

PUBLICATION OF REDACTED VERSION
OF THE OEIG FOR THE AGENCIES UNDER THE GOVERNOR
INVESTIGATIVE REPORT

Case # 20-01184

Subject(s): Jeffrey Nimrick

Below is the redacted version of an investigative summary report from the Executive Inspector General for the Agencies of the Illinois Governor. The General Assembly directed the Executive Inspector General to deliver to the Executive Ethics Commission (Commission) a copy of the investigation's summary report and response from the ultimate jurisdictional authority or agency head. 5 ILCS 430/20-50(c-5). The General Assembly also 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). Furthermore, the General Assembly directed the Commission to make available to the public the redacted investigative report and response. 5 ILCS 430/20-52(a) & (b). By publishing the below redacted summary report, the Commission neither makes nor adopts any findings of fact or conclusions of law for or against any individual or entity referenced therein.

The Commission exercises its publication responsibility with great caution and seeks to balance the sometimes-competing interests of transparency and fairness to the accused and others uninvolved. To balance these interests, the Commission may redact certain information contained in this report and identify where said redactions have taken place. Additionally, the Commission may redact certain information relating to unfounded allegations. Redactions of allegations against a person who was found not to have committed a violation are made with the understanding that the subject or subjects of the investigation have not had the opportunity to rebut the report's factual allegations or legal conclusions before the Commission because this publication is only the result of the Executive Inspector General's investigation and not the result of an adjudication before the Commission

The Commission received this report and a response from the ultimate jurisdictional authority and/or agency in this matter from the Agencies of the Illinois Governor Office of Executive Inspector General ("OEIG"). The Commission, pursuant to 5 ILCS 430/20-52, redacted the OEIG's final report and responses and mailed copies of the redacted version and responses to the Attorney General, the Executive Inspector General for the Agencies of the Illinois Governor, and the subject(s) last known addresses.

The Commission reviewed all suggestions received and makes this document available pursuant to 5 ILCS 430/20-52.

OEIG FINAL REPORT

I. SUMMARY OF THE ALLEGATIONS

On July 13, 2020, the Office of Executive Inspector General (OEIG) received a complaint alleging that Illinois Department of Corrections (IDOC) Correctional Lieutenant Jeffrey Nimrick submitted to the Illinois Department of Central Management Services (CMS) a Promotional Employment Application with false information in order to receive a promotional grade to qualify for an IDOC Shift Supervisor position. Specifically, it was alleged that Lt. Nimrick falsely listed on his application that he had served for the past five years as the Assistant Tactical Commander at IDOC's East Moline Correctional Center (East Moline) when he had not done so.¹

II. BACKGROUND

IDOC adult institutions maintain Tactical Units to respond to certain situations requiring intervention, such as riots, inmate disturbances, forcible removal of a committed person who refused to leave his/her cell after being ordered to do so, and special operations. Membership in a facility Tactical Unit is not considered a full-time position and members must fulfill the obligations of their regular full-time IDOC positions when not serving on a Tactical Unit operation. The command structure for the East Moline Tactical Unit includes a Tactical Commander who oversees the entire Tactical Unit, an Assistant Tactical Commander who assists the Tactical Commander with his/her duties, and several Team Leaders who each directly supervise an assigned group of team members. In addition to facility Tactical Units, IDOC maintains a separate elite State-wide Tactical Unit, called the Tactical Response Team.

East Moline is a minimum security adult male facility.² Lt. Nimrick has worked at East Moline since 2014 and has served as a Correctional Lieutenant since July 2018. Lt. Nimrick also serves on the East Moline Tactical Unit.

III. SUMMARY OF INVESTIGATION

A. CMS Promotional Employment Applications And Shift Supervisor Position

State employees who hold certified status in positions covered by the Illinois Personnel Code and are seeking other State positions may apply for a promotional grade for those State position titles.³ When a vacancy is posted, the State employee submits a CMS Promotional Employment Application, form 100B (CMS Promotional Application), to the hiring agency, which then submits the application to the CMS Division of Examining and Counseling for review. CMS may then issue a grade to the applicant ("A" or "B") based on the applicant's qualifications and experience or reject the application if they deem the applicant not qualified for the position.

