

IN THE EXECUTIVE ETHICS COMMISSION
OF THE STATE OF ILLINOIS

IN RE: LORETTA KIDD and) OEIG Case #16-00092
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY)

OEIG FINAL REPORT (REDACTED)

Below is an amended 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 this report from the Governor’s Office of Executive Inspector General (“OEIG”) and a response from the agency in this matter. The Commission, pursuant to 5 ILCS 430/20-52, redacted the final report and mailed copies of the redacted version and responses to the Attorney General, the Governor’s Executive Inspector General, the Illinois Environmental Protection Agency, and to Loretta Kidd at her last known address.

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

FINAL REPORT

I. ALLEGATIONS

On January 13, 2016, the Office of Executive Inspector General (OEIG) received an anonymous complaint alleging that Illinois Environmental Protection Agency (IEPA) Office Administrator III Loretta Kidd “rarely shows up to work” and does not use benefit time for time spent away from work. The complaint also alleged that Ms. Kidd is the chairman of the Illinois Association of Minorities in Government (IAMG), that she is a registered lobbyist, that she has not reported her status as such to IEPA, that the limited amount of time she is at work is spent lobbying for IAMG, and that, although she works in the IEPA Suburban North Regional Office Building (Suburban Office) in Des Plaines, she is always in Springfield.

After its investigation, the OEIG found that Ms. Kidd (1) committed time abuse by not working the amount of her assigned hours in a given day; (2) committed time abuse by not

attending work when she was traveling from Springfield; (3) improperly used sick leave to conduct IAMG business; (4) submitted falsified timesheets; and (5) engaged in a conflict of interest when she used State time and resources to conduct IAMG business.

During the course of the investigation, the OEIG also found that IEPA committed mismanagement by allowing Ms. Kidd to go unsupervised, and IEPA failed to administer annual performance evaluations for many of its employees in accordance with the Illinois Administrative Code and the IEPA Employee Handbook.

II. BACKGROUND

A. Loretta Kidd

Loretta Kidd has been a State employee since May 1, 1988, and she assumed her current position as an Office Administrator III with IEPA at the Suburban Office on January 1, 2010. Ms. Kidd is currently assigned to a work group in the IEPA Bureau of Air, which is located in the Suburban Office. Ms. Kidd's salary is approximately \$56,304 per year. Additionally, according to a document from the National Association for the Advancement of Colored People (NAACP) found in Ms. Kidd's State email archive, Ms. Kidd was elected Chairperson of IAMG on January 24, 2015.

B. IEPA's Suburban Office

IEPA's Suburban Office is located in a building that also houses the Illinois Department of Revenue, the Illinois State Police (ISP), and a vehicle maintenance garage operated by the Illinois Department of Central Management Services (CMS), among others. The building has three levels, the lowest of which is partially below ground. The IEPA Bureau of Air has offices on both the third floor and the basement level, and Ms. Kidd's cubicle, at all times relevant to this investigation, was on the third floor of the Suburban Office. The Suburban Office is surrounded by parking on all sides, with several hundred spaces available. The main entrance is off Harrison Street; employees must display State identification to enter, while visitors must sign in at a staffed front desk. In order to access the IEPA offices on the third floor from any of the building's various entrances, an employee must scan a proximity card near an electronic reader.¹ However, an employee inside the IEPA offices can also open the door remotely for an employee outside with the push of a button. Movement and access within the building is also managed by employees' use of proximity cards. For example, for Ms. Kidd to reach a bathroom for female employees from her third floor cubicle she must pass through doors that, in order to open them, would require the use of her electronic proximity card. Information from the electronic proximity card, such as the name of the employee gaining access, date, time, and location of access is recorded electronically (hereinafter referred to as Electronic Proximity Card records).

III. INVESTIGATION

¹ This is a smart card which can be read without inserting it into a reader device, as required by magnetic stripe cards such as credit cards.

The OEIG investigation focused on several potential violations by Ms. Kidd and IEPA. As part of the OEIG's investigation of Ms. Kidd's alleged time abuse, the OEIG conducted surveillance of Ms. Kidd on three different work days, and the OEIG reviewed travel and personnel records. The OEIG also investigated whether Ms. Kidd had engaged in a conflict of interest between her positions at IEPA and IAMG by reviewing lobbying records and her State email archive. The OEIG reviewed Ms. Kidd's records, conducted numerous interviews, and reviewed IEPA performance evaluations and Auditor General reports.

A. Interview Of [Supervisor]

According to IEPA Chief Legal Counsel and Ethics Officer John Kim, Ms. Kidd reports to IEPA [Supervisor]. The OEIG interviewed [Supervisor] on March 23 and September 12, 2016.

[Supervisor] stated that he supervises [identifying information redacted]. In addition to these five employees, [Supervisor] said that Ms. Kidd is supposed to report to him but "doesn't." According to [Supervisor], in 2005, he was instructed to review and approve Ms. Kidd's Employee Time and Activity Reports (timesheets) by then-IEPA Deputy Director Lisa Bonnett, but he had no oversight over Ms. Kidd's daily duties. [Supervisor] said his office is on the ground floor of the Suburban Office, while Ms. Kidd's workspace is on the third floor. [Supervisor] said that as a result of their work spaces being on different floors, he could not supervise her "like I should."

[Supervisor] said he has spoken with Ms. Kidd in the past to request weekly schedules from her, but has only received three from her since 2005. When asked whether he knows what duties Ms. Kidd performs, [Supervisor] said he does not, he does not know of any work she has completed, nor does he know anyone who has given Ms. Kidd any work from 2005 to the present. The OEIG asked [Supervisor] if Ms. Kidd picks up or delivers "forms" to his work group, and he said that all of the forms and documents his work group uses have been digital for the past seven years, so there are no forms for her to pick up or deliver. He said that he does not know to whom Ms. Kidd directly reports at IEPA.

B. Loretta Kidd's Time Abuse Based On OEIG Surveillance

As part of its investigation, the OEIG obtained and reviewed numerous personnel documents, including timesheets and Ms. Kidd's personnel file, and conducted surveillance. In addition, the OEIG reviewed Abraham Lincoln Hilton Hotel in Springfield (Lincoln Hotel), Amtrak, lobbying, phone, and State of Illinois comptroller records, as well as Ms. Kidd's State email archive.

1. Review of Ms. Kidd's Time Records

According to Mr. Kim, Ms. Kidd's work schedule at all times relevant to this investigation was 7:00 a.m. to 5:30 p.m. on Tuesday, Wednesday, and Thursday, and 7:00 a.m. to 5:00 p.m. on

Friday, with Mondays and weekends off.² The OEIG also obtained and reviewed Ms. Kidd’s timesheets, which consist of a printout from IEPA’s timekeeping system that identifies the total amount of hours specific employees worked on days from the 1st through the 15th of the month or the 16th through the end of the month, but does not have space for recording the time the employees began or ended their work day, when they took lunch, or when they took their breaks. For instance, if Ms. Kidd worked a full day on a Wednesday, her timesheet would reflect simply that she worked 9.5 hours. The timesheet does have a section for the employee to document “Non-Productive Time (away from work).” This section has space for the employee to record the total number of hours the employee was not at work, the type of benefit time the employee used for that absence, and the total number of hours of each type of benefit time used.

2. OEIG Surveillance of Ms. Kidd

The OEIG conducted surveillance of Ms. Kidd at the Suburban Office on three separate days as detailed below. The OEIG identified Ms. Kidd and her vehicle by conducting a search through the Illinois Secretary of State’s database and obtaining her license plate number, the make of her car, and her driver’s license photograph.

Friday, May 6, 2016 Surveillance

<u>Ms. Kidd’s Timesheet</u>	<u>Observed Activities</u>
<p>Ms. Kidd’s Friday schedule was 7:00 a.m. to 5:00 p.m. Her timesheet entry for May 6, 2016, reflects that she worked 9 hours that day.</p>	<p>An OEIG Investigator observed the following during surveillance:</p> <ul style="list-style-type: none"> • 2:30 p.m. – the OEIG established surveillance at the Suburban Office and observed Ms. Kidd’s vehicle parked on the north side of the building. • <u>3:30 p.m.</u> – Ms. Kidd exited the main entrance of the Suburban Office, entered her vehicle, and exited the parking lot. • 4:44 p.m. – Ms. Kidd parked her vehicle and entered a Walgreen’s Pharmacy in Oak Park, IL. • 5:20 p.m. – Ms. Kidd exited the Walgreen’s Pharmacy, entered her car, and drove out of the parking lot. • 5:31 p.m. – Ms. Kidd parked her vehicle and entered an Amstar gas station in Oak Park, IL. • 5:44 p.m. – Ms. Kidd exited the Amstar gas station and drove one block north,

² On September 12, 2016, Ms. Kidd requested to change her work schedule to 8:30 a.m. to 5:30 p.m. for Tuesday through Friday and 8:00 a.m. to 4:00 p.m. on alternate Mondays, with 30 minutes for lunch and two work breaks of 15 minutes each.

entering the parking lot of a Popeye's Chicken restaurant.

- 5:44 p.m. – surveillance was terminated.

In total, Ms. Kidd was scheduled to work for 9 hours on May 6, 2016, but exited the Suburban Office at 3:30 p.m., 1.5 hours prior to the end of her 9-hour day.

Wednesday, June 1, 2016 Surveillance

Ms. Kidd's Timesheet	Observed Activities
<p>Ms. Kidd's Wednesday schedule was 7:00 a.m. to 5:30 p.m. Her timesheet entry for June 1, 2016, reflects that she worked 9.5 hours that day.</p>	<p>OEIG Investigators observed the following during surveillance:</p> <ul style="list-style-type: none"> • 6:00 a.m. – the OEIG established surveillance at the Suburban Office. • 9:34 a.m. – Ms. Kidd arrived at the Suburban Office parking lot and was observed driving through a parking circle in front of the main entrance six times, and at least twice stopped along the south curb of the parking circle with the brake lights illuminated. • 9:51 a.m. – Ms. Kidd parked in front of the Suburban Office. The OEIG did not see anyone enter or exit the vehicle at that time. • 10:21 a.m. – the OEIG checked the vehicle and found it unoccupied. • 3:50 p.m. – Ms. Kidd exited the Suburban Office and approached her vehicle. • 3:56 p.m. – Ms. Kidd drove away from the Suburban Office parking lot and drove to a residential building, parked at the curb, and entered the building. • 5:35 p.m. – Ms. Kidd's vehicle remained parked in the same location. The OEIG did not see anyone enter or exit the vehicle between 3:56 p.m. and 5:35 p.m. At that time, surveillance was terminated.

In total, Ms. Kidd was scheduled to work for 9.5 hours on June 1, 2016, but did not go into the Suburban Office until 9:51 a.m., and left at 3:50 p.m., which is approximately 4 hours and 30 minutes short of her 9.5-hour day.

Friday, June 3, 2016 Surveillance

Ms. Kidd's Timesheet	Observed Activities
Ms. Kidd's Friday schedule was 7:00 a.m. to 5:00 p.m. Her timesheet entry for June 3, 2016, reflects that she worked 3 hours and 25 minutes that day due to a power outage at the Suburban Office that resulted in all employees being sent home for the day with pay.	An individual OEIG Investigator observed the following during surveillance: <ul style="list-style-type: none">• 6:00 a.m. – the OEIG established surveillance at the Suburban Office.• 10:15 a.m. – Ms. Kidd arrived at the Suburban Office parking lot and parked on the east end of the front parking circle.• 10:25 a.m. – surveillance was terminated.

In total, Ms. Kidd was scheduled to work for 9 hours on June 3, 2016, with a start time of 7:00 a.m. Ms. Kidd did not arrive at the Suburban Office until 10:15 a.m., which is approximately 3 hours and 15 minutes after her scheduled start time.

3. Interviews Regarding OEIG Surveillance of Loretta Kidd

On August 23, 2016, the OEIG interviewed Loretta Kidd. According to Ms. Kidd, during her work day she receives a one-hour lunch break and two 20-minute work breaks, which can all be combined, and there is no assigned time she must take them. Ms. Kidd said she does not record her breaks but that she generally takes her lunch break between 12:00 p.m. and 3:00 p.m. Ms. Kidd said that IEPA employees are allowed, with supervisory approval, to combine their lunch break and work breaks to come in to work late or leave early. Ms. Kidd also stated that if she comes in to work after her scheduled start time, she is allowed to stay late and make up the time.

Ms. Kidd asserted that she has obtained [Supervisor's] verbal approval to come in late, and had spoken with him as recently as the week prior to her interview to do so. When asked if she ever obtained anyone else's permission to come in to work late, Ms. Kidd said that she always tells either [Supervisor] or she would occasionally tell Ms. Bonnett, when Ms. Bonnett was still with IEPA.

The OEIG then presented Ms. Kidd with photographs of her vehicle arriving at and parking in front of the Suburban Office and told her they were taken on June 1, 2016, between approximately 9:34 a.m. and 9:51 a.m. Ms. Kidd said it was likely she was late because she was taking care of her elderly father. When presented with a photograph taken that afternoon of her walking from the Suburban Office to her car, Ms. Kidd said, "It's true – I came in late and left early."

The OEIG then presented Ms. Kidd with surveillance photographs taken on Friday, June 3, 2016, showing her arrival at and parking at the Suburban Office, and told her they were taken at approximately 10:15 a.m. Ms. Kidd reiterated that she is allowed to make up for arriving to work at 10:15 a.m. by working late or making up the time on another day during the pay period

but could not recall if she made up the time during that pay period. After being shown several forms of evidence, Ms. Kidd added, “whatever you say, I did it. I’m through with it.” Ms. Kidd later admitted that she had arrived for work late and left early, and recorded a full work day on her timesheet for days the OEIG surveilled her, which was a violation of IEPA policy.

During his interview, [Supervisor] denied meeting with Ms. Kidd to discuss her work schedule, and he stated that he does not know when her lunch break and work breaks are. When asked about Ms. Kidd using her lunch break and work breaks to alter her work day, [Supervisor] said he has granted Ms. Kidd the use of benefit time to start her shift late, but since 2005 he has never given her authorization to alter her work day by utilizing her lunch break and work breaks at the start of a shift, nor has she made a request to him to do so.

On May 18 and September 9, 2016, the OEIG also interviewed IEPA Human Resources Manager Pamela Smith and asked her about Ms. Kidd’s work schedule and breaks. Ms. Smith confirmed Ms. Kidd’s work hours and said that she was allowed a one-hour lunch break to take place between 11:30 a.m. and 1:30 p.m. each work day, and two work breaks of 20 minutes each, one in the morning and one in the afternoon. Ms. Smith said employees may not combine their lunch break and work breaks in order to arrive late for work or leave early. Ms. Smith also provided the OEIG with a blank IEPA timesheet, which underneath the area where an IEPA employee would fill in the total hours worked, reads, “By submitting this [timesheet], you affirm that the time shown is true and accurate.”

C. Alleged Time Abuse Based On Loretta Kidd’s Travel Records

1. Review of Records

While reviewing Ms. Kidd’s email archive, the OEIG discovered an IAMG “Profit & Loss Detail” statement that reflects various payments from an IAMG debit card to both the Lincoln Hotel located in Springfield, Illinois and Amtrak. Thereafter, the OEIG obtained and reviewed records from both the Lincoln Hotel and Amtrak.

The Lincoln Hotel provided receipts reflecting, among other things, the name of the person who paid for the room, the method of payment, the arrival date and time, and the departure date and time. The Lincoln Hotel also provided printouts of a computer screen reflecting the “Guests in Room,” the room number, the guest’s address, the guest’s checkout status, the payment information for the room, a code for the rate at which the room was charged, and whether the guest checked out in person. Amtrak records showed, among other things, the passenger name; the date of travel; the train’s origin, destination, actual departure time, and actual arrival time; the billing name; form of payment; and, if the payment was made using a credit or debit card, the last four digits of that card’s number.

The Lincoln Hotel and Amtrak records, combined with Ms. Kidd’s timekeeping records, reflect the following:

Tuesday, January 27, 2015

- Ms. Kidd's timesheet reflects that she did not work on Monday, January 26, 2015, and worked 9.5 hours on this date.
- Lincoln Hotel records reflect that a person (or persons) stayed in a room paid for in cash in Ms. Kidd's name and checked out at 10:08 a.m.
- Amtrak records reflect that a ticket purchased in Ms. Kidd's name with cash was used to travel from Springfield to Chicago, departing at 9:28 a.m. and arriving at Chicago Union Station at 12:54 p.m.

Tuesday May 5, 2015

- Ms. Kidd's timesheet reflects that she did not work on Monday, May 4, 2015, and worked 9.5 hours on this date.
- Lincoln Hotel records reflect that a person (or persons) stayed in a room paid for using a debit card in Ms. Kidd's name belonging to IAMG and checked out at 7:24 a.m. The Lincoln Hotel computer printout reflects the "Guests in Room" as "Kidd, Loretta."
- Lincoln Hotel records reflect that the room rate code was the one given to State employees when they are traveling on State business.³
- Amtrak records reflect that a ticket purchased in Ms. Kidd's name with the same debit card was used to travel from Springfield to Chicago, departing at 8:39 a.m. and arriving at Chicago Union Station at 12:42 p.m.

Wednesday, July 1, 2015

- Ms. Kidd's timesheet reflects that she worked 9.5 hours.
- Lincoln Hotel records reflect that a person (or persons) stayed in a room paid for using a debit card in Ms. Kidd's name belonging to IAMG and checked out at 2:41 p.m. The Lincoln Hotel computer printout reflects the "Guests in Room" as "Kidd, Loretta."
- Lincoln Hotel records reflect that the room rate code was the one given to State employees when they are traveling on State business.
- Amtrak records reflect that a ticket purchased in Ms. Kidd's name with the same debit card was used to travel from Springfield to Chicago, departing at 10:28 a.m. and arriving at Chicago Union Station at 3:04 p.m.

Tuesday, October 6, 2015

- Ms. Kidd's timesheet reflects that she did not work on Monday, October 5, 2015, and worked 9.5 hours on this date.

³ On November 16, 2016, the OEIG interviewed Lincoln Hotel [Room Manager], who explained that state employees can receive a discounted rate. In order to receive this discounted rate, [Room Manager] said that the guest would ask for that rate and would have to provide their State identification at check-in in order to receive the rate.

- Lincoln Hotel records reflect that a person (or persons) stayed in a room paid for using a debit card in Ms. Kidd's name belonging to IAMG and checked out at 7:19 a.m. The Lincoln Hotel computer printout reflects the "Guests in Room" as "Kidd, Loretta."
- Lincoln Hotel records reflect that the room rate code was the one given to State employees when they are traveling on State business.
- Amtrak records reflect that a ticket purchased in Ms. Kidd's name with the same debit card was used to travel from Springfield to Chicago, departing at 9:03 a.m. and arriving at Chicago Union Station at 1:08 p.m.

Tuesday, January 19, 2016

- Ms. Kidd's timesheet reflects that she did not work on Monday, January 18, 2016, and worked 9.5 hours on this date.
- Lincoln Hotel records reflect that a person (or persons) stayed in a room paid for using a debit card in Ms. Kidd's name belonging to IAMG and checked out at 7:53 a.m. The Lincoln Hotel computer printout reflects the "Guests in Room" as "Kidd, Loretta."
- Amtrak records reflect that a ticket purchased in Ms. Kidd's name with the same debit card was used to travel from Springfield to Chicago, departing at 8:41 a.m. and arriving at Chicago Union Station at 12:24 p.m.

Tuesday, March 1, 2016

- Ms. Kidd's timesheet reflects that she did not work on Monday, February 29, 2016, and worked 9.5 hours on this date.
- Lincoln Hotel records reflect that a person (or persons) stayed in a room paid for using a debit card in Ms. Kidd's name belonging to IAMG and checked out at 7:45 a.m. The Lincoln Hotel computer printout reflects the "Guests in Room" as "Kidd, Loretta."
- Amtrak records reflect that a ticket purchased in Ms. Kidd's name with the same debit card was used to travel from Springfield to Chicago, departing at 8:38 a.m. and arriving at Chicago Union Station at 12:12 p.m.

For each of the six days listed above, there were no Electronic Proximity Card records for Ms. Kidd at the Suburban Office. There were no outgoing phone calls made from Ms. Kidd's work telephone. There were also no emails sent from Ms. Kidd's State email address. Additionally, based on Google Maps, the Suburban Office is approximately a 30-minute drive from Chicago Union Station.

During her interview with the OEIG, IEPA Human Resources Manager Pamela Smith said that Ms. Kidd does not have permission to work from home, does not have computer access from home, and that she (Ms. Smith) knows of no duties or responsibilities that would cause Ms. Kidd to work outside her office or in Springfield.

During Ms. Kidd's interview, the OEIG presented her with the Lincoln Hotel records, Amtrak records, and the Electronic Proximity Card records, each corresponding to January 27,

May 5, July 1, and October 6, 2015, as well as March 1, 2016.⁴ When the OEIG presented Ms. Kidd with the January 27, 2015 records, she said that although the timesheet reflects she worked that day, it was a mistake because she was sworn in as IAMG Chair on January 24, 2015, and was in Springfield that weekend. When asked about May 5, 2015, Ms. Kidd said she may have been in Springfield for an open house at IAMG's offices the day before, Monday, May 4, 2015. When asked why her timesheet reflects that she worked a full day on Tuesday, May 5, 2015, while the Amtrak records reflect that tickets in her name were used to take a train from Springfield at 8:37 a.m. and arrive in Chicago at 12:42 p.m., Ms. Kidd said that it "must be a mistake" and "something ain't right here."

The OEIG asked Ms. Kidd about July 1, 2015, and she said she does not know if the Lincoln Hotel records were accurate or whether she worked on July 1, 2015. Ms. Kidd said anyone could have checked into the hotel room with the IAMG debit card and the receipt would reflect her name.⁵ When asked about October 6, 2015, Ms. Kidd said she probably did work a full day, although she acknowledged the records reflect that a person (or persons) staying in a Lincoln Hotel room paid for by a debit card in her name belonging to IAMG checked out on that day, Amtrak tickets bearing her name were used to travel from Springfield to Chicago after the check out, and there were no entries in the Electronic Proximity Card records for her that day. When asked if she had recorded a full work day on her timesheet when she did not actually work, Ms. Kidd said, "No, not intentionally. If I made a mistake, it can be corrected."⁶

The OEIG also asked Ms. Kidd about March 1, 2016, but Ms. Kidd said she did not know whether she worked a full day that day or not, although she again acknowledged that the records reflect that a person (or persons) staying in a Lincoln Hotel room paid for by a debit card in her name belonging to IAMG checked out on that day, Amtrak tickets purchased in her name were used to travel from Springfield to Chicago after the check out, and there were no entries in the Electronic Proximity Card records for her that day.

2. Loretta Kidd's Travel to Springfield While Her Timesheets Reflect She was Using Sick Leave

The list below reflects days on which Ms. Kidd's timesheets reflect that she took sick leave or a combination of sick leave and vacation time, even though records from the Lincoln Hotel and Amtrak indicate that she was in Springfield.

⁴ The OEIG did not show Ms. Kidd records for January 19, 2016, as that date was only identified as a potential violation after the OEIG had already interviewed Ms. Kidd.

⁵ During the OEIG interview with Lincoln Hotel [Room Manager], [Room Manager] explained that the "Guests in Room" section of the Lincoln Hotel computer printouts reflect the name of the person who stayed in the room. He said that, at all times relevant to this investigation, Lincoln Hotel guests had to check in at the front desk in order to obtain room keys and that it is standard procedure at the Lincoln Hotel to require photo identification from the guests checking in to verify their identities.

⁶ On November 17, 2016, the OEIG contacted Ms. Smith and asked if there had been any changes to Ms. Kidd's timesheets. Ms. Smith replied on November 18, 2016, and said that there had not.

Tuesday, March 31, 2015

- Ms. Kidd's timesheet reflects that she did not work on Monday, March 30, 2015, and took 9.5 hours of sick leave on this date.
- Lincoln Hotel records reflect that a person (or persons) stayed in a room paid for in cash in Ms. Kidd's name and checked out at 7:18 a.m.
- Amtrak records reflect that a ticket purchased in Ms. Kidd's name with cash was used to travel from Springfield to Chicago, departing at 8:56 a.m. and arriving at Chicago Union Station at 12:15 p.m.

Wednesday, April 29, 2015

- Ms. Kidd's timesheet reflects that she took 9.5 hours of sick leave.
- Amtrak records reflect that a ticket purchased in Ms. Kidd's name with a debit card in Ms. Kidd's name belonging to IAMG was used to travel from Chicago Union Station to Springfield, departing at 9:25 a.m. and arriving in Springfield at 12:53 p.m.
- Lincoln Hotel records reflect that a person (or persons) stayed in a room paid for using the same debit card and checked in at 1:00 p.m. The Lincoln Hotel computer printout reflects the "Guests in Room" as "Kidd, Loretta" and that the guest was charged the rate for State employees.

Friday, July 10, 2015

- Ms. Kidd's timesheet reflects that she took 7.5 hours of sick leave and 1.5 hours of vacation time.
- Amtrak records reflect that a ticket purchased in Ms. Kidd's name with a debit card in Ms. Kidd's name belonging to IAMG was used to travel from Chicago Union Station to Springfield, departing at 9:25 a.m. and arriving in Springfield at 1:17 p.m.
- Lincoln Hotel records reflect that a person (or persons) stayed in a room paid for using the same debit card and checked in at 1:34 p.m. The Lincoln Hotel computer printout reflects the "Guests in Room" as "Kidd, Loretta" and that the guest was charged the rate for State employees.

Wednesday, August 5, 2015

- Ms. Kidd's timesheet reflects that she took 7.5 hours of sick leave and 2 hours of vacation time.
- Lincoln Hotel records reflect that a person (or persons) stayed in a room paid for using a debit card in Ms. Kidd's name belonging to IAMG and checked out at 8:01 a.m. The Lincoln Hotel computer printout reflects the "Guests in Room" as "Kidd, Loretta" and that the guest was charged the rate for State employees.
- Amtrak records reflect that a ticket purchased in Ms. Kidd's name with the same debit card was used to travel from Springfield to Chicago, departing at 8:51 a.m. and arriving at Chicago Union Station at 1:03 p.m.

Friday, September 11, 2015

- Ms. Kidd's timesheet reflects that she took 7.5 hours of sick leave and 1.5 hours of vacation time.
- Amtrak records reflect that a ticket purchased in Ms. Kidd's name with a debit card in Ms. Kidd's name belonging to IAMG was used to travel from Chicago Union Station to Springfield, departing at 9:25 a.m. and arriving in Springfield at 1:55 p.m.
- Lincoln Hotel records reflect that a person (or persons) stayed in a room paid for using the same debit card and checked in at 2:06 p.m. The Lincoln Hotel computer printout reflects the "Guests in Room" as "Kidd, Loretta" and that the guest was charged the rate for State employees.

Thursday, October 15, 2015

- Ms. Kidd's timesheet reflects that she took 7.5 hours of sick leave and 2 hours of vacation time.
- Amtrak records reflect that a ticket purchased in Ms. Kidd's name with a debit card in Ms. Kidd's name belonging to IAMG was used to travel from Chicago Union Station to Springfield, departing at 9:25 a.m. and arriving in Springfield at 1:08 p.m.
- Lincoln Hotel records reflect that a person (or persons) stayed in a room paid for using the same debit card and checked in at 2:20 p.m. The Lincoln Hotel computer printout reflects the "Guests in Room" as "Kidd, Loretta" and that the guest was charged the rate for State employees.

Thursday, November 19, 2015

- Ms. Kidd's timesheet reflects that she took 7.5 hours of sick leave and 2 hours of vacation time.
- Amtrak records reflect that a ticket purchased in Ms. Kidd's name with a debit card in Ms. Kidd's name belonging to IAMG was used to travel from Chicago Union Station to Springfield, departing at 9:25 a.m. and arriving in Springfield at 1:12 p.m.
- Lincoln Hotel records reflect that a person (or persons) stayed in a room paid for using the same debit card and checked in at 1:24 p.m. The Lincoln Hotel computer printout reflects the "Guests in Room" as "Kidd, Loretta" and that the guest was charged the rate for State employees.

Tuesday, February 9, 2016

- Ms. Kidd's timesheet reflects that she did not work on Monday, February 8, 2016, and took 7.5 hours of sick leave and 2 hours of vacation time on this date.
- Lincoln Hotel records reflect that a person (or persons) stayed in a room paid for using a debit card in Ms. Kidd's name belonging to IAMG and checked in on Monday, February 8, 2016, and checked out at 8:00 a.m. the following day, February 9, 2016. The Lincoln Hotel computer printout reflects the "Guests in Room" as "Kidd, Loretta."

For each of the eight days listed above, there were no Electronic Proximity Card records for Ms. Kidd at the Suburban Office. There were no outgoing phone calls made from Ms. Kidd's work telephone. And, there were no emails sent from Ms. Kidd's State email address.

During her interview, the OEIG presented Ms. Kidd with Lincoln Hotel records, Amtrak records, and the Electronic Proximity Card records, each corresponding to April 29, July 10, September 11, October 15, and November 19, 2015.⁷ The OEIG asked Ms. Kidd why she used sick leave to travel to Springfield on April 29, 2015, and she said she was visiting her granddaughter. When asked if that was the reason she used sick leave on July 10, September 11, October 15, and November 19, 2015, as well as February 9, 2016, Ms. Kidd said that she did see her granddaughter in the evenings on those trips, but while in Springfield she conducted business for IAMG while taking sick leave from IEPA. Ms. Kidd agreed that it would be fair to say that she conducted IAMG work and visited her granddaughter whenever she used sick leave from IEPA.

3. Additional Records Regarding Potential Time Abuse

While reviewing Ms. Kidd's records, the OEIG found that between January 1, 2015 and June 2016, there were 45 work days, in addition to the 14 listed above, where there is a similar pattern of no Electronic Proximity Card entries for Ms. Kidd at the Suburban Office, no sent emails from her State email account, and no phone calls made from her work phone. However, the OEIG did not identify any records of Ms. Kidd's name in connection with Amtrak travel or Lincoln Hotel stays on these dates.

D. Loretta Kidd's Misuse Of State Resources And Conflict Of Interest

1. OEIG Review of Loretta Kidd's State Email Archive

The OEIG obtained and reviewed Ms. Kidd's State email archive from January 1, 2015, to January 29, 2016. The OEIG determined that Ms. Kidd's State email archive contained approximately 20 emails sent by Ms. Kidd related to IAMG, many of which contained attached documents. In addition, some of those attachments were created using State scanners at the Suburban Office. For example, the OEIG found an email chain from Wednesday, December 16, 2015, in which Ms. Kidd scanned a 20-page IAMG "Profit & Loss Detail" statement to her State email account, which she then forwarded to her personal email.

During Ms. Kidd's interview, she confirmed that her State email address is loretta.kidd@illinois.gov, she uses a unique password to access it, and she has not shared the password with anyone, although in the past she has written the password and left it near her computer in case she forgot it. When asked, Ms. Kidd said she does not know how to access her State email account from her home computer and has never done so. Ms. Kidd said she is not allowed to conduct IAMG business on State time, but she may have used her State computer to send IAMG information to former Director of IEPA, Ms. Bonnett, in order to request a meeting.

⁷ The OEIG did not show Ms. Kidd records for March 31, 2015, August 5, 2015, or February 9, 2016, as those dates were only identified as potential violations after the OEIG had already interviewed Ms. Kidd.

The OEIG presented Ms. Kidd with a list of emails from her State email archive, and asked her about the emails that resulted when she scanned documents on State scanners and sent them to her State email account. Ms. Kidd said that most of the scanned items were not related to IEPA work, but rather to IAMG, or to doctors and health care for her mother and father. When asked if IEPA policy allowed her to conduct IAMG business on State time or using State resources, Ms. Kidd said she was not the only IEPA employee doing it. She then said, “You’re correct – doing IAMG work isn’t allowed on State time using State resources.” Ms. Kidd admitted that her use of State scanners and email to conduct business for IAMG was a violation of the IEPA policy for use of electronic equipment.

2. Conflict of Interest

The OEIG obtained and reviewed IAMG’s March 28, 2015,⁸ Lobbying Entity Registration from the Illinois Secretary of State, which reflects that IAMG was a registered lobbying organization in Illinois, IEPA was one of the State agencies IAMG listed as those it intended to lobby, and Ms. Kidd was the “Responsible Party.” The OEIG also obtained Ms. Kidd’s Exclusive Lobbyist Registration, dated June 29, 2015, which reflects that she registered as a lobbyist for IAMG.⁹ IEPA Chief Legal Counsel and Ethics Officer John Kim informed the OEIG that IEPA has not received any request for an opinion on her involvement with IAMG from Ms. Kidd.

The OEIG presented Ms. Kidd with her Exclusive Lobbyist Registration and IAMG’s Lobbying Entity Registration. The OEIG pointed out that IEPA was one of the State agencies IAMG intended to lobby, and Ms. Kidd said she was unaware of that. When asked if she was a registered lobbyist for IAMG in 2015, Ms. Kidd said yes but that she was not paid. When asked if working as a lobbyist for an entity that intends to lobby the State agency she works for presented a conflict of interest, Ms. Kidd said, “Yes.” When asked if she had lobbied on behalf of IAMG in either 2015 or 2016, Ms. Kidd said, “No.”

The OEIG presented Ms. Kidd with IEPA’s policy on an employee’s outside activities interfering with the employee’s public duties.¹⁰ Ms. Kidd said it would be a conflict of interest if her IAMG duties interfered with her IEPA duties.

E. Loretta Kidd’s Job Duties And Work Product

Ms. Kidd is an Office Administrator III with IEPA at the Suburban Office. Since at least 2009, the “COMPLETE, CURRENT AND ACCURATE STATEMENT OF POSITION DUTIES AND RESPONSIBILITIES” section of the Office Administrator III position description states that the position works under the “general direction of the Des Plaines Field Operations Manager.” The listed position duties for an Office Administrator III are, in part:

- “Supervises, directs, and trains clerical staff . . . ; responsible for coordination of work flow, setting priorities, filing; develops and implements office procedures and staff’s desk procedures; assures quality of work; counsels and evaluates work performance;

⁸ IAMG’s 2016 Lobbying Entity Registration does not list Ms. Kidd in any capacity.

⁹ As of November 17, 2016, Ms. Kidd had not registered as a lobbyist with the Illinois Secretary of State for 2016.

¹⁰ IEPA Employee Handbook, Chapter 12 Ethics, 12-4 Conflicts of Interest, 12-4(A)(2).

assists clerical staff in the interpretation of policy and procedure; approves all leave requests of clerical staff; signs all timecards for clerical staff. . . .”

- “Assists [Des Plaines Field Operations Section] managers and staff with all confidential matters; processes confidential personnel evaluation forms; maintains personnel files. . . ; [a]ssists [Field Operations Section] managers with special projects and preparation of monthly reports.”
- “Maintains the [Des Plaines Field Operations Section], Region One Policy and Procedures Manual;¹¹ centralizes and orders office supplies, ensures various operational reports are prepared monthly . . . ; directs the receipt and distribution of mail.”
- “Serves as [Des Plaines Field Operations Section] Office timekeeper. . . .”
- “Performs other duties as required or assigned which are reasonably within the scope of the duties enumerated above.”

During her interview, the OEIG presented the Office Administrator III position description to Ms. Kidd, and she said that although it is the description for her current position, much of it no longer applies. Ms. Kidd explained that (1) no one is under her supervision and no one ever has been during her time as Office Administrator III, (2) she does not report to the Des Plaines Field Operations Section Manager because the position is vacant and has been for over a year, (3) she does not assist anyone with processing evaluations or maintaining personnel files, (4) she does not produce any reports on a regular basis, (5) she does not maintain the Des Plaines Field Operations Section, Region One Policy and Procedures Manual, and (6) she has not had timekeeper duties since IEPA moved to an electronic timekeeping system approximately three years earlier.

According to Ms. Kidd, her current job duties include going through the mail sent to the IEPA Bureau of Air, representing IEPA at area job fairs, other duties assigned to her, and those “deemed necessary” by [Supervisor]. When asked to provide an example of any reports or documents she prepares on a weekly or monthly basis, Ms. Kidd said there are no such reports. She explained that her job requirements have changed due to personnel loss at IEPA, adding, “I just help when needed,” and “I only help when people ask me.” The OEIG asked Ms. Kidd about her administrative duties, and she said they are “whatever they give me.” When asked about her typing duties, Ms. Kidd said she does not “do a lot of typing” and that she has not done any in “at least a year,” although she said she has done some “sporadically.”

The OEIG asked Ms. Kidd how she is assigned work, and she said, “I go around asking [other IEPA employees] what needs to be done.” Ms. Kidd said that she does not have enough work to do because other IEPA employees are assigned work that should be assigned to her, such as interviewing and hiring new employees. Ms. Kidd said that [Supervisor] does not assign her work, although she does meet with or speak to him twice a week, and that she “know[s] the work to do.” When asked how she knows what work to do, Ms. Kidd said “I just go down there and get the forms.” The OEIG asked Ms. Kidd where it is she goes to get these forms, and she said she

¹¹ The OEIG issued a Request for Documents to IEPA to obtain the Des Plaines Field Operations Section, Region One Policy and Procedures Manual. IEPA responded, stating that no such document exists and that Ms. Kidd’s position description should be updated or corrected to remove references to it.

goes down to the IEPA office space in the basement, which is where [Supervisor's] office is located, or upstairs to her cubicle location, both at the Suburban Office.¹²

1. Interview of IEPA Human Resources Manager Pamela Smith

As mentioned above, the OEIG interviewed IEPA Human Resources Manager Pamela Smith. The OEIG asked Ms. Smith to whom Ms. Kidd's position currently reports, and she responded, "That's a good question." She said that when Ms. Kidd was promoted to Office Administrator III, she and [Employee 1] "did not get along" and that "a deal was brokered" for Ms. Kidd to report to [Supervisor] once Ms. Kidd said she was "willing to take direction" from him. Ms. Smith said [Supervisor] was directed by someone in Human Resources to monitor, review, and approve Ms. Kidd's timesheets, but he was not assigned to supervise her work product.

The OEIG asked Ms. Smith what work Ms. Kidd does, and she said, "I can't tell you what [Ms. Kidd] does." Ms. Smith explained that Ms. Kidd is supposed to complete work for the IEPA Bureau of Air but she (Ms. Smith) does not know of anyone who assigns work to Ms. Kidd. She said that although there is work for Ms. Kidd to do, no one wants to interact with Ms. Kidd so they rely on other clerical staff for assistance. Ms. Smith stated that Ms. Kidd has no reason to conduct work in Springfield or at IEPA headquarters.

2. Interview of [Supervisor]

During his OEIG interview, [Supervisor] stated that he raised concerns to Ms. Bonnett about his inability to effectively monitor Ms. Kidd as he spends the majority of his work week in the field rather than in the office, but he said that Ms. Bonnett told him there was "no room for discussion – it's an order."

[Supervisor] also said he met with IEPA [Employee 2] and asked him what to do so that he could monitor Ms. Kidd's activities and be responsible for her timesheets. [Supervisor] said [Employee 2] told him that, due to Ms. Bonnett's directive, [Supervisor] was required to review Ms. Kidd's timesheets. [Supervisor] said that [Employee 2] did not offer any help regarding Ms. Kidd or monitoring her activities, and [Employee 2] warned him against raising questions or causing problems regarding Ms. Kidd.

3. Interview of IEPA [Employee 2]

On September 20, 2016, the OEIG interviewed IEPA [Employee 2]. [Employee 2] said that prior to 2008, Ms. Kidd worked for [Employee 3] and did typing for the IEPA Bureau of Air. [Employee 2] said that Ms. Kidd would "always grumble" about being monitored, complain about other employees not being treated the same way she was, threaten to file "disparity of treatment" grievances, and she required "clear direction" and "constant supervision" over her daily duties. [Employee 2] said Ms. Kidd "always talked to the Director's Office," which created the perception of connections to IEPA senior staff members, and that made other IEPA employees "afraid" to confront Ms. Kidd over her actions. [Employee 2] said that [Employee 3's] desk was close to Ms.

¹² After her interview, Ms. Kidd was moved into a space in the basement of the Suburban Office, although it is in the IEPA Bureau of Water's area and not the Bureau of Air's.

Kidd so that [Employee 3] could monitor her, adding that none of his other employees needed the amount of direct supervision Ms. Kidd did.

[Employee 2] said that he believes Ms. Kidd was promoted and transferred to the IEPA Bureau of Air in 2008. The OEIG asked him if he knows what Ms. Kidd's current duties are and he said that he is "not privy" to what goes on in [Supervisor] and Ms. Kidd's work unit. He said that he believes [Supervisor] is now Ms. Kidd's supervisor, and he ([Employee 2]) is happy Ms. Kidd left his work unit. When asked if [Supervisor] has ever come to him to complain about Ms. Kidd, [Employee 2] said that [Supervisor] has and that he told [Supervisor] to make sure his ([Supervisor's]) supervisors were aware of the issues, but [Employee 2] said that he did not feel he could "butt into [Supervisor's Bureau's] business."

4. Interview of Former Director of IEPA Lisa Bonnett

On September 27, 2016, the OEIG conducted a phone interview of former Director of IEPA Lisa Bonnett. Ms. Bonnett said she first met Ms. Kidd, when she (Ms. Bonnett) was serving as Deputy Director of IEPA, at a meeting that had been called as a result of Ms. Kidd complaining to IAMG about an argument between her and [Employee 3]. Ms. Bonnett said that because of that meeting Ms. Kidd was assigned to work for [Supervisor] and "support the Bureau of Air in general." The OEIG asked Ms. Bonnett if she had any direct knowledge of Ms. Kidd's work product, and she said she did not.

Ms. Bonnett said that Ms. Kidd liked and got along with [Supervisor], as opposed to [Employee 1]. She said that other IEPA supervisors were "leery" of giving work assignments to Ms. Kidd due to her poor work product. Ms. Bonnett added, "When [Ms. Kidd] is unhappy, the whole place is unhappy." The OEIG asked Ms. Bonnett about the conversation she had with [Supervisor] when she assigned him to supervise Ms. Kidd, and she said it was "not much of a directive," but she "highly encouraged" him to assume Ms. Kidd as a subordinate. Ms. Bonnett said [Supervisor] was "willing to give it a shot" but voiced "trepidation" about supervising Ms. Kidd because she was "known for causing trouble in the office." Ms. Bonnett said she told him to give Ms. Kidd work since she (Ms. Kidd) needed to be occupied during her work time. Ms. Bonnett said she knew "it wasn't going to be easy" for [Supervisor] to manage or supervise Ms. Kidd.

F. IEPA Performance Evaluations

During the course of the investigation, the OEIG requested Ms. Kidd's performance evaluations. In response, the OEIG received a letter dated April 4, 2016, from IEPA Chief Legal Counsel and Ethics Officer John Kim, saying that there are no performance evaluations for Ms. Kidd after 2009 because "[Ms. Kidd] is currently on Step 8 for [the Administrative Assistant position] as defined by the appropriate union contract, [therefore] no evaluations have been done since that time as they are not needed to process annual pay step increases."

Subsequently, the OEIG requested all performance evaluations for all IEPA clerical employees at salary steps 7 and 8, as defined in the collective bargaining agreement between CMS and the American Federation of State, County and Municipal Employees (AFSCME), from March

27, 2009, through May 31, 2016. IEPA had 49 clerical employees at salary steps 7 and 8 during that time period, and the OEIG received 163 performance evaluations in total for all of those employees for that time period.

The review revealed that several of the performance evaluations covered a span of more than one year, rather than one per year. Two of the evaluations covered two years, two covered four years, and three more covered five years. One employee, an executive secretary, had a performance evaluation that spanned from 2002 to 2010, a period of eight years. The same employee's next evaluation was in 2015, and covered from 2010 to 2015.

The OEIG then reviewed audit reports of IEPA from the Illinois Auditor General. Beginning with its 2008 audit, the Illinois Auditor General found that "18 of 60 (30%) of employees tested did not have performance evaluation [sic] for the evaluation period tested." In 2010, the Illinois Auditor General found that "24 of 60 (40%) employees tested did not have performance evaluations for the evaluation period tested." In 2012, the Illinois Auditor General found that during its review of 40 employee personnel files, "[17] (43%) employees tested did not have performance evaluations for the evaluation period tested." In 2014, the Illinois Auditor General found that "[21] of 40 (53%) employees tested did not receive an employee performance evaluation during the examination period."

During her interview, the OEIG presented Ms. Smith with a copy of Ms. Kidd's performance evaluation that covered the period of February 1, 2007, through December 31, 2009. Ms. Smith said there were no subsequent performance evaluations for Ms. Kidd. According to Ms. Smith, there were no more performance evaluations for Ms. Kidd because Ms. Bonnett did not see a need to complete annual evaluations for certified employees with seniority, as pay raises and cost of living increases were automatic per the current employment agreement between CMS and AFSCME. Ms. Smith said, "We are our own worst enemy" in regard to evaluations, as they can be used to document problems with an employee, not simply to justify pay raises.

The OEIG also asked [Supervisor] about performance evaluations, and he said that in the past he had received a list of the IEPA employees for whom he was required to conduct a performance evaluation. [Supervisor] said his group of five Science Specialists were on his list for annual evaluations, but since 2005 he did not recall receiving a list that included Ms. Kidd's name. [Supervisor] said he has not received a list for pending performance evaluations for any employee since 2014.

During Ms. Bonnett's interview, the OEIG asked her about IEPA's performance evaluations. She said that although CMS policy required annual performance evaluations for certified employees, she did not require annual performance evaluations for employees who had reached salary steps 7 and 8 because the form that was used for them "was not a useful tool." Ms. Bonnett said that one of the issues surrounding performance evaluations was that the AFSCME contract prevents union members from evaluating other union members. She explained that this causes an IEPA Bureau Chief, the lowest-level non-union position in the organizational chart, to be responsible for all of his or her potentially 300 subordinates, and that he or she would have no actual knowledge of the employees' duties or how they performed. She said that the performance evaluations were "not a good use of our time." When asked if she had seen the Illinois Auditor

General findings on IEPA regarding performance evaluations, she said she had seen them for 2012 and 2014, but she made a “conscious effort” to not address them as there were other “priorities.”

IV. ANALYSIS

A. Loretta Kidd Committed Time Abuse By Not Working The Amount Of Her Assigned Hours

According to the IEPA Employee Handbook, employees “shall comply with the work time regulations set forth in” the IEPA Employee Handbook,¹³ and are “expected to be at [their] workstation and ready to work at the appointed starting time and to remain until the appointed quitting time.”¹⁴ Ms. Kidd violated the above policies by arriving to work late and leaving early on multiple occasions. The OEIG observed Ms. Kidd arrive late on June 1 and 3, 2016, and leave work early on May 6 and June 1, 2016. Ms. Kidd’s timesheets do not reflect that she used benefit time to cover for these late arrivals or early departures. In total, Ms. Kidd missed approximately 9 hours of work as a result of arriving late and leaving early on the three days the OEIG conducted surveillance.

In her interview, Ms. Kidd asserted that the one-hour lunch and two 20-minute breaks she receives during her day can be combined to arrive late or leave early, and that whenever she did so she told either [Supervisor] or Ms. Bonnett. Even if this were true, the hour and 40 minutes this would give her each day would only just cover the amount of time she left early on May 6, 2016, and would not cover the amount of time she was not at work on June 1 or 3, 2016. However, during their interviews with the OEIG, Ms. Smith said that employees may not combine their lunch break and work breaks in order to arrive late for work or leave early, and [Supervisor] said he never gave Ms. Kidd permission to do so, nor had she ever asked. Regarding Ms. Kidd’s assertion that she could make up the time by working longer hours during other days in that pay period, her timesheets do not reflect she worked more hours than normal on any day during any of the pay periods in question. Furthermore, there is no policy in the IEPA Employee Handbook allowing employees to flex their hours in a pay period.

Therefore, the allegation that Loretta Kidd violated IEPA policy by failing to be at her workstation from her appointed starting time until her appointed quitting time either by arriving at work late, leaving work early, or both, is **FOUNDED**.¹⁵

¹³ IEPA Employee Handbook, Chapter 6 Hours of Work, 6-1 Policy.

¹⁴ IEPA Employee Handbook, Chapter 6 Hours of Work, 6-2 Work Hours.

¹⁵ The OEIG concludes that an allegation is “founded” 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.

B. Loretta Kidd Committed Time Abuse When She Was Traveling From Springfield To Chicago During Her Assigned Hours

The OEIG reviewed Loretta Kidd's timesheets, State email archive, work phone records, Electronic Proximity Card records for the Suburban Office, Lincoln Hotel records, and Amtrak records. As detailed above, these documents reflect that on six occasions, a person (or persons) being charged the rate for State employees checked out of the Lincoln Hotel shortly before a ticket purchased in Ms. Kidd's name was used to travel from Springfield to Chicago, when her timesheet reflects that she worked a full day. On five of these days, the room was paid for using a debit card in Ms. Kidd's name belonging to IAMG, and the sixth day was paid for in cash under Ms. Kidd's name. On all six of these occasions, there are no Electronic Proximity Card records for Ms. Kidd, her State email archive reflects that she did not send any emails, and her work phone records reflect that she did not make any phone calls

During her interview, the OEIG presented Ms. Kidd with the above-mentioned documents for five of those six days. Ms. Kidd alternately said the timesheets contained mistakes, that she did not make mistakes on timesheets, that she did not remember what happened on those days, that someone else might have been traveling and staying in the hotel but used a credit card with her name on it so it looked like it was her, that she in fact worked a full day, and that she did not intentionally report that she worked a full day when she did not. The OEIG does not find Ms. Kidd's explanations to be credible.

The Lincoln Hotel records for each of the days on which the OEIG's investigation focused reflect Ms. Kidd's name in the "Guests in Room" section of the computer printouts, save for one day where the guest paid cash in Ms. Kidd's name and there was no computer printout provided which would show the name of the guest in the room. The OEIG spoke with a Lincoln Hotel employee and he said that the name in the "Guests in Room" section is the name of the person actually staying in the room and it is standard procedure to ask for photo identification for guests checking in to verify their identities. Additionally, for three of the above-mentioned six days, the person staying at the Lincoln Hotel was charged the rate for State employees, which can only be obtained by presenting a State employee identification.

These records, combined with the lack of any evidence that Ms. Kidd was physically present at the Suburban Office aside from her timesheet, along with Amtrak records reflecting tickets bearing Ms. Kidd's name being used to travel on the same days as Lincoln Hotel checkouts, make it more likely than not that Ms. Kidd, on six separate occasions, reported she worked a full day at the Suburban Office but was actually in Springfield and traveling to Chicago during the work day. Even assuming Ms. Kidd departed these Amtrak trains, got directly into her car, and drove straight to the Suburban Office on each of these six days, she would have started her work day approximately six to seven hours after her scheduled work day was to begin, thus missing approximately 36 to 42 hours of work time over these six days. Furthermore, Ms. Smith stated that Ms. Kidd has no work in Springfield and there was no work reason for her being in Springfield on those days.

Therefore, the allegation that Loretta Kidd violated IEPA policy by failing to be at her workstation from her appointed starting time until her appointed quitting time by traveling from Springfield to Chicago during her work day on six separate days is **FOUNDED**.

C. Loretta Kidd Violated IEPA Policy By Using Sick Leave To Conduct IAMG Business

IