020 to August 31, 2020.

### INTRODUCTION

We submit this report pursuant to Section 8.5 of the Toll Highway Act (the Act).<sup>1</sup> The Act created the Office of the Inspector General (OIG) to provide independent oversight of the Illinois Tollway. The Illinois Senate confirmed the appointment of Theodor J. Hengesbach on February 8, 2017. On August 31, 2020, Governor JB Pritzker re-appointed Hengesbach to a second five-year term.

### MISSION/JURISDICTION

OIG's mission is to foster effectiveness and efficiency in Tollway administration and operations by promoting integrity and accountability of the Tollway board, Tollway employees, and Tollway contractors and vendors. In furtherance of its mission, OIG strives to detect, deter, and prevent fraud, waste, abuse, corruption, misconduct, and mismanagement.

OIG derives its authority and direction from the Illinois Toll Highway Act<sup>2</sup> and the Illinois Administrative Code.<sup>3</sup>

By statute, OIG's jurisdiction extends to Tollway officials, Tollway employees, and Tollway contractors and vendors.<sup>4</sup> OIG conducts administrative and criminal investigations of alleged violations of law, rule or regulation, and misconduct or mismanagement. OIG also reviews

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<sup>1</sup> 605 ILCS 10/8.5(m) provides: The Toll Highway Inspector General shall provide to the Governor, the Board of the Authority and the General Assembly a summary of reports and investigations made under this Section no later than March 31 and September 30 of each year. The summaries shall detail the final disposition of the Inspector General's recommendations. The summaries shall not contain any confidential or identifying information concerning the subjects of the reports and investigations. The summaries shall also include detailed, recommended administrative actions and matters for consideration by the Governor, the Board of the Authority, and the General Assembly.

<sup>2</sup> 605 ILCS 10/8.5

<sup>3</sup> ILL. ADMIN. CODE title 2, sec. 3430 (2011).

<sup>4</sup> See 605 ILCS 10/8.5(d).

Tollway policies and procedures, and employment and hiring files, and serves as liaison to law enforcement entities.<sup>5</sup>

As a general rule, OIG does not become involved in private disputes, labor-management issues, or litigation. Matters investigated by OIG may also fall within the jurisdiction of other agencies (e.g., federal, state, or local law enforcement, other inspectors general, etc.). In such cases, the Inspector General is authorized to refer matters or work jointly with these other agencies to investigate allegations of wrongdoing.

## **STAFF**

During the reporting period, OIG's proposed office re-organization was approved and implemented. This re-organization better reflects OIG operations and positions the office for the future. Specifically, effective September 1, 2020 the Senior Investigator was re-titled as General Manager of Investigations and the Investigators were re-titled as Investigator IIs; in addition a position of Investigator I was created. Also, during this time, the OIG Administrative Assistant moved to the Executive office and that vacant position was replaced with an Executive Secretary position. Following posting and interviews the OIG selected an Investigator I and an Executive Secretary who started in mid-September. OIG has two remaining vacant budgeted positions: Deputy Inspector General and Investigator I, for which we anticipate posting in late 2020.

The Inspector General, General Manager of Investigations, and both Investigator IIs are certified by the National Association of Inspectors General and the Association of Certified Fraud Examiners. The Inspector General is certified by the Society of Corporate Compliance and Ethics. In addition, the Inspector General and the General Manager of Investigations continue as active members of the Board of Directors for the Illinois Chapter of the Association of Inspectors General. The Inspector General was elected in December to two-year term as Vice-President of that Board.

OIG, like most Tollway departments, quickly pivoted to teleworking in mid-March in response to the COVID-19 crisis, with equipment and support from the Tollway Information Technology department. OIG's transition to this remote workplace has been smooth especially in the area of case processing and documentation because of our use of electronic signatures and file sharing. This has allowed the OIG to maintain solid operational function. This new remote workplace has required the OIG to alter its distribution of reports, previously almost exclusively paper-based, and required expanded use of secured electronic distribution methods.

Remote working has presented challenges in terms of accessing documentation, especially paper documents, since there have been very few personnel at Tollway facilities. Another challenge has been interviews, and OIG staff have had to develop new protocols and become adept at using video platforms.

