IN THE EXECUTIVE ETHICS COMMISSION
OF THE STATE OF ILLINOIS

In re: HARRY ELSTON) OEIG Case # 10-00438

OEIG FINAL REPORT (REDACTED)

Below is a final summary report from an Executive Inspector General. The General Assembly has directed the Executive Ethics Commission ("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 the report's factual allegations or legal conclusions before the Commission.

The 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 Harry Elston at his 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. Allegations

The Office of Executive Inspector General ("OEIG") received a complaint alleging that Illinois Emergency Management Agency ("IEMA") employee Harry Elston conducted secondary employment for the *Journal of Chemical Health and Safety* and Midwest Chemical Safety, LLC, on State time and using State resources. The complaint also alleged that Mr. Elston attended meetings for the American Chemical Society on State time. During the course of the investigation, OEIG investigators discovered that Mr. Elston referenced his IEMA employment on the website for his secondary business.

II. Background

A. Harry Elston's IEMA Position

Harry Elston is a Nuclear Safety Scientist II for IEMA and manages IEMA's Radiochemistry Lab. Mr. Elston is also the Chemical Hygiene Officer for IEMA and performs the duties of an Industrial Hygienist.[1] Mr. Elston's work hours are 7:30 a.m. to 3:30 p.m.

B. Harry Elston's Outside Activities

In addition to his IEMA duties, Mr. Elston serves as the Editor of the *Journal of Chemical Health and Safety*, which is the official publication of the American Chemical Society (ACS)'s Division of Chemical Health and Safety. According to its website, "*The Journal of Chemical Health and Safety* focuses on news, information, and ideas relating to issues and advances in chemical health and safety. *The Journal of Chemical Health and Safety* covers up-to-the minute, in-depth views of safety issues ranging from OSHA and EPA regulations to the safe handling of hazardous waste, from the latest innovations in effective chemical hygiene practices to the courts' most recent rulings on safety-related lawsuits."[2]

Mr. Elston also owns a private business, Midwest Chemical Safety, LLC (Midwest Chemical). According to its website, Midwest Chemical provides chemical and radiological safety and occupational hygiene consulting services.[3]

III. Investigation

A. Analysis of Mr. Elston's State Computer and Phone

i. Email Analysis

On July 9, 2010, the OEIG obtained and subsequently reviewed Mr. Elston's email account archive and network folder contents of his State computer. The email account contained:

- six emails that appeared to be related to Midwest Chemical (five of which had attached documents that had been scanned and sent on an IEMA scanner);

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[1] On its website, http://abih.org/general/cihcaih.html, the American Board of Industrial Hygiene defines industrial hygiene as " . . . the science of protecting and enhancing the health and safety of people at work and in their communities. Health and safety hazards cover a wide range of chemical, physical, biological and ergonomic stressors. Those Scientists, dedicated to anticipating, recognizing, evaluating and controlling those hazards are known as Industrial Hygienists."

[2] http://www.elsevier.com/wps/find/journaldescription.cws home/707512/description

[3] http://www.midwestchemsafety.com/

- four emails containing articles that appeared to pertain to edits for the *Journal* (three of which had attached documents that had been scanned and sent from an IEMA scanner); and

- ten emails that were personal in nature (two of which had attached documents that had been scanned and sent from an IEMA scanner).

All of the Midwest Chemical and *Journal* related emails were sent in 2010. The personal emails were sent from September 2009 through May 2010.

ii. State Computer Seizure

On July 22, 2010, the OEIG seized the State desktop computer of Harry Elston and subsequently conducted a forensic examination of the data on the hard drive of the computer. During the forensic examination, the OEIG located approximately 371 files that appeared to be unrelated to State business, including:

- 55 files related to Midwest Chemical;

- 119 files related to the *Journal*;

- 2 files related to a business called [redacted];

- 78 files containing personal emails; and

- 48 files containing personal documents.

One of the files, entitled "Midwest Chemical Safety LLC Monthly Mileage Report," lists [redacted] as a client. The files related to the *Journal* included approximately 33 publication manuscripts ranging in length from two pages to 54 pages that were located in the computer's recycle bin.

