



**Metropolitan Water
Reclamation District
of Greater Chicago**



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.”

**Metropolitan Water Reclamation District of Greater
Chicago
Quarterly Report
1st Quarter 2023**

April 14, 2023



OFFICE OF THE INDEPENDENT INSPECTOR GENERAL

Steven E. Cyranoski, Interim Inspector General

69 West Washington Street | Suite 1160 | Chicago, IL 60602 | (312) 603-0350

April 14, 2023

Transmittal via electronic mail

Honorable Kari K. Steele
and Honorable Members of the Metropolitan
Water Reclamation District of Greater Chicago
Board of Commissioners
100 East Erie Street
Chicago, Illinois 60601

Re: Independent Inspector General Quarterly Report (1st Qtr. 2023)

Dear President Steele and Members of the Board of Commissioners:

As you know, on April 18, 2019 the Board of Commissioners of the Metropolitan Water Reclamation District of Greater Chicago (MWRD) adopted Ordinance O19-003 entitled Office of the Independent Inspector General (MWRD OIIG Ordinance) that has been designed to promote integrity and efficiency in government and provide independent oversight of the MWRD. Additionally, an Intergovernmental Agreement between the County of Cook and MWRD became effective by full execution of the parties on May 17, 2019 (Sec. II. Term of Agreement) and was extended by the MWRD on March 3, 2022 thereby authorizing the OIIG to continue operations relating to the MWRD. This quarterly report is written in accordance with Section 2-287 of the MWRD OIIG Ordinance to apprise you of the activities of this office during the time period beginning January 1, 2023 through March 31, 2023.¹

OIIG Case Activity

In connection with the number of complaints received by the OIIG, please be aware we have received a total of 21 new complaints during this reporting period. This number also includes those matters resulting from the exercise of my own initiative (MWRD OIIG Ordinance Section Two (citing Cook County Code, Sec. 2-284(2))). Two OIIG case inquiries have been initiated during this reporting period and a total of 30 OIIG case inquiries remain pending at the present

¹ In accordance with the MWRD OIIG Ordinance, this office reports quarterly the number of investigations initiated and concluded during the subject time period along with other relevant data concerning the activities of the office. Quarterly reports also set forth OIIG recommendations for remedial or other action following the completion of an investigation and track whether recommendations were adopted in whole or in part or otherwise not implemented by the MWRD. Finally, quarterly reports also describe miscellaneous activities of the OIIG that may be of interest to MWRD officials, employees, contractors and members of the public.

time.² We have referred two matters to management or other enforcement or prosecutorial agencies for further consideration this reporting period. The OIIG currently has five open OIIG cases and no cases open more than 180 days of the issuance of this report.

OIIG Summary Reports³

During the 1st Quarter of 2023, the OIIG issued three summary reports on MWRD matters. The following provides a general description of each matter and states whether OIIG recommendations for remediation or discipline have been adopted. Specific identifying information is being withheld in accordance with the OIIG Ordinance where appropriate.

IIG22-0967. This investigation was initiated after the OIIG received a complaint alleging a high-ranking Information Technology Official (IT Official) at the MWRD may have been simultaneously employed in a similar position with an outside private firm (Firm) without informing the MWRD of his dual employment status. This matter was brought to the attention of MWRD management when an employee of the MWRD saw a press release issued by the Firm. The press release announced the Firm had hired the IT Official into a management position and that the IT Official had “previously served as a Chief Information Officer (CIO) of a public utility....” After becoming aware of the press release, the IT Official was subsequently questioned by MWRD management regarding his employment status with the Firm. The MWRD referred this matter to the OIIG after becoming concerned that the IT Official may be fully engaged in a full-time management position at the Firm, while currently still employed in his full-time management position at the MWRD.

During the investigation, OIIG investigators examined the press release from the Firm regarding the IT Official and documents from the Firm including an offer letter to the IT Official. The OIIG also reviewed Time and Attendance records for the IT Official from both the MWRD and the Firm. In addition, the OIIG interviewed management officials from the Firm and the MWRD.