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<sup>5</sup> See 605 ILCS10/8.5(f).

## INTAKES

OIG receives complaints and reports of concerns and allegations of wrongdoing from the general public, Tollway officials and employees, vendors, bidders, and anonymous sources; OIG can also self-initiate investigations and reviews. These are screened and assessed to determine next steps. Generally, complaints are opened as Preliminary Investigations as limited scope inquiries for a period of 30-60 days to review available information and determine the most appropriate next action, which can include an Investigation (IG), a Review (R), a Referral (RF)<sup>6</sup>, or Declination. In addition, OIG can open an Investigative Assistance case (IA).<sup>7</sup>

Factors that impact this decision include: the reliability and accuracy of information based on OIG's knowledge of the subject matter; the nature of the conduct alleged and the ability to independently verify the allegations; the age of the conduct complained of; the likely impact on Tollway operations; and the availability of investigative resources.

By law, the identity of any individual providing information or reporting possible or alleged misconduct to OIG may not be disclosed without consent of that individual or as otherwise required by law. Furthermore, state and federal Whistleblower laws prohibit retaliation against individuals who provide information to or cooperate with an OIG investigation.

As shown below, reports of wrongdoing have greatly decreased during the pandemic. Discussions with other IG offices reveals that this appears to be a common effect of the stay at home orders. As can be expected, the remote workplace has eliminated much of the personal interaction and observation that generally gives rise to reports of wrongdoing. In addition, the pause in cash toll collections has naturally resulted in no reports of toll theft or cash shortages during this period.

Notably, during the pandemic there has been a marked decrease in US Mail, a decline in online submissions by more than half, and an overall reduction in telephone calls. However, in recent weeks reports of wrongdoing have increased and several matters opened as Preliminary Investigations have been converted to Investigations following our initial review of available documentation.

The Tollway OIG Hotline (866-786-5544) provides one of several means by which the OIG receives reports of wrongdoing. During this reporting period, there were 18 incoming calls, relating to 13 issues. A second source of information is the OIG online electronic form that allows individuals to provide information and documents in a secure, confidential manner. This form can be accessed through the OIG webpage; it is encrypted upon submission and delivered directly to a secure OIG email account. During this reporting period, OIG received 12 online submissions. We usually receive a number of calls through the Tollway's mainline, which have stopped with the absence of front desk personnel to answer and direct such calls.

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<sup>6</sup> OIG refers matters as appropriate to management, law enforcement or other entity. The most common referrals are complaints and calls relating to I-PASS concerns, or toll violations and fines that are referred to the Tollway Operations Customer Service section.

<sup>7</sup> Investigative Assistance matters include tracking of employee arrests and requests for information or subpoenas from law enforcement, regulatory agencies, or other Inspectors General.

## STATISTICAL INFORMATION

From March 1, 2020 through August 31, 2020, OIG took action in 36 new matters:

Preliminary Investigations	5 opened 6 closed [4 converted (3 Referred, 1 Review)]
Investigative Assistance	0 opened 0 closed
Investigations	0 opened 4 closed
Reviews	2 opened 1 closed
Referral	27 matters referred
Declined	2 matters

As of August 31, 2020, the following matters were open<sup>8</sup>:

Preliminary Investigations	3 <sup>9</sup>
Investigative Assistance	0
Investigations	4
Reviews	7

## REPORTS OF FINDINGS

Summary Reports of Investigation (SRI) detailing sustained findings and/or recommendations for corrective action are submitted to the Board of Directors, the Executive Director and appropriate management officials. SRIs resulting in discipline of more than 3 days are publicly released in redacted form on the OIG website.

There were no recommended administrative actions or matters submitted for consideration to the Governor, the Board of the Authority, or the General Assembly during this period.

The following are summaries of reports issued in OIG cases concluded between March 1, 2020 and August 31, 2020.

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<sup>8</sup> These numbers include carry-over from the previous reporting period.

<sup>9</sup> The previous Semi-Annual Report reported 5 pending PI cases, but it should have been 4.