During the forensic examination, the OEIG also located a document entitled "Bureau of Environmental Safety Out of State Travel Request" for Harry Elston. The stated purpose for the out-of-state travel request was for Mr. Elston to attend the Fall National American Chemical Society Meeting from August 20 – 25, 2010, in Boston, Massachusetts. The travel request listed four reasons that the travel was critical to the agency's operation. Of the cited reasons, three of them are to conduct business for the Division of Chemical Health & Safety and for the American Chemical Society's Joint Board Council on Committee on Chemical Safety, and to chair the "Ask Dr. Safety" symposium. The other reason Mr. Elston listed stated the following:

> Conduct business of the *Journal of Chemical Health & Safety*, the peer-reviewed Journal of the Division of Chemical Health and Safety. I am the Editor-in-chief of that professional journal. The Editorial Board will be meeting with the Publisher during this meeting.

The form states that Mr. Elston's attendance at the meeting would be beneficial because he would hear ideas on effective emergency management of chemical incidents that he could share with other IEMA employees. The form indicates that there would be no cost to the State for Mr. Elston's attendance at the ACS meeting and that Elsevier Science, the publisher of the *Journal,* would pay all meeting expenses.

iii. Review of State Phone Records

The OEIG analyzed outgoing telephone calls on the State telephone of Harry Elston from January 2009 through June 2010. According to this analysis, Mr. Elston's State telephone was used to make 21 long distance calls in excess of five minutes to eleven different numbers during this time period.

B. Use of State Time and Resources for the *Journal of Chemical Health and Safety*

i. Interview of Supervisor [supervisor 1]

On October 27, 2010, the OEIG interviewed [supervisor 1]. [Identifying information redacted]. [Supervisor 1] stated that he believed Mr. Elston was the editor of a journal regarding chemical safety and that holding a position with a professional organization such as ACS is "honorable" and may be good for the State if it also benefits the community. [Supervisor 1] said he believed it would be acceptable for Mr. Elston to use State time to conduct ACS business as long as it did not occupy more than five to ten percent of his total work time. [Supervisor 1] was aware that ACS paid for Mr. Elston's travel associated with his ACS position but was unaware if Mr. Elston received any additional compensation from ACS. [Supervisor 1] said that Mr. Elston has told [Supervisor 1] that he completes the ACS work on his own time. [Supervisor 1] stated that he was aware Mr. Elston attended weeklong ACS meetings twice per year and is not required to use benefit time to attend the meetings.

ii. Interview of [Supervisor 2]

On November 4, 2010, the OEIG interviewed [supervisor 1's] supervisor [supervisor 2]. [Supervisor 2] [identifying information redacted]. [Supervisor 2] stated that he was aware Mr. Elston attended the ACS annual meetings on State time. He also said that IEMA management authorized Mr. Elston to attend these meetings on State time but the State does not pay for his travel or per diem expenses. [Supervisor 2] stated that his predecessor in his position[4] made this agreement with Mr. Elston. [Supervisor 2] stated that Mr. Elston is the only certified Industrial Hygienist employed by IEMA and his attendance at the ACS meetings is beneficial to the State. He stated that IEMA employees are encouraged to become involved in professional organizations because they can gain knowledge through the workshops, studies, and research of these organizations. He said that his employees are in very limited fields where there is only a small pool of experienced personnel. [Supervisor 2] stated that IEMA relies on professional organizations to assist IEMA with research and testing.

[4] The OEIG later determined that this prior [employee] was [supervisor 3].

[Supervisor 2] stated that he was also aware that Mr. Elston was an editor for the *Journal*, but confirmed that the editing work is not related to his State position. He stated he was unsure if Mr. Elston received *Journal* documents on his State computer, but if the documents were related to Mr. Elston's job responsibilities, he did not see a problem. [Supervisor 2] stated that he has never monitored Mr. Elston's use of his State computer and unless the amount of time he spends editing articles is overwhelming, he believed the editing on State time would be permissible. [Supervisor 2] stated that Mr. Elston should not be using more than two hours of State time per month for a cursory review of the *Journal* articles and that if Mr. Elston is reviewing lengthy articles that are unrelated to IEMA business, this use would be deemed excessive. [Supervisor 2] stated that there have been no issues with Mr. Elston completing his State work related duties. [Supervisor 2] stated that Mr. Elston does identify himself both as an IEMA employee and Editor of the *Journal* on his State voice mail and that questions had been raised about this fact in the past.