A review of the Time and Attendance records for the IT Official from the Firm for the relevant time period indicated he was a full-time employee of the Firm working each weekday from 8:30 a.m. to 4:30 p.m. A review of the Time and Attendance records for the IT official from the MWRD for the relevant time period indicated he was a full-time employee of the MWRD and

² 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.

³ The OIIG issues a Quarterly Report relating to the MWRD separate from the one it issues for other government agencies under its jurisdiction. The Quarterly Reports issued involving MWRD matters can be found at <https://www.cookcountyil.gov/service/metropolitan-water-reclamation-district-greater-chicago>.

that his working hours were generally from 9:30 a.m. to 5:30 p.m. each weekday. The review of Time and Attendance records did not reflect any evidence that the IT Official had worked after regular hours at either location.

After learning of the press release, an MWRD Management Official questioned the IT Official about it and asked if the IT Official was already working another job. The IT Official responded that he had not yet been given a starting date to begin his employment at the Firm. The MWRD Management Official told the OIIG that this was the first time the IT Official had advised anyone in MWRD management that he was even considering other employment opportunities and that MWRD management was unaware of his alleged dual employment with the Firm. The MWRD Management Official stated the IT Official was a full-time, salaried employee at the MWRD and his employment was not subject to a contractual arrangement.

During an interview with the OIIG, the General Counsel of the Firm stated the IT Official was currently employed as the Firm's CIO and was hired into that position months ago. She stated that due to the pandemic, the Firm's Chicago office has been closed and all its employees work remotely, so there has been virtually no physical interaction between its employees, including the IT Official. The General Counsel stated the Firm was not aware of the IT Official being engaged in any type of secondary employment and that he has been a full-time employee of the Firm since his start date. She added that as far as anyone at the Firm knew, he had resigned from his position at the MWRD prior to accepting the Firm's offer of employment.

The General Counsel stated the IT Official worked a 40-hour week, Monday through Friday from 8:30 a.m. to 4:30 p.m. each weekday. She stated it was not possible for him to perform his duties during the evening hours since he had a myriad of responsibilities in his role as CIO and was a regular participant in executive management meetings at the Firm, which were always convened during normal business hours.

The General Counsel stated that upon learning of the IT Official's current status as a full-time employee at the MWRD, he was interviewed by members of the Firm's executive management. The General Counsel stated that during this interview, the IT Official denied he had been previously questioned by MWRD management regarding this matter. The General Counsel stated that during the interview the IT Official attempted to convince the executive management team that although he was still on the payroll at the MWRD, he was focusing his efforts on his duties at the Firm. The General Counsel stated that shortly after being questioned, the IT Official resigned from the Firm effective immediately.

The preponderance of the evidence developed during the course of this investigation supports the conclusion that the IT Official violated Administrative Procedure 10.27.0 (2)(h) – Working for another employer when such employment or work interferes with the adequate performance of the employee's job, which is a Major Offense. That policy specifically states that "[s]uch work may not be done during the employee's work hours." The investigation by this office revealed that the IT Official, while still employed in his executive management position at the

MWRD, accepted a full-time position as the CIO of the Firm, the regular work hours for which mostly overlapped with his regular MWRD work hours. At no time were either the MWRD nor the Firm aware of the dual employment status of the IT Official or that he was being paid for working the same hours for both entities. The IT Official continued to function, and be fully compensated, in both roles until the OIIG investigation led to his resigning from both positions. It should be noted that the IT Official was provided an opportunity to be interviewed regarding this investigation, but he resigned from the MWRD that same day and failed to respond to our request.

Because the IT Official resigned from his position at the MWRD, we did not offer any recommendation for disciplinary action against him.

IIG22-0396. This investigation was initiated based on numerous complaints received regarding a Juneteenth event conducted by the MWRD. Specifically, it was alleged that the MWRD Juneteenth event held at the Stickney Water Reclamation Plant (SWRP) involved political activity, did not adhere to safety protocols, disrupted operations, was a misuse of MWRD resources, and was limited to commissioners, their families and political friends.

