

IN THE EXECUTIVE ETHICS COMMISSION  
OF THE STATE OF ILLINOIS

In re: REBECCA MUNIZ

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OEIG Case # 09-00406

OEIG FINAL REPORT (REDACTED)

Below is a final summary report from an Executive Inspector General. The General Assembly has directed the Commission to redact information from this report that may reveal the identity of witnesses, complainants or informants and “any other information it believes should not be made public.” 5 ILCS 430/20-52(b).

The Commission exercises this responsibility with great caution and with the goal of balancing the sometimes competing interests of increasing transparency and operating with fairness to the accused. In order to balance these interests, the Commission may redact certain information contained in this report. The redactions are made with the understanding that the subject or subjects of the investigation have had no opportunity to rebut its factual allegations or legal conclusions before the Commission.

The Executive Ethics Commission (“Commission”) received a final report from the Governor’s Office of Executive Inspector General (“OEIG”) and a response from the agency in this matter. The Commission redacted the final report and mailed copies of the redacted version and responses to the Attorney General, the Governor’s Executive Inspector General and to Rebecca Muniz at her last known address.

These recipients were given fifteen days to offer suggestions for redaction or provide a response to be made public with the report. Certain information contained in the proposed public response may have been redacted in accordance with the Commission’s determination that it should not be made public. The Commission, having reviewed all suggestions received, makes this document available pursuant to 5 ILCS 430/20-52.

**I. FINAL REPORT**

***(a) Initial Allegations and Misconduct Discovered during Investigation***

The Office of Executive Inspector General (OEIG) received a complaint on April 20, 2009, alleging that Illinois Department of Human Services (DHS) employee Rebecca Muniz (Muniz) abused State time and falsified timekeeping documents by signing in and out on timekeeping records when she was absent from the office. In addition, during this investigation the OEIG determined that Muniz abused her access rights to State computer systems.

**(b) Initial Investigative Information**

Muniz was hired by DHS in 1997 as an office assistant. Muniz was later promoted to a caseworker position, and was assigned to the DeKalb Family Community Resource Center (Center). According to DHS procedures, Center employees, including Muniz, are required to record their arrival and departure times on a "DHS Daily Staff Attendance Report" (Attendance Report). Staff are also required to call a supervisor if they are going to be absent from work on any given day.

**II. INVESTIGATION**

**(a) Interview of [redacted]**

In May and June 2009 and on February 16, 2010, the OEIG interviewed [redacted]. In her initial interview, [redacted] informed OEIG investigators that she maintained a personal log of the calls received from employees who reported an absence. Based on that log, [redacted] explained that she believed Muniz was absent from work on seven occasions between January and April 2009. [Redacted] also stated that Muniz may have also missed work on six additional days during this time period, for a total of thirteen days. [Redacted], however, informed the OEIG that Muniz produced leave requests for three of the thirteen days missed and only after she so directed Muniz.

[Redacted] did not see any visitor names logged in the DHS Visitor Information System for any of the thirteen days Muniz had reported working. This fact indicated to [redacted] that Muniz was absent on those days because caseworkers see clients on a daily basis in the course of their duties.

Through [redacted], the OEIG also obtained an email and a memorandum from [redacted] stating that Muniz did not complete any transactions in the DHS computer system on the thirteen days in question.

**(b) Muniz' Attendance Records**

The OEIG also reviewed Muniz' Attendance Reports and discovered that Muniz reported that she began working between 8:00 and 8:30 a.m., and left the office between 5:00 and 5:05 p.m., on each of the thirteen days that [redacted] had indicated Muniz was absent. OEIG investigators did locate leave requests<sup>1</sup> submitted by Muniz for three of the thirteen days. However, the OEIG learned that Muniz noted her attendance at work on the Attendance Reports for these three days.

**III. REBECCA MUNIZ STATEMENTS**

**(a) July 22, 2009 Interview of Muniz**

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<sup>1</sup> Leave request forms are called "Staff Request for Time Off" IL 444-4140 Forms.