The OEIG re-interviewed [supervisor 2] on May 2, 2011 after learning that Mr. Elston was a paid editor for the *Journal*. [Supervisor 2] stated that he was not aware that Harry Elston was being paid for his service as the Editor of the *Journal*.

iii. Interview of [Supervisor 3]

On December 13, 2010, the OEIG interviewed [supervisor 3]. [Supervisor 3, identifying information redacted] supervised [supervisor 1] who supervised Harry Elston. [Supervisor 3] stated that he was aware Harry Elston was the Editor of the *Journal*, but did not believe Mr. Elston was compensated for any editorial work. [Supervisor 3] confirmed that he permitted Mr. Elston to identify himself as an IEMA employee and Editor of the *Journal* on Mr. Elston's State voice mail message. [Supervisor 3] stated that he believed Harry Elston's involvement with the *Journal* was advantageous to IEMA because it gave him access to new information and influence over federal rules. [Supervisor 3] said that he also permitted Mr. Elston to use his State telephone and facsimile machine to conduct business for the *Journal*. [Supervisor 3] stated that he had never seen an IEMA policy prohibiting State computer use for professional development, which is what he considered Mr. Elston's work on the *Journal* to be. [Supervisor 3] stated that he regularly consulted [supervisor 1] about Mr. Elston's involvement with the *Journal*, and [supervisor 1] felt things were in balance and Mr. Elston was completing his State work. [Supervisor 3] stated that he allowed Mr. Elston to attend the ACS meetings on State time and said that although IEMA paid Mr. Elston (as a State employee), ACS paid for his travel.

iv. Subject Interview of Harry Elston

On January 6, 2011, the OEIG interviewed Harry Elston. Mr. Elston stated that he has been the Editor of the *Journal* since 1999 and that he receives a stipend of $11,000 per year plus office expenses for serving as Editor. He stated that, in 1999, prior [a former] IEMA Director [redacted] gave him permission to spend some of his workday completing duties related to his work for the *Journal* as long as it did not interfere with his State duties. According to Mr. Elston, [a former director] also permitted him to use his State computer to complete a "minimal" amount of *Journal* work.

When asked by OEIG investigators if IEMA required employees to complete forms for secondary employment, Mr. Elston stated, "I don't know. I think it was mentioned." Mr. Elston stated that to his knowledge, he has not completed an IEMA secondary employment form.

Mr. Elston estimated that less than ten percent and probably not even five percent of his State work time is spent conducting *Journal* editing. Mr. Elston stated that he has reviewed *Journal* articles on State time, usually while waiting on an experiment in the laboratory. Mr. Elston stated that has also sent and received *Journal* manuscripts on his State computer but said he edits the manuscripts at home. Mr. Elston said he scans the manuscripts at work in order to save time.

When questioned by the OEIG about IEMA policies for use of State resources for personal matters, Mr. Elston stated that he believed the IEMA policies allowed for limited personal use of State telephones and facsimile machines. He stated that he believed there was an open policy regarding the use of the internet and added there were no internet browsing restrictions nor were any websites blocked. Mr. Elston stated that he has occasionally sent and received emails of a personal nature on his State email account and that he had scanned some personal financial documents at work and sent the documents to his State computer. When the OEIG asked Mr. Elston if he believed this type of personal use was an appropriate use of State resources, Mr. Elston stated, "It's a dumb use of State resources."

The OEIG showed Mr. Elston approximately 22 emails found in the archived account of his State email that appeared to be unrelated to his IEMA employment. Mr. Elston stated that eight of the emails were related to the *Journal,* four of which contained manuscripts that had been scanned and sent from an IEMA scanner. Mr. Elston said that five of the emails pertained to other business of the ACS and said that ten of the emails were otherwise personal (and did not relate to either the ACS or Midwest Chemical). The OEIG also questioned Mr. Elston about several of the internet websites that had been accessed on his State computer. Mr. Elston stated that several websites he accessed were for work related reasons. He stated that he accessed webmail on "EarthLink" and "Google" for reasons related to his service as Editor of the *Journal*, and that he accessed two websites[5] for personal reasons.