This investigation consisted of interviews of MWRD personnel and SWRP site inspections. The OIIG also reviewed the Juneteenth event materials, related expenditures, the MWRD Administrative Procedures Manual, and the MWRD Budget.

Interview Maintenance & Operations Official

A Maintenance and Operations Official (M&O Official) stated that events like the Juneteenth event are rare but do occur periodically. His department assisted with the logistical preparations for the event. The M&O Official stated that fleet vehicles and designated parking spaces were relocated to other parking lots to accommodate the event. He further stated that approximately seven or eight SWRP employees were assigned to assist in the setup for the event. The M&O Official stated that SWRP laborers cleaned up after the luncheon, and this was not outside their normal daily duties.

The M&O Official estimated that approximately 50 to 60 guests, including 15 dancers from a youth dance group, attended the event. He added that 50 to 70 SWRP employees also attended during their respective lunches at any given time during the event. The M&O Official stated there were no security screenings of the guests prior to entry and no control of guest movement protocol was implemented during the event. However, he added that there were no security sensitive areas where the event was held. The M&O Official stated that the MWRD police department provided security for the SWRP.

The M&O Official assigned an Engineering Technician as the coordinator for his office to work with the Juneteenth Committee. The M&O Official stated that other than the Engineering Technician, no SWRP workers received overtime for their work at the event. He added that the Engineering Technician received two hours of overtime due to coming in early to coordinate the

stage setup. The M&O Official stated that normal operations at the SWRP were not interrupted due to the Juneteenth event.

Interview of Engineering Technician

The Engineering Technician stated that some of his engineers assisted in the setup of the chairs, but this did not interfere with their other duties. He stated that setting up for events is one of the responsibilities engineers commonly perform at the MWRD. He further stated that he was surprised to see such a large and elaborate stage setup for the event because it was not done in the past. The Engineering Technician stated that an MWRD Commissioner mentioned during her speech that her granddaughter was in the dance group.

Interview of Public & Intergovernmental Affairs Official

A Public & Intergovernmental Affairs (PIA) Official stated that an MWRD Commissioner initiated the Juneteenth event. The PIA Official stated that she and her staff met with the Commissioner to go over the plans for the event. The PIA Official stated that the Commissioner “told us what she wanted, and we did exactly what she asked for.” The PIA Official stated that she and other PIA staff assisted in the setup for the event and does not believe anyone from her office was required to work overtime.

The PIA Official stated that the MWRD holds celebrations recognizing diversity and ethnicity several times a year, but the Juneteenth event was a somewhat excessive “extravaganza.” She added that a large stage was erected for the event, which had never been done before. The PIA Official explained that one vendor was selected to provide the stage from several competing quotes. The PIA Official also stated that the stage absorbed 50 percent of the entire event’s budget and contended that it was not needed.⁴ The PIA Official stated that she believes that, as public servants, “we are stewards of the dollar” and therefore should be more prudent with how public funds are spent. She further stated that her office spends \$1,000 to \$2,000 on an event and would never go over \$3,000.

The PIA Official stated that the Commissioner selected the dance group that performed at the event and the Commissioner’s granddaughter was a member of the group. The PIA Official stated that she is confident that the dance group was not paid from the PIA office budget but was not sure if they were or were not paid at all. The PIA Official stated that she believes that the event was held during MWRD regularly scheduled business hours. The PIA Official stated that no public officials made any political speeches. She added that MWRD commissioners were given a script written by the PIA office and they read it verbatim. The PIA Official did not observe any campaign signs or political literature at the event.

⁴ The total amount spent by the MWRD for the Juneteenth event was \$10,342.60.

Interview of Administrative Services Official

An Administrative Services Official stated that she had very little involvement in the planning and preparation for the Juneteenth event. She added that her primary responsibility for the event was to ensure that the SWRP was adequately staffed by the MWRD Police Department to receive an influx of guests and to protect against guests accessing unauthorized areas. The Administrative Services Official also assigned staff from the Budget Office to assist the PIA Official in partial setup for the event. She added that the Budget Office staff also carried boxes containing gift bags to the event.