On July 22, 2009, Muniz was interviewed regarding the allegations. Muniz denied falsifying her timesheets and stated that she did not know how someone would falsify timesheets. Muniz verified that the Attendance Records for the thirteen days in question reflected her signature. Muniz, however, was unable to explain how or why she signed-in on those dates even though there was evidence indicating that she was not at the Center. Muniz speculated that she may have mistakenly signed in under the wrong dates.<sup>2</sup>

Muniz also told OEIG investigators that she had access to a system she was not allowed to have, namely, the DHS Payroll / Timekeeping Inquiry System. Muniz said that she used this system to verify how much benefit time she or coworkers had available, at their requests. When asked, Muniz was unable to recall or identify any co-workers who asked her to check their records.

**(b) February 26, 2010 Interview of Muniz**

On February 26, 2010, the OEIG re-interviewed Muniz. During this interview, Muniz admitted that she had been untruthful in her prior interview. Muniz admitted that she signed her name on the wrong timesheets on multiple occasions. She admitted that she falsified the timekeeping documents for each of the dates she was questioned by the OEIG investigator. Muniz said she lied because she had childcare issues but had no available benefit time and saw an opportunity to take days off without being docked for the time.

Muniz also clarified statements she had previously made about the DHS Payroll / Timekeeping Inquiry System. Although Muniz could not remember how often she had accessed the system to review available benefit time for her co-workers, she did admit that she had frequently reviewed her own records even though she knew she should not have done so.

#### **IV. ANALYSIS**

**(a) Time Abuse**

The DHS Employee Handbook (Handbook) states: "Employees are expected to be on-site, performing required duties during the hours established for their job...If an employee is unable to report to work, or is going to be late, the employee must contact the supervisor...Employees must complete the "Staff Request for Time Off" (IL444-4140) form for all absences and submit to the supervisor for action..."<sup>3</sup>

Muniz admitted that she was absent from the office on ten non-consecutive days, yet failed to submit the proper forms. Muniz contacted her supervisor to report that she would be absent on seven of those days, but failed to submit forms upon her return on those days, or the

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<sup>2</sup> [Redacted] stated to OEIG investigators that a particular day's Attendance Report was removed at the end of that workday. Muniz, and several other caseworkers interviewed by the OEIG, stated that Attendance Reports were not always removed promptly and noted that sometimes they were kept out for several days.

<sup>3</sup> Section III, *Attendance*.

other three days in question, and was paid for work she never performed. Therefore, because Muniz failed to report to work on multiple occasions, and neglected to submit the proper forms so that her supervisor could ensure her absences were deducted from the payroll/timekeeping systems, the allegation that Muniz abused State time is **FOUNDED**.

**(b) Falsification of Documents**

DHS Administrative Directive 01.02.03.040 and the Handbook state that “[a]n employee shall not participate in or condone fraud; dishonesty, or misrepresentation in the performance of duties.”<sup>4</sup> Moreover, the Handbook also gives examples of employee misconduct, including the “falsification of official documents or records.”<sup>5</sup>

Despite her absence from the Center on the thirteen occasions identified by the OEIG and DHS over a four-month period, between January and April 2009, Muniz reported that she worked each of these days, for the entire day, on signed timekeeping documents. Muniz ultimately admitted that she knowingly falsified these timekeeping records and did not work on any of the days about which the OEIG questioned her; thus, the allegation is **FOUNDED**.

**(c) Abuse of Access Rights to State Computer Systems**

The DHS policy on computer usage strictly prohibits use of a DHS computer for any purpose other than official State business.<sup>6</sup>

By Muniz’ own admission, she viewed information in the DHS Payroll / Timekeeping Inquiry System regarding her own benefit time on an unknown number of occasions, and performed the same act for several of her coworkers at their requests. She further acknowledged that she knew that she should not have access to this database. Hence, there is sufficient evidence to show that Muniz abused State resources, including her computer and the DHS Payroll / Timekeeping Inquiry System, for non-State purposes in breach of DHS policy.

## V. CONCLUSIONS

Following its investigation, the OEIG issues these findings:

- **FOUNDED** – Muniz abused State time by intentionally failing to submit leave requests to compensate for her absences from work, in violation of DHS policy.
- **FOUNDED** – Muniz falsified timekeeping documents when she misrepresented her work hours and thereby violated DHS policy.
- **FOUNDED** – Muniz abused State resources, including her computer and the DHS Payroll / Timekeeping Inquiry System, for non-State purposes in contravention of DHS policy.

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<sup>4</sup> Section V on “Employee Personal Conduct.”

<sup>5</sup> *Id.*, *Reporting of Alleged Employee Misconduct*.