Of the eleven long distance telephone numbers with calls longer than five minutes made from Mr. Elston's State telephone, Mr. Elston was able to explain how seven of the numbers were related to IEMA business. He stated that one of the calls, which was approximately ten minutes long, was placed to the Associate Editor of the *Journal* regarding *Journal* business. Mr. Elston stated that he could not recall the purpose of the calls to the other telephone numbers, but would attempt to identify the numbers. On January 20, 2011, Mr. Elston's attorney informed the OEIG that those telephone numbers were related to IEMA business.

Mr. Elston stated that he does attend ACS meetings two times per year on compensated State time. Mr. Elston stated that the State does not pay for his travel or per diem for attendance at these meetings.

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[5] The websites were [redacted] and [redacted].

C. Use of State Time and Resources for Midwest Chemical Safety, LLC

i. Witness Interviews

During their OEIG interviews, [Supervisor 1] and [Supervisor 3] said that Mr. Elston was not permitted to use compensated State time to conduct work for a secondary employer or for a private business. [Supervisor 2] stated that Mr. Elston should not use his State phone, computer, or facsimile machine to conduct any business related to his secondary employment.

ii. Subject Interview of Harry Elston

During his January 2011 interview with the OEIG, Mr. Elston stated that he is the owner and sole employee of Midwest Chemical, a business he operates from his residence. Mr. Elston stated that he was not aware of how many times he had used his State computer, facsimile machine or phone to conduct personal business, but said that it was "certainly not right" to do so. An OEIG investigator then showed Mr. Elston tax documents found on his State computer related to his personal business. After viewing the documents, Mr. Elston stated that he had used State equipment to scan Midwest Chemical documents to his State computer. Mr. Elston stated that the company [redacted], which was listed on the "Midwest Chemical Safety LLC Monthly Mileage Report" document found on his State computer, was a former client of Midwest Chemical.

Mr. Elston stated that two of the emails that contained attachments that had been scanned and sent from an IEMA scanner were also related to his personal business, Midwest Chemical. One of the emails, sent on January 26, 2010 at 3:10 p.m., consisted of an Internal Revenue Service Request for Taxpayer Identification Number and Certification form for Midwest Chemical. The other email, sent on May 21, 2010 at 9:02 a.m., consisted of a State of Nevada Office of the Secretary of State receipt regarding registered agents and a letter from the Internal Revenue Service containing an employer identification number for Midwest Chemical.

iii. Subsequent Review of Time Sheets

The OEIG obtained Harry Elston's State timesheets for the period from June 1, 2009 through June 30, 2010. After Mr. Elston's interview, the OEIG reviewed the time sheets and leave request slips for the two dates (January 26, 2010 and May 21, 2010) that Mr. Elston sent emails pertaining to his private business Midwest Chemical. On January 26, 2010, Mr. Elston's timesheets and leave slips indicate that he worked from 10:00 a.m. until 3:30 p.m. and took lunch from 11:30 until noon. On May 21, 2010, Mr. Elston's time sheets indicate that he worked from 7:30 until 3:30 p.m. and took lunch from 11:30 a.m. until noon.

D. Reference to IEMA Employment on Midwest Chemical Safety's Website

i. Midwest Chemical Safety LLC Website

On June 8, 2010, the OEIG reviewed the website for Midwest Chemical at http://www.midwestchemsafety.com. On the website, Mr. Elston posted his curriculum vitae,

which listed his professional experience as: "Illinois Emergency Management Agency/Illinois Department of Nuclear Safety, Springfield, IL. Nuclear Safety Scientist, Group Supervisor and Chemical Hygiene Officer. 1992-Present." The website also pointed to this State employment experience as one of his "Curriculum Vitae Highlights."

ii. Subject Interview of Harry Elston

During his OEIG interview in January 2011, Harry Elston stated that he listed his State employment on the website for Midwest Chemical. He stated that he did not believe the listing of his State employment on the website was a violation of IEMA policy because it was a listing of his experience and not an advertisement. Mr. Elston stated that his website was not an advertisement medium. When asked by the OEIG the purpose of his website, he stated that the purpose was to alert others to the company's existence.