¹ This complaint was originally referred to the OEIG's Hiring and Employment Monitoring division (HEM) for review. After HEM's review, it was determined that further investigation was indicated and thus, the case was transferred, on November 18, 2020, to the Investigations division.

² <https://www2.illinois.gov/idoc/facilities/Pages/eastmolinecorrectionalcenter.aspx>.

³ 80 Ill. Adm. Code 302.90.

In January, June, and July 2020, IDOC posted for vacant Shift Supervisor positions.⁴ The CMS position description and class specifications for the Shift Supervisor position, as well as the June and July postings, reflected that a minimum requirement for the position was five years of supervisory experience in a custody program in a correctional institution or setting.

B. Lt. Nimrick's CMS Promotional Applications For The Shift Supervisor Position

Lt. Nimrick submitted a CMS Promotional Application, dated January 2, 2020, for a Shift Supervisor position. In the application, Lt. Nimrick listed that since January 2015, he had served as the "Tactical Team Leader." The application stated that as a Tactical Team Leader he supervised Tactical Unit practices and, in the absence of the "Tact Commander," he supervised Tactical Unit members in State-wide call outs of the team.⁵ He also listed that his duties as a Correctional Lieutenant from July 2018 through the application date included those of "Tactical Team Leader." CMS determined that Lt. Nimrick was not qualified for the Shift Supervisor position and rejected his promotional application.

In June and July 2020, Lt. Nimrick submitted three revised CMS Promotional Applications for Shift Supervisor positions in response to IDOC postings. In each of these applications, two of which are dated June 1, 2020 and the other dated July 9, 2020, Lt. Nimrick listed that he had served as the "Assistant Tact Commander" since January 2015 and in that position was the "full line supervisor of tactical team members." He also listed in all three applications that his duties as a Correctional Lieutenant from July 2018 through the application dates included those of "Tactical Assistant Commander." These CMS Promotional Applications included the following certification language, with signatures in Lt. Nimrick's name:

I certify that all the information on this application is true and accurate and understand that misrepresentation of any material fact may be grounds for ineligibility or termination of employment.

CMS rejected all three of Lt. Nimrick's June and July 2020 Promotional Applications for the Shift Supervisor position. Documents obtained from CMS reflect that in August 2020, CMS notified Lt. Nimrick that he was ineligible for a grade for the Shift Supervisor position because he did not possess enough training and experience. Lt. Nimrick then appealed CMS' decision. On September 9, 2020, CMS denied Lt. Nimrick's appeal and informed him that they were unable to credit him for the "Assistant Tact Commander" position he listed in his application because the job was not included in their system, and that based on his experience as a Correctional Lieutenant and Correctional Officer, he only had 3 years and 10 months of creditable experience. CMS further informed Lt. Nimrick that if he had been temporarily assigned as the "Assistant Tact Commander,"

⁴ The IDOC Shift Supervisor position is an Illinois Personnel Code and bargaining unit covered position. The bid identification numbers for these position postings were IDOC 29-99-20-0658; 29-67-20-0022; 29-55-19-0080/0443; and 29-91-20-0130.

⁵ During his OEIG interview, Lt. Nimrick admitted that he began serving as a Team Leader in 2017 and not in 2015 as listed in his January 2020 CMS Promotional Application, but claimed this was an "honest mistake" and he only meant to indicate that he had served as a member of the East Moline Tactical Unit since 2015.

he needed to obtain a CMS Temporarily Assigned Verification Form from his Human Resources office and send it to them for review. In an email dated September 10, 2020 and sent from his State email account, Lt. Nimrick responded to CMS, in part, “Regrettably Tact Commander and asst [sic] Tact Commander are not CMS job titles. I only put them on there because of bad information about using that for supervisor experience.”