<sup>6</sup> *Id.*, *Use of Computers, Related Equipment, Software, System Information, and Internet*.

Based upon the evidence, the OEIG recommends that Muniz be discharged. Additionally, DHS should seek reimbursement from Muniz for ten days (75 hours) of un-earned compensation in the amount of \$1,829.00.<sup>7</sup>

The OEIG recommends that Center management establish or review its procedures to: (1) ensure there is adequate oversight over timekeeping records; (2) delineate the process for removing, reviewing, and approving Attendance Reports on a daily basis; and (3) monitor whether employees submit time off and/or leave forms upon return(s) from any absence.

No further investigative action is needed and this case is considered closed.

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<sup>7</sup> The OEIG used the CMS Personnel History Inquiry Screenshot(s) for Muniz, and calculated her approximate hourly rate for a typical work week: \$24.39. Based on the amount of time the OEIG identified for which Muniz was compensated but did not work, 75 hours, the OEIG determined that Muniz owes the State approximately \$1,829.00.



Pat Quinn, Governor

Grace Hong Duffin, Acting Secretary

100 South Grand Avenue, East • Springfield, Illinois 62762  
401 South Clinton Street • Chicago, Illinois 60607

December 8, 2010

Mr. Ricardo Meza  
Executive Inspector General  
Office of the Executive Inspector General  
For the Agencies of the Illinois Governor  
32 West Randolph Street, Suite 1900  
Chicago, Illinois 60601

RE: OEIG Complaint No: 09-00406

Dear Inspector General Meza:

This is an update regarding the above OEIG complaint submitted by DHS on October 29, 2010. Allegations involving a DeKalb County Family Community Resource Center employee, Rebecca Muniz, included the abuse of state time by falsifying timekeeping documents and signing in and out on timekeeping records when she was absent from the office. A Pre-Disciplinary meeting was held on November 3, 2010 resulting in a suspension, pending discharge of Rebecca Muniz, which began on November 15, 2010. In addition, DHS will seek reimbursement from Ms. Muniz for eight days (60 hours) of unearned compensation in the amount of \$1,463. Therefore, DHS considers this matter resolved and respectfully requests that your office close this case.

Sincerely,

Grace Hong Duffin  
Acting Secretary



Pat Quinn, Governor

Michelle R.B. Saddler, Secretary

100 South Grand Avenue, East • Springfield, Illinois 62762  
401 South Clinton Street • Chicago, Illinois 60607

January 14, 2011

Mr. Ricardo Meza  
Executive Inspector General  
Office of the Executive Inspector General  
For the Agencies of the Illinois Governor  
32 West Randolph Street, Suite 1900  
Chicago, Illinois 60601

RE: OEIG Complaint No: 09-00406 (Update)

Dear Inspector General Meza:

This is a follow up to the above referenced OEIG complaint regarding the reduction in the amount of money the agency is seeking to be reimbursed by former employee, Rebecca Muniz, who was cited for falsifying her state timekeeping records.

Originally, OEIG staff concluded that the agency should seek reimbursement from Ms. Muniz in the amount of \$1,829 which represented 75 hours of pay she was incorrectly issued for time she falsely stated she had worked. Upon review at the Pre-Disciplinary hearing with Ms. Bidar, Ms. Muniz and her AFSCME representative, it was determined that for two dates (specifically April 1 and April 2, 2009) Ms. Muniz was entered as "UA" (Unauthorized Absence-No Pay) by the timekeeper and was not paid for those two dates. Subsequently, since the employee had not been paid for those two dates the agency cannot seek reimbursement from Ms. Muniz for those two dates and the amount of time falsified was amended downward from the 75 hours of pay to 60 hours of pay which equates to \$1,463.

Since, Rebecca Muniz has been discharged from state employment with the Department of Human Services we consider this matter resolved. Therefore, we respectfully request that your office close this case.

Sincerely,

Michelle R.B. Saddler  
Secretary



within one workday. Sign-in sheets must be completed by the timekeeper within two work days and submitted to the administrator for review and signature.

Based on the above findings, a Pre-Disciplinary meeting has been scheduled for November 3, 2010. We are seeking a suspension pending discharge of Rebecca Muniz. In addition, DHS will request reimbursement from Ms. Muniz for ten days (75 hours) of unearned compensation in the amount of \$1829.

Sincerely,

Grace Hong Duffin  
Acting Secretary