IV. Analysis

A. Secondary Employment on State Time

The IEMA Personnel Manual, Section 5-3, entitled "Professional Dues and Exam Reimbursement," states, "Membership on the part of employees in leading technical, industrial and management organizations benefits the agency and helps the agency keep abreast of and have ready access to new developments in the many fields of endeavor in which it is engaged. The public relations value of membership in such bodies is also recognized." The IEMA Personnel Manual, Section 7-29(e)(4) states that ". . . employees shall not accept employment that will conflict with regular work hours or work, impair efficiency or be considered a conflict of interest in the performance of assigned duties. All requests shall be reviewed by the agency's Ethics Officer for potential conflict of interests. All requests for review shall be submitted to the employee's bureau chief." The IEMA Personnel Manual, Section 7-29(f) states, "Charitable and educational organizations: Subsections (d.) and (e.) shall not be construed to prohibit participation in charitable, educational and similar organizations. However, such activity should be carefully analyzed to ensure that the activity is consistent with the principles of ethical conduct set forth in this manual."

Mr. Elston had the approval of his supervisor [Supervisor 1], [Supervisor 2], and [Supervisor 3] to conduct work as the Editor for the *Journal* on State time, using State resources, as long as the editorial work did not negatively affect Mr. Elston's State work performance. [All three supervisors] each explained that it was advantageous to IEMA for employees to be involved in professional organizations because of the work related knowledge that can be gained from such memberships. However, [none of the three supervisors] was aware that the *Journal* was compensating Mr. Elston for serving as the Editor. Because he is compensated, Mr. Elston is not merely a member of a professional organization; he is paid for performing services for a professional organization. The IEMA Personnel Manual prohibits employees from engaging in employment that conflicts with regular work hours. Mr. Elston's employment with the *Journal* conflicts with his regular work hours to the extent he performs *Journal* related duties during State working hours.

The IEMA Personnel Manual further requires secondary employment to be submitted to the employee's Bureau Chief. Mr. Elston did not submit notice as required that he was being paid for serving as the Editor of the *Journal*, as evidenced by the fact that neither [supervisor 2] nor [Supervisor 3] were aware that Mr. Elston was being paid for serving as the Editor of the *Journal*. Additionally, Mr. Elston stated that, to his knowledge, he has not completed any type of form for IEMA regarding his secondary employment.

Mr. Elston is authorized to attend ACS meetings twice per year on State time, and the evidence supports the assertion that Mr. Elston's attendance at these meetings offers educational and informational benefits to IEMA. However, the OEIG located one travel request document indicating that at least a portion of an August 2010 ACS meeting pertained to Mr. Elston's service as Editor of the *Journal*. Any amount of State time that Mr. Elston spends on his duties as *Journal* editor during the ACS meetings is a further violation of the IEMA policy prohibiting employees from engaging in employment that conflicts with regular State work hours.

In addition to his work on the *Journal*, Mr. Elston's State email account contained several emails with attachments that were scanned and emailed using a State scanner. Mr. Elston admitted that two of the emails pertained to his personal business, Midwest Chemical. Mr. Elston's timesheets and leave slips indicate that he was on compensated State time when those emails were sent to his email account from the scanner. This evidence shows that Mr. Elston spent at least some State time on Midwest Chemical business. Therefore, the allegation that Mr. Elston engaged in secondary employment for the *Journal* and Midwest Chemical that conflicted with his State work hours is **FOUNDED**.

B. Misuse of State Resources

The IEMA Personnel Manual, Section 7-29(d)(2)(k) states, "Employees shall not use agency personnel, equipment or supplies for purposes other than agency business." The IEMA Computer Use Policy (May 2005) states, "Use of IEMA's computer facilities or resources for any purpose other than official Agency business is strictly forbidden by State law. Any unauthorized usage of IEMA computer facilities or resources may be cause for disciplinary action up to and including discharge and prosecution." The IEMA Electronic Mail Use Policy (May 2005), Authorized Usage, states that employees are forbidden from using IEMA electronic communication systems for private business activities or amusement/entertainment purposes. The IEMA Internet Use Policy (May 2005), Appropriate Use of the Internet, states that internet access is to be used for State business purposes only. The policy lists examples of inappropriate use of the internet, including personal use and personal reasons not related to the performance of an employee's assigned job. The IEMA Personnel Manual, Section 7-4(b) states that the use of the State telephone is limited to official business.

The OEIG located approximately 371 files on Mr. Elston's State computer that were related to Mr. Elston's personal business Midwest Chemical, to the *Journal*, or to personal matters. When shown tax documentation located in those files pertaining to Midwest Chemical, Mr. Elston admitted that he had scanned the tax documentation onto his State computer using State equipment. Mr. Elston also admitted that several of the emails located on his State

computer pertained to Midwest Chemical, to the *Journal,* or to personal matters. In addition, Mr. Elston acknowledged accessing internet websites for personal reasons. Mr. Elston further admitted that one telephone call from his State phone, which lasted approximately 10 minutes, pertained to *Journal* business. Therefore, the allegation that Mr. Elston used his State equipment for purposes other than official State business is **FOUNDED**.

C. Reference to IEMA Employment on Website for Secondary Business

The IEMA Personnel Manual, Section 7-29(d)(2)(i) states, "Employees shall not advertise or endorse (whether or not any compensation is received) any product or service where the advertisement or endorsement includes reference to employment with the agency." On the website for Midwest Chemical, Mr. Elston advertised the services provided by his company and referenced his IEMA employment along with IEMA employment titles.[6] This policy protects IEMA from being associated with products and services over which it has no control. Mr. Elston admitted that he referenced IEMA employment on the Midwest Chemical website in order to show his experience. Mr. Elston stated that the website for Midwest Chemical was a means of alerting others to his business. Raising awareness of a business is a major component of advertising. In fact, Mr. Elston referenced his IEMA employment in order to demonstrate his experience, which would make his business more attractive to potential customers. By advertising his IEMA employment on the Midwest Chemical website, Mr. Elston associated IEMA with his company. Therefore, the allegation that Harry Elston included a reference to his employment with IEMA on an advertisement for his private business, Midwest Chemical, is **FOUNDED.**

V. Recommendations

The OEIG issues these findings:

- **FOUNDED** – Harry Elston engaged in secondary employment that conflicted with his State work hours in violation of IEMA policy.

- **FOUNDED** – Harry Elston used State resources for purposes other than official State business.

- **FOUNDED** – Harry Elston referenced his employment with IEMA in an advertisement for his private business in violation of IEMA policy.

The OEIG recommends that Harry Elston be disciplined for creating a conflict of interest, using State resources for secondary businesses and personal matters, and referencing his IEMA employment on a website for his personal business.

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

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[6] Sometime after Mr. Elston's interview with the OEIG, specific references to IEMA were removed from the Midwest Chemical website and a viewer is now required to email Mr. Elston in order to receive a copy of his curriculum vitae.

IEMA
Illinois Emergency Management Agency

Jonathon E. Monken, Director

August 5, 2011

Ricardo Meza
Executive Inspector General
607 E. Adams, 14th floor
Springfield, IL 62701

RE: OEIG Case No. 10-00438

Dear Mr. Meza:

Enclosed is a copy of the response to the final report issued by your office in reference to employee Harry Elston. At the conclusion of the pre-deprivation hearing, I will provide another status report.

Please contact me if you have any questions.

Sincerely,

Jenifer L. Johnson
Ethics Officer

cc: Jonathon Monken, Director (via e-mail)

Enclosure

OFFICE OF EXECUTIVE INSPECTOR GENERAL
FOR THE AGENCIES OF THE ILLINOIS GOVERNOR

32 WEST RANDOLPH STREET, SUITE 1900
CHICAGO, ILLINOIS 60601
(312) 814-5600

RICARDO MEZA
EXECUTIVE INSPECTOR GENERAL

OEIGG RESPONSE FORM

Case Number:
10-00438

Return By:
20 Days After Receipt of Report

Please check the box that applies.

☐ We have implemented all of the OEIGG recommendations.
(Provide details regarding action taken.)

☒ We will implement all of the OEIGG recommendations but will require additional time. We will report to OEIGG within 30 days from the original return date.
(Provide details regarding action planned / taken.)

A pre-deprivation hearing is scheduled for August 9, 2011. A copy of the memo to the employee is attached.

(over)

☐ We are implementing one or more of the OEIGG recommendations, however, we plan to depart from other OEIGG recommendations.
(Provide details regarding action planned / taken and any alternate plan(s).)

☐ We do not wish to implement any of the OEIGG recommendations.
(Explain in detail why and provide details of any alternate plan(s).)

Signature

Jenifer L. Johnson
Print Name

Ethics Officer, IEMA
Print Agency and Job Title

8/5/11
Date

IEMA
Illinois Emergency Management Agency
Division of Nuclear Safety

Jonathon E. Monken, Director
Joseph Klinger, Assistant Director

TO: Harry Elston

FROM:

DATE: August 5, 2011

SUBJECT: Pre-Disciplinary Meeting scheduled for August 9, 2011

In accordance with Article IX (Discipline), Section 4 (Pre-Disciplinary Meeting), of the AFSCME Master Contract, you are directed to attend a Pre-Disciplinary meeting on Tuesday August 9, 2011 at 10:00am in my office at Outer Park Drive.

Discipline is being contemplated for findings presented in the OEIG Case No. 10-00438-FINAL REPORT dated July 13, 2011. You were given a copy of the report during a counseling session on August 1, 2011 at 1:30 pm in regard to not submitting a secondary employment request and ceasing any editorial functions as Editor of the Journal of Chemical Health and Safety while at work, including removing any references on your State voice mail message.

You are entitled to union representation; however, it is your responsibility to contact your union representative to secure representation. You will be given an opportunity at this meeting to rebut the findings. I must emphasize that it is your responsibility to ensure that you attend this pre-disciplinary meeting.

Cc: Miguel Calderon-Labor Relations
Andrew Skaar-Union Steward
Jenifer Johnson-Chief Legal Council
Personnel File of Harry Elston

IEMA
Illinois Emergency Management Agency

Jonathon E. Monken, Director

RECEIVED
AUG 24 2011
BY:

August 23, 2011

RECEIVED
AUG 23 2011
BY:

Ricardo Meza
Executive Inspector General
607 E. Adams, 14th floor
Springfield, IL 62701

RE: OEIG Case No. 10-00438

Dear Mr. Meza:

As a follow up to my letter dated August 5, 2011, regarding the response to the final report issued by your office in reference to employee Harry Elston, your recommendations have now been implemented. A pre-disciplinary meeting was held with Mr. Elston and ultimately a five-day suspension was imposed. Attached is a copy of the disciplinary memo to Mr. Elston from his bureau chief.

Additionally, in accordance with Agency policy, Mr. Elston submitted a written request for approval of his secondary employment, which was approved based on conditions he set forth in his request.

Please contact me if you have any questions.

Sincerely,

Jenifer L. Johnson
Ethics Officer

cc: Jonathon Monken, Director (via e-mail)

Enclosure

IEMA
Illinois Emergency Management Agency
Division of Nuclear Safety

Jonathon E. Monken, Director
Joseph Klinger, Assistant Director

TO: Harry Elston

FROM:

DATE: August 22, 2011

SUBJECT: Five Day Suspension

This is to formally discipline you for the findings outlined in the Final Report by the Office of Executive Inspector General (OEIG), Case No. 10-00438 as it relates to conducting Secondary Employment on State Time; and the use of State resources for other than State business. You were provided a copy of the OEIG Final Report and evidentiary materials along with a letter dated July 13, 2011, to Director Monken from Ricardo Meza, Executive Inspector General.

In addition to the findings contained in the OEIG Final Report, I considered the explanation you provided at the pre-disciplinary meeting. In light of the facts, a five (5) day suspension is warranted. Your suspension will begin on *August 29, 2011 and continue through September 2, 2011.* Do not report to work on these days and your salary will be docked for five (5) days during the pay period.

Failure to comply with employee conduct provisions in the IEMA personnel manual will result in a more severe disciplinary action involving suspensions for future occurrences. If violations continue to occur, action may be taken, up to and including discharge.

Cc: Adnan Khayyat
Miguel Calderon
Andrew Skarr