C. IDOC Records

In an effort to determine what tactical unit role Lt. Nimrick held, the OEIG requested documents from IDOC pertaining to the East Moline Tactical Unit, including lists, rosters, schedules, and documentation identifying permanent or temporary assignments to the Assistant Tactical Commander position since January 2015. IDOC responded with nine Memoranda dated October 22, 2015 through November 24, 2020 from the East Moline Warden to “Distribution” with the subject, “Staff Appointment – Tactical Unit.” Two of the Memoranda, dated October 22 and 29, 2015, reflected that for the East Moline Tactical Unit, [IDOC East Moline Correctional Lt. 1] served as the Commander and [IDOC Correctional Lt. 3] served the Assistant Commander. The remaining seven Memoranda, dating back to December 6, 2016, reflected that [IDOC East Moline Correctional Lt. 1] served as the Commander and [IDOC Correctional Lt. 1] served as the Assistant Tactical Commander. Lt. Nimrick first appeared on a Memorandum dated November 22, 2017 as one of several Team Leaders, and he is listed on all subsequent Memoranda as a Team Leader.⁶ Additionally, IDOC provided five East Moline Tactical Unit membership and certification rosters dated October 2017 through June 2020 that listed each member and his or her position on the team. Each of these rosters listed [IDOC Correctional Lt. 1] as the Assistant Commander and Lt. Nimrick as a Team Leader.

D. Interview Of IDOC Correctional [IDOC East Moline Correctional Lt. 1]

The OEIG interviewed [IDOC East Moline Correctional Lt. 1] on March 3, 2021. [IDOC East Moline Correctional Lt. 1] said that he has served on the East Moline Tactical Unit since April 2011 and as the East Moline Tactical Commander since 2013. He said that since 2016, [IDOC Correctional Lt. 1] was the only individual who had served as the East Moline Assistant Tactical Commander and he had not appointed anyone else to function in that position. He added that he appointed [IDOC Correctional Lt. 1] to the Assistant Tactical Commander position with the approval of the East Moline Warden and the Regional Tactical Commander. [IDOC East Moline Correctional Lt. 1] said that prior to [IDOC Correctional Lt. 1], [IDOC Correctional Lt. 3] served as the Assistant Tactical Commander and that [IDOC Correctional Lt. 3] and [IDOC Correctional Lt. 1] were the only individuals who had served as the Assistant Tactical Commander for the past eight years. [IDOC East Moline Correctional Lt. 1] added that there was only one Commander and Assistant Tactical Commander at a time on the East Moline Tactical Unit and the Commander and Assistant Tactical Commander receive additional training that is not offered to the Team Leaders. He stated that there are no tactical events at East Moline that required the attendance of the Tactical Commander or Assistant Tactical Commander, and if they were both absent, no one would assume their titles or roles, but the most senior Team Leader would lead the team. [IDOC East Moline Correctional Lt. 1] added that if he knew in advance that he and [IDOC Correctional Lt. 1] were unable to attend a Tactical Unit operation, either inside or outside of East

⁶ The total number of Team Leaders listed in the Memoranda ranged between three and eight.

Moline, they would choose IDOC Correctional Lt. and East Moline Tactical Unit Team Leader [IDOC Correctional Lt. 2] to lead the operation.

E. Interview Of IDOC Correctional Lt. [IDOC Correctional Lt. 1]

The OEIG interviewed [IDOC Correctional Lt. 1] on December 11, 2020. He said that he has been employed at IDOC since 2008 and has worked at East Moline most recently since 2014. [IDOC Correctional Lt. 1] said he has served as the sole East Moline Assistant Tactical Commander without interruption since December 2017 and that Lt. Nimrick serves as a Team Leader.⁷ [IDOC Correctional Lt. 1] said that if he and the Tactical Commander were both off work when the Tactical Team was activated for an operation, they would select a Team Leader to assume the lead role for the team. [IDOC Correctional Lt. 1] did not recall he and the Tactical Commander both being off work in this situation and did not believe that Lt. Nimrick had ever filled in as the leader for the Tactical Team. [IDOC Correctional Lt. 1] further said that when the East Moline Tactical Unit participates in a State-wide call out for tactical teams, they are under the supervision of the Commander for the State-wide Tactical Response Team, and no one assumed the role of the East Moline Tactical Unit Commander or Assistant Tactical Commander. He said that when the East Moline Commander and Assistant Tactical Commander were present for a State-wide call out, they act as Team Leaders.