## **OIG Investigations Resulting in Administrative Actions**

### **IG-19-003 (System Technicians)**

OIG issued a Summary Report of Investigation (SRI) following an investigation into Tollway vehicle parking and work location changes for System Technicians assigned to the Radio Shop. These changes affected three System Technicians who originally parked operationally assigned vehicles and clocked in and out at Central Support, located at 3460 Finley Road, Downers Grove, Illinois. This investigation confirmed that beginning November 1, 2018, all three were permitted to park and use the time clock at Tollway locations closer to their residences resulting in a significant decrease in the amount of personal commuting time to and from work.

When asked about this change, IT managers confirmed the move was authorized but could provide no documentation to support the claim that this arrangement enhanced operational efficiency. OIG analyzed a sample of one employee's daily activities and found that this new arrangement raised productivity concerns and did not seem to improve Tollway efficiency.

OIG recommended that the Tollway improve work assignment documentation for technicians who work systemwide and ensure that staff vehicle assignment, parking, and timekeeping arrangements comply with Tollway policy, further the Tollway's operational needs, and are consistently applied.

#### Response

The Department of Facility and Fleet Operations, which assumed control over the System Technicians from Information Technology Department, concurred with our findings and outlined several changes to correct the situation:

1. Systems Technicians will get their assignments the day preceding the work day, and drive to their first assigned work location to swipe in.
2. Technicians will swipe out at the end of the day at their last work assignment, and then return to their base location to get their personal vehicle.
3. Systems Technicians will continue to pick up their vehicles and park their vehicles at the location nearest their home.
4. Each Tollway vehicle will be equipped with the necessary material and tools to address routine and emergency repairs and installations.
5. Each Technician will provide preventative maintenance work and physical equipment inspections in assigned zones to keep the employees busy and productive.

## MANAGEMENT ADVISORY REPORTS

OIG issues Management Advisory Reports (MAR) to the Board of Directors, the Executive Director and appropriate management officials, which describe operational concerns observed by OIG in the course of its activities.

### **IG-19-009 (Employee Services Coordinator)**

OIG issued a Management Advisory Report (MAR) following an investigation into an allegation that an Employee Services Coordinator (ESC) hired in March 2019 did not have sufficient experience and that the process used to assess an applicant's prior employment experience was flawed. During the course of this investigation, the employee was discharged.

Tollway records confirmed that Administration received a verification of employment for the candidate from an employer that the candidate had not listed on their resume or application, and there is no documentation in the file explaining this anomaly. OIG's investigation found no evidence of improper purpose or intent to mislead because the candidate provided a plausible explanation. In fact, had this explanation been memorialized in the file, OIG's investigation would have been significantly streamlined or unnecessary.

While the underlying allegation was ultimately not sustained, this investigation did uncover uncertainty about the Tollway's pre-employment screening process that could lead to incomplete checks and/or inconsistent treatment of candidates. OIG recommended that the Tollway distinguish between employment verifications and references and develop standard procedures designed to elicit information about a selected candidate's prior employment that is necessary for a complete assessment given the nature of the position to be filled.

Finally, this investigation established reasonable cause to find that the employee violated the Tollway's duty to cooperate by twice providing false or misleading statements to OIG investigators. Given the seriousness of a witness' failure to cooperate, including any false, inaccurate, or deliberately incomplete statements, we would have recommended that the Tollway seek discharge were they still a Tollway employee.

### Response

Management reported that the new administrative staff took steps upon their start in the fall of 2019 to ensure that prior employment validation process was consistent and accurate. Among improvements implemented, Administration now requires that background checks be completed before new employees start.

### **IG-20-001 (Overtime)**

OIG issued a Management Advisory Report (MAR) following an investigation into an allegation that a Supervisor had improperly sought and received overtime. We confirmed that the Supervisor and other managers in that section have, until recently, regularly worked extra hours in the mornings and accrued large amounts of overtime over the years, which has attracted justified

concern. But the facts revealed in this investigation did not support a finding that the Supervisor improperly sought or received overtime.

However, this investigation did reveal systemic and longstanding deficiencies in Tollway structures and practices and a general disconnect between operational needs and expectations. These deficiencies make it difficult to track overtime and assess operational needs and alternatives.

OIG recommended that the Tollway update the approval and management of overtime, consistent with Internal Audit's recommendations in a 2019 Audit Report.

### Response

The Tollway concurred with our findings and outlined changes to begin in July 2020 which included implementation of a new overtime approval form that:

1. Utilizes the e-signature process and can be initiated by the supervisor or manager approving the overtime.
2. Requires more information such as location of overtime, reason for overtime, requestor, and a description of how the overtime was requested.
3. Requires an authorizing signature of the supervisor or manager stating that he/she has thoroughly reviewed the overtime request and approved or denied based on its necessity.
4. Requires a signature from the Deputy Chief or his designee if he is unavailable.

In addition to improvements to the OT request and approval process, the work hours in this section have been changed to facilitate operational needs and other schedule changes/staggered schedules are being considered.

## **Updates on Prior Management Advisory Reports**

### **R-19-002 (Management Trainee)**

As reported in our last two Semi-Annual Reports, OIG issued a Management Advisory Report (MAR) following our review of the development and selection of a Rutan-exempt trainee position that was filled in July 2018 under the direction of the then-Chief of Administration.

The MAR identified several concerns with this irregular hire and we made recommendations to address these hiring irregularities, including: Developing an actual trainee program with a defined transition plan; Ensuring that position descriptions accurately reflect qualifications and responsibilities; and Selecting candidates that meet those qualifications.

### Response and Update

In initial responses in August and September 2019 the Tollway agreed with our findings and acknowledged there is no established Tollway trainee program. It noted that the employee's original one-year term had been extended with Executive and Administration's approval based on

operational need and the employee's strong work record. The Tollway further stated that it would evaluate the structure of a management trainee program and the current position and expected to decide about the employee by the end of 2019. In subsequent discussions, Tollway management has indicated that the employee continues to provide needed services, and that the incumbent has been informed that the position will expire on September 30, 2020.

## **MANAGEMENT REFERRALS**

OIG refers matters that are either not within its jurisdiction, or which are most appropriately handled by Tollway management. We provide responses to several notable referrals below.

### **Referrals resulting in Administrative Action**

#### **RF-20-022(Vendor COVID-19 safety protocols)**

OIG received a Hotline call from a patron who expressed concern that crews at a Tollway construction cite were not exercising appropriate COVID-19 protocols. OIG referred the matter to Engineering. Engineering contacted the firm working at the site to remind it of the need to implement appropriate protocols in accordance with state guidelines. Engineering also reported that it communicated with all Tollway construction contractors and the Illinois Roadbuilders to raise awareness of the issue and to reiterate the expectation that contractor safety plans include adherence to state COVID-19 guidelines at Tollway construction sites.

#### **RF-20-034 (Tollway signage)**

OIG received a Hotline call from a patron expressing concern about deer on a rural stretch of the Tollway and suggested better signage. OIG referred the matter to Engineering. Engineering contacted the patron, reviewed the area, and installed additional signage.

## **GENERAL SUMMARY OF OTHER ACTIVITY**

During this time, the Inspector General and OIG staff have engaged in other related projects, including:

- OIG staff completed all state-mandated annual training and participated in a multi-day national virtual conference sponsored by the ACFE, earned continuing education credits necessary to maintain certifications, and took advantage of other virtual training opportunities.
- OIG management worked with IT and Procurement to finalize an RFP for a database and work flow system, expected to be posted in the fourth quarter of 2020.
- OIG completed the hiring process and selected two new OIG employees.
- The IG participated in Internal Audit's employment interviews for Audit Managers.

- OIG collaborated with Tollway trade staff to design and reconfigure existing space to provide work stations for new employees.
- OIG staff participated in training on Procurement's LCP Tracker system that houses vendor certified payroll information.
- The IG continued regular engagement with Tollway stakeholders, including Internal Audit, EEO/ADA, the Board Chair, and Executive staff about common issues and ways to improve Tollway operations.