The Administrative Services Official stated that she was not responsible for approving the budget for the event and could not provide specific line items for the expenditures. The Administrative Services Official reviewed a report during the OIIG interview and stated that the stage used for the event cost the MWRD a total of \$5,000.

The Administrative Services Official stated that the MWRD hosts diversity and outreach events, and the expenditures vary from as little as \$2,000 for Women's History Month to an average of between \$5,000 to \$7,000 for Black History Month. The Administrative Services Official stated that there is no specific line item in the budget attributed for "events." She added that the budget is not broken down in that manner and further stated, "It's not tracked that way, but maybe we should." The Administrative Services Official stated that there is no threshold or ceiling for these types of events and added, "We don't do it that way." The Administrative Services Official stated that during the initial planning meeting she, the MWRD Executive Director and the PIA Official agreed that an estimated budget of \$10,000 for the Juneteenth event was acceptable. The Administrative Services Official stated that "nothing was sacrificed because of the expenditures for the Juneteenth celebration."

The Administrative Services Official was asked about a \$400 Direct Voucher payment made to a DJ services company that she authorized and for which she reallocated funds from the Diversity Section budget. The Administrative Services Official stated that as a general practice she will notify section heads when she makes payments from their accounts but on occasion she may not and added that she "has the authority to move money around [from the different sections] as needed." The Administrative Services Official stated that she does not know why the payment for the DJ services was made utilizing the Direct Voucher payment process.⁵

Interview of Diversity Section Official

A Diversity Section Official stated that the Diversity Section is budgeted \$7.1 million annually from which \$7,500 is allocated for "cultural events." She added that Black History Month

⁵ The guidelines (Authorized Expenditures A through L) for the Direct Voucher Payment System do not authorize expenditures for DJ services. The DJ services should have been purchased using the Procurement Department pursuant to the rules.

celebrations are funded via the cultural events budget. The Diversity Section Official stated that the PIA office is responsible for most of the other cultural events.

The Diversity Section Official was shown the MWRD expense report that listed a \$400 payment made to a DJ services company from the Diversity Section budget. The report listed the payment as being made by the Administrative Services Official. The Diversity Section Official stated she was not part of the Juneteenth organizing efforts and not aware that the Administrative Services Official had paid for the DJ from the Diversity Section budget.

Interview of Executive Director

The Executive Director stated that the MWRD typically allocates \$15,000 to \$20,000 annually for events like “Latinx Heritage,” Black History Month and Juneteenth celebrations. The Executive Director stated that there is not a specific account for cultural events. The Executive Director also stated that he is unaware of how they are accounted for in the fiscal year budget. The Executive Director stated that in the interest of transparency and efficiency, there should be a line item for diversity events in the budget and added, “It would be a better approach to have it up front.”

Interview of Finance Account Manager

A Finance Account Manager stated that the payments made to a restaurant and DJ services company do not appear to be in accordance with the MWRD Administrative Procedures Manual for Direct Voucher (“DV”) payments. The Finance Account Manager stated that there should have been a Purchase Order (“PO”) issued instead of a DV for the restaurant purchase. The PO method would enable Procurement to consider multiple quotes. She said it is possible that a Procurement Official may have been contacted by the respective department head and authorized the purchase without a PO being issued.

Interview of Procurement Official

A Procurement Official stated that MWRD departments contact Procurement when goods or services need to be purchased. The Procurement Official stated that the “using” department is required to submit a requisition order and then Procurement will send out a request for bids. Procurement will select the lowest bidder unless the lowest bidder does not meet the required specifications or insurance requirements. Departments do not have to use the formal bidding process for services and goods under \$25,000 and \$10,000, respectively. If Departments do not use the formal bidding process, they should employ the “informal process” and obtain competitive quotes. She further stated that, for the Juneteenth celebration, the rented stage was a bid contract awarded to one of three potential vendors. The Procurement Official stated that the contract awarded to the restaurant appeared to be a sole-source award. She added that she believes that it was due to it being below the threshold. OIIG investigators noted they did not receive documentation demonstrating that the purchase satisfied sole source requirements.

The Procurement Official stated that the PIA office has the authority to use an “open order” to obtain vendors for its events. The Procurement Official stated that submissions for open order purchases must be accompanied with documentation verifying that due diligence was exercised by the department in seeking the best possible vendor. Typically, due diligence is demonstrated when a department obtains competitive quotes. The Procurement Official stated that in her tenure at the MWRD she had “never witnessed a stage as elaborate as the one requisitioned for the Juneteenth celebration.” The Procurement Official stated that she did not have any documentation that authorized the departments to utilize the DV payment method to pay for the restaurant and DJ services company for the Juneteenth event.

Juneteenth Celebration Flier and the MWRD Flow Newsletter

The OIIG reviewed the Juneteenth celebration flier posted at the SWRP. In addition to providing historical information about Juneteenth, the flier provides the location, date, and time of the event. Additionally, the flyer informs SWRP employees that they are welcome to attend the event. There was no political information contained in the flier.

The OIIG reviewed an edition of “Flow,” which is the MWRD monthly newsletter, which was published after the Juneteenth event. On pages seven and eight of the newsletter, photographs taken during the Juneteenth celebration are posted. MWRD, County and State officials as well as the youth dance group and the stage are shown in the photographs. Although the photographs of the entire venue are not posted, no political signs, posters, pins or other political paraphernalia can be seen.

Attempt to Interview MWRD Commissioner

During our investigation, the OIIG contacted the MWRD Commissioner responsible for the Juneteenth event in order to schedule an interview. The Commissioner refused to appear for an interview and subsequently retired from her position with the MWRD.

OIIG Findings and Conclusions

The preponderance of the evidence developed during this investigation does not support the conclusion that the Juneteenth event held at the SWRP was a political event or was not open to the public or SWRP employees. Furthermore, the location of the event and the areas accessed by the attendees were not industrial, did not appear to compromise anyone’s safety, and did not disrupt daily operations.

However, the preponderance of the evidence developed during this investigation does support the conclusion that there is no established budget for the Juneteenth event (or other similar events) and that the manner in which expenditures were allocated lack transparency.

The preponderance of the evidence further supports the conclusion that the PIA Official and the Administrative Services Official did not follow the procurement rules for certain purchases related to the Juneteenth event. The PIA Official and the Administrative Services Official should not have used the Direct Voucher payment method to obtain catering and DJ services for the Juneteenth event. Instead, they should have contacted the Procurement Department pursuant to the Administrative Procedures Manual.

OIIG Recommendations

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

1. The MWRD should include expenditures for all of its diversity and special community events such as “Juneteenth,” “Women’s History Month,” “Latinx Heritage Month,” “Pride Flag Raising,” “South Side Irish Parade,” and “Greek Independence Day Parade” and other similar events in the MWRD annual budget. This practice will inherently promote transparency and accountability by affording the public the opportunity to scrutinize expenditures.
2. The MWRD should provide educational materials and/or presentations relating to the MWRD’s mission and operations at its diversity and special community events. This would further justify the expenditure of funds on such events by connecting them to legitimate governmental business purposes of the MWRD.
3. The subject PIA Official and the Administrative Services Official should receive a verbal reprimand for their failure to adhere to the applicable procurement procedures by improperly using Direct Vouchers for certain purchases as described above and be instructed to follow proper procurement procedures for such purchases in the future.

These recommendations were made on March 27, 2023, and a response is not yet due.

IIIG22-0547. In this case, the OIIG received an anonymous complaint alleging that an MWRD Section Head engaged in race discrimination, gender discrimination, retaliation, unfair treatment of female employees and other inappropriate behavior. Similar allegations had previously been made to the MWRD Employee Relations (ER) team and, due to the findings from its investigation, it was recommended the OIIG further investigate the allegations and determine appropriate corrective action. During the course of our investigation, additional allegations were made that a Senior Official in the same MWRD Section also engaged in discrimination and harassment against female employees.

The OIIG reviewed the MWRD Administrative Procedures Manual 10.5.0 Anti-Harassment, Anti-Discrimination, and Anti-Retaliation Policies and Reporting Procedures, the anonymous letter submitted to the MWRD Executive Director and Board of Commissioners, employee performance evaluations, previous complaints to the OIIG and ER relating to the subject

MWRD Section, human resources (HR) documents, and the ER EEO internal investigative case file. The OIIG also interviewed MWRD HR employees, employees of the subject Section, and the subject Section Head and Senior Official.

MWRD HR Policy 10.5.0 provides, in pertinent part:

It is the policy of the Metropolitan Water Reclamation District of Greater Chicago (District), its Officers and Board of Commissioners to provide all employees with a workplace that is free from harassment and discrimination based on an individual's race, sex, gender, color, racial group or perceived racial group, disability, age, religion, national origin or ethnicity, sexual orientation, current military status, veteran or military discharge status, genetic information, pregnancy-related condition, association with anyone with these characteristics, or any other legally protected characteristic.

The preponderance of evidence in this investigation supports the conclusion that the subject Section Head discriminated against individuals based on ethnicity in violation of MWRD HR Policy 10.5.0 on two separate occasions.

First, the preponderance of the evidence supports the conclusion that an external candidate was not selected by the Section Head because she had a “Latino” last name. According to one employee, the Section Head told her that she would not hire this individual due to her ethnicity because she did not want her to create a divide between the Hispanics and the African Americans in the office. During the course of this investigation, the OIIG obtained statements and reviewed documentation provided by HR as it pertains to the employment position at issue. The Section Head received four requisition packets which listed the Latina applicant as a qualified candidate; however, she was never selected. During her OIIG interview, an MWRD employee stated that the Section Head told her she did not want to hire a certain person on the list due to that person having a Latino last name which is consistent with what that same employee told ER during its investigation. When the MWRD ER team questioned the Section Head about the statement made regarding not wanting to hire another Hispanic person, the Section Head denied making the statement. However, she admitted that she was concerned that if a “Latino” were appointed, another employee in her Section would attempt to create a divide in the section among the Hispanic and African American employees. When interviewed by the OIIG, the Section Head stated that her comment was misunderstood by ER and what she meant by her statement was that the Hispanic employee in her office would create a divide between management and the staff. However, this explanation does not make sense or provide any justification for not selecting the Latina candidate. The Section Head denied mentioning anything regarding race or ethnicity. The Section Head also stated that she did not consider the Latina candidate because she did not want to select a candidate from the internal transfer list. After being advised that the Latina candidate was not on a transfer list because she was an external candidate, the Section Head stated that she never received a list with that person’s name on it. After being shown the list of certified candidates with Latina candidate on it, the Section Head did not have a plausible explanation for not hiring the Latina

candidate. In addition, an employee stated that the Section Head confronted her and told her she was disappointed that she talked to ER regarding her comments.

Second, the preponderance of evidence in this investigation also supports the allegation that the Section Head did not promote a current Latina employee in her Section due to her ethnicity despite being the only candidate on the promotional list for that senior level position. The investigation revealed that the Latina internal candidate tested for the senior level position and scored in Category B on the promotional list. She also ranked in the “better” category for the interview matrix. According to the ER report, the Section Head stated her decision to deny promotion to the Latina candidate was solely based on her work performance and how the interview questions were answered. When interviewed by the OIIG, the Section Head stated that the Latina employee was not hired for the position because of performance issues and not due to her ethnicity; however, those issues were never documented in performance evaluations. A review of the employee’s performance evaluations for 2018 to 2022 did not reveal any issues that would prevent her from being promoted. When interviewed by the OIIG, two other employees in the Section stated that the Section Head told them that she would not promote the Latina employee because she did not want to have two Hispanic employees in senior level positions. When interviewed by the OIIG, Section staff members stated that the Latina employee is known to be one of the most knowledgeable and helpful people on the team. A review of the HR interview matrix for the senior level position revealed that the Section Head scored the Latina employee much lower on her responses to the interview questions compared to the other interviewers on the panel. Based on the totality of the circumstances, it is reasonable to conclude that the Section Head intentionally scored the Latina employee lower to justify hiring an African American candidate instead of the only Latina candidate. Lastly, when interviewed by the OIIG, another employee in the Section stated that when he approached the Section Head regarding selecting the Latina employee for the senior level position prior to the selection, the Section Head stated, “it’s not going to happen.” Based on the above evidence, we conclude that the subject Latina employee was discriminated against due to her ethnicity.

Regarding the two findings of discrimination above by the Section Head, it should be noted that this is not simply a case of one person’s word against another person’s word. Although the Section Head has denied discriminating against the external and internal candidates for the two different open positions based on their ethnicity or making anti-Latino statements, we note that her denials are contradicted by at least four different people who reported hearing her make discriminatory statements to them on various occasions. The statements by these witnesses are also consistent with each other. One employee’s statement that the Section Head did not select the external Latina candidate because of her ethnicity is consistent with the statement the Section Head made to HR that she had concerns about hiring a Latina candidate. Likewise, that same employee’s statement that the Section Head told her she did not want two Latinos in senior level positions is consistent with another employee’s statement that the Section Head told her the same thing on a different occasion. In addition, two employees reported that the Section Head told the Latina employee not to speak Spanish in the office with the Latina employee adding that the Section Head’s stated reason was that people only speak Spanish when speaking bad about other people.

This stated reason by the Section Head for not allowing Spanish to be spoken is consistent with the statement she made to HR and to another employee regarding her concerns that hiring Latina candidates would cause a division within the office.

With respect to the allegation of harassment or discrimination based on gender biases, the preponderance of evidence does not support the conclusion that the Section Head or Senior Official conduct violated AP 10.5.0 – Anti-Harassment, Anti-Discrimination and Anti-Retaliation Policies and Reporting Procedure. The evidence revealed that both men and women had various complaints regarding Section management. Some employees complained of the Senior Official’s management style which was described as “military” in nature, but this does not constitute a violation of the policy. Although several employees believed that they were being treated unfairly for one reason or another, the preponderance of the evidence suggests that most of the complaints related to performance issues and personal conflicts and disagreements rather than any violation of AP 10.5.0 based on gender bias.

Based on all the foregoing and the serious nature of the violation as it pertains to discrimination based on ethnicity by Section Head, we recommended that her employment be terminated. A Section Head found to have engaged in discrimination based on ethnicity multiple times should not be leading a section as it attempts to fulfill its important mission.⁶ As the allegations regarding the Senior Official were not sustained, we did not recommend any disciplinary action against him.

The MWRD adopted our recommendation and is pursuing termination proceedings against the subject Section Head.

Outstanding OIIG Recommendations

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 the outstanding recommendations.

⁶ HR Policy 10.5.0 provides: “The District has zero tolerance for any conduct or behavior in violation of this policy by anyone in the workplace, including but not limited to, a supervisor, co-worker, subordinate, contractor, vendor or visitor. The District will take immediate and appropriate corrective action to eliminate such conduct or behavior, regardless of whether the conduct or behavior violated any law or was unintentional. Employees violating any aspect of this policy shall be subject to disciplinary action up to and including discharge, as directed by the Executive Director. The District shall promptly address any conduct that may violate this policy.”

From the 4th Quarter 2022

IIG22-0193. The OIIG received a complaint alleging that an MWRD employee was recently elected as the Assessor of a local township. The OIIG initiated this investigation as the subject employee's secondary employment may create a conflict with his MWRD position in violation of the MWRD Ethics Ordinance. It was also noted that the employee did not submit his secondary employment form within 14 days of the secondary employment as required by policy but rather submitted it over two months late after being told he needed to do so.

During its investigation, the OIIG reviewed the MWRD Ethics Ordinance and MWRD Secondary Employment Forms. The OIIG conducted interviews of the subject employee and the Township Administrator of the local township where the subject employee serves as Assessor.

Review of the MWRD Ethics Ordinance

The MWRD Ethics Ordinance states that all Commissioners, Officers, and Employees are required to complete and submit a Secondary Employment Form, attesting that the Commissioner, Officer or Employee does or does not have compensated secondary employment. Amended reports are required within 14 days of any change in secondary employment status.

Interview of the Subject Employee

The employee stated that his Assessor position is a paid position. The employee stated that his duties include but are not limited to assisting residents with property tax issues such as appeals and exemptions. The employee stated that property tax assessments are not handled at the township level. The employee stated his position is part-time and does not require him to keep office hours. The employee stated that he does not manage any employees. The employee stated that he attends Board meetings every first and third Tuesday of each month at 7:00 p.m. The employee stated that his Assessor duties do not overlap with his MWRD duties. The employee stated that if he needs to conduct any meetings for the Assessor's office during regular working hours, he uses vacation or personal time from the MWRD. The employee stated that he also uses MWRD vacation time or personal time if he needs to attend any special events during regular work hours; however, most special events are in the evening hours. The employee admitted that he did not immediately fill out a Secondary Employment form when he took office as the Assessor for the local township. The employee stated that he filled out the form after he was alerted to do so by his supervisor. The employee stated that he had filled out a secondary employment form in in the past for a different position.

Interview of Local Township Administrator

The local Township Administrator ("Administrator") stated that the Assessor position is part-time and compensated. The Administrator stated that the Assessor and other elected officials are not required to have regular office hours. The Administrator stated that the Assessor and other

elected officials attend meetings every first and third Tuesday of each month at 7:00 p.m. The Administrator stated that the Assessor does not have a permanent office space at the township. The Administrator stated that the Chief Deputy Assessor is responsible for the day-to-day operations of the Assessor's Office and reports to the Administrator.

OIIG Findings and Conclusion

The preponderance of evidence developed during this investigation supports the allegation that the subject employee violated Article II Code of Conduct, Section(C)(5) of the MWRD Ethics Ordinance by failing to notify the District of his secondary employment by completing a secondary employment form within 14 days as required by the Ordinance. The employee admitted that he did not complete a Secondary Employment form for his new position until he was directed by his supervisor to do so months after his new position began.

OIIG Recommendation

Based on all of the foregoing, we recommended that disciplinary action be imposed on the subject employee in the form of a written reprimand. The MWRD adopted our recommendation and issued a written warning to the subject employee.

From the 3rd Quarter 2022

IIG21-0520-B. IIG21-0520-A was initiated after the OIIG received an anonymous complaint that Sheet Metal Worker A was observed on several occasions leaving the work premises around 9:30-10:00 a.m. and failing to return to clock-out until approximately 3:00-3:30 p.m. During the investigation of Sheet Metal Worker A, information regarding Sheet Metal Worker B was revealed which led to this related investigation. During this investigation, the OIIG reviewed financial records, secondary employment forms, MWRD timesheets for Sheet Metal Worker B, MWRD gate records obtained from the MWRD Police, and work order assignments for Sheet Metal Worker B. Numerous interviews of MWRD staff were also conducted.

The preponderance of evidence developed in this investigation supports the conclusion that Sheet Metal Worker B violated MWRD Ethics Ordinance – Article II, Code of Conduct, Section C(5): the Secondary employment rule. Sheet Metal Worker B admitted to having compensated outside employment that extended several years with Sheet Metal Worker A.⁷ Based on this finding, we recommended the imposition of disciplinary action consistent with the treatment of past infractions of a similar nature.

⁷ The preponderance of evidence developed during this investigation fails to establish that Sheet Metal Worker B participated in outside employment during MWRD working hours.

Hon. Kari K. Steele and Hon. Members of the Metropolitan
Water Reclamation District of Greater Chicago
Board of Commissioners
April 14, 2023
Page 15

The MWRD adopted our recommendation and issued a written warning to the subject Sheet Metal Worker.

Conclusion

Thank you for your time and consideration to these issues. Should you have any questions or wish to discuss this report further, please do not hesitate to contact me.

Very truly yours,



Steven E. Cyranoski
Interim Inspector General

cc: Mr. Brian A. Perkovich, Executive Director
Ms. Susan T. Morakalis, General Counsel
Mr. John T. Joiner, Administrative Aide to the President