F. Interview Of IDOC Correctional Lt. [IDOC Correctional Lt. 2]

On February 4, 2021, the OEIG interviewed [IDOC Correctional Lt. 2] , who said he has served on the East Moline Tactical Unit for seven years, and that he serves as a Team Leader.⁸ [IDOC Correctional Lt. 2] said that on the East Moline Tactical Unit, [IDOC East Moline Correctional Lt. 1] has served as the Tactical Commander for the past 10 years and [IDOC Correctional Lt. 1] has served as the Assistant Tactical Commander for the past four or five years. [IDOC Correctional Lt. 2] said that prior to [IDOC Correctional Lt. 1], [IDOC Correctional Lt. 3] served as the Assistant Tactical Commander. [IDOC Correctional Lt. 2] said that Lt. Nimrick serves as a Team Leader for the East Moline Tactical Unit, and he knew of no time that Lt. Nimrick temporarily assumed or would have had the opportunity to assume the Assistant Tactical Commander position. He added that he ([IDOC Correctional Lt. 2]) was the most senior Team Leader on the East Moline Tactical Unit, therefore, he would assume the leadership role in the absence of the Tactical Commander and Assistant Tactical Commander. [IDOC Correctional Lt. 2] stated that when the East Moline Tactical Unit is called out for a State-wide event, the event is supervised by the State-wide Tactical Response Team. He said that in this situation, the East Moline Tactical Commander and Assistant Tactical Commander would function more as team members, and if neither were present, no one would assume their roles.

G. Interview of IDOC Correctional Lt. Jeffrey Nimrick

⁷ During his OEIG interview, [IDOC Correctional Lt. 1] said he served as the East Moline Assistant Tactical Commander since December 2017, however, IDOC documents showed and [IDOC East Moline Correctional Lt. 1] said that he had served in that position since December 2016.

⁸ According to IDOC records, [IDOC Correctional Lt. 2] has served as a Team Leader on the East Moline Tactical Unit since November 2017.

On April 16, 2021, the OEIG interviewed IDOC Correctional Lt. Jeffrey Nimrick, who confirmed that he has served on the East Moline Tactical Unit since around January or February 2015 and as a Team Leader on the Tactical Unit for a couple of years. Lt. Nimrick said that on the East Moline Tactical Unit, [IDOC East Moline Correctional Lt. 1] has served as the Tactical Commander since before he (Lt. Nimrick) became a member and [IDOC Correctional Lt. 1] has served as the Assistant Tactical Commander for a few years. He said that the only other person who served as the Assistant Tactical Commander since he has been at East Moline was [IDOC Correctional Lt. 3].

Lt. Nimrick said that he had applied at least four times in the past two years for a promotion to an IDOC Shift Supervisor position, but he never received a passing grade because he was determined to be ineligible. Lt. Nimrick was shown copies of the four CMS Promotional Applications for a Shift Supervisor position described above, dated January, June, and July 2020, and he admitted that they were his applications and that each contained his signature representing that the information on the applications was true and accurate. Lt. Nimrick initially said that he listed in the three CMS Promotional Applications dated June and July 2020 that he has served as the East Moline Assistant Tactical Commander since 2015 because in the absence of the Assistant Tactical Commander and the Commander, he sometimes assumed tasks that would fall to the Assistant Tactical Commander or Commander. Lt. Nimrick admitted, however, that he was never told by anyone that he was serving or acting as the Assistant Tactical Commander.

Lt. Nimrick was reminded that under the Illinois State Officials and Employees Ethics Act, State employees have a duty to cooperate in OEIG investigations which includes providing truthful information.⁹ Lt. Nimrick then admitted that he lied on the three CMS Promotional Applications dated June and July 2020 and listed that he served as the Assistant Tactical Commander when he had not. Lt. Nimrick said he lied about serving as the Assistant Tactical Commander because he hoped it would “push [him] over” if he was close to having the five years of creditable supervisory time that is required for the Shift Supervisor position.

I. ANALYSIS

IDOC policy and the Illinois Administrative Code provide that any IDOC employee who knowingly provides false information shall be subject to disciplinary action, including discharge.¹⁰ Additionally, the State of Illinois Code of Personal Conduct (State Code of Conduct) provides that a State employee may not make any materially false statement or knowing misrepresentation on an application for State employment or other document pertaining to qualifications or any other official record.¹¹

After CMS determined that he was not qualified for the Shift Supervisor position based on his January 2020 CMS Promotional Application, Lt. Nimrick submitted three CMS Promotional Applications in June and July 2020 in which he intentionally lied about his work experience by listing that he had five years of supervisory experience as the East Moline Assistant Tactical

⁹ See 5 ILCS 430/20-70.

¹⁰ IDOC Administrative Directive 03.02.108 (effective 11/01/19 and 01/01/21); 20 Ill. Adm. Code 120.95.

¹¹ State Code of Conduct, Version 2 (effective July 1, 2016).

Commander when he had never held that position. Furthermore, Lt. Nimrick certified with his signatures that this false information was true and accurate. Lt. Nimrick admitted to the OEIG that he lied on these CMS Promotional Applications in an attempt to meet the five years of supervisory experience that was required to obtain a promotion to a Shift Supervisor position. In addition to Lt. Nimrick's admission, the East Moline Tactical Commander [IDOC East Moline Correctional Lt. 1], Assistant Tactical Commander [IDOC Correctional Lt. 1], and Team Leader [IDOC Correctional Lt. 2], as well as numerous East Moline Tactical Unit rosters and Memoranda dating back to 2017, verified that Lt. Nimrick has never served as the East Moline Assistant Tactical Commander and had not even temporarily held or filled in for that position. Based on the foregoing, the allegation that Lt. Nimrick knowingly provided false information on State applications, in violation of IDOC policy, the Illinois Administrative Code, and the State Code of Conduct, is [REDACTED].¹²

II. [REDACTED] AND RECOMMENDATION

As a result of its investigation, the OEIG concludes that there is **REASONABLE CAUSE TO ISSUE THE FOLLOWING [REDACTED]**:

- [REDACTED] – Lt. Nimrick knowingly provided false information and made knowing misrepresentations on State employment documents about his work experience, in violation of IDOC policy, the Illinois Administrative Code, and the State Code of Conduct.

The OEIG recommends that IDOC discipline Lt. Nimrick up to and including discharge.

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

Date: May 24, 2021

Office of Executive Inspector General
for the Agencies of the Illinois Governor
607 E. Adams Street, 14th Floor
Springfield, IL 62701

By: **Melissa Rollins**
Assistant Inspector General #154

William Kilroy
Investigator #132

¹² The OEIG concludes that an allegation is “[redacted]” when it has determined that there is reasonable cause to believe that a violation of law or policy has occurred, or that there has been fraud, waste, mismanagement, misconduct, nonfeasance, misfeasance, or malfeasance.



Office of Executive Inspector General
for the Agencies of the Illinois Governor
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**AGENCY OR ULTIMATE JURISDICTIONAL AUTHORITY
 RESPONSE FORM**

Case Number: 20-01184

Return 20 Days After Receipt

Please check the box that applies. (Please attach additional materials, as necessary.)

We have implemented all of the OEIG recommendations. Please provide details as to actions taken:

30-day suspension

We will implement some or all of the OEIG recommendations but will require additional time to do so.

We will report to OEIG within _____ days from the original return date.

We do not wish to implement some or all of the OEIG recommendations. Please provide details as to what actions were taken, if any, in response to OEIG recommendations:

 Signature

IDOC SPSA-Warden

 Print Agency and Job Title

 Date

6/24/2021

 Date

GRIEVANCE #: 560609

LOCAL: 46

CMS #: 6-0081-21

GRIEVANT NAME: Nimrick Jeffrey

DEPARTMENT: DOC

WORK LOCATION: East Moline

SUBJECT: Falsification on State Document

COMMENT:

Resolved: The grievant's 30-day suspension shall be reduced to a 20-day suspension and the wages restored from the current fiscal year w/o precedent or prejudice



UNION



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11/18/2021

DATE

12/21/2021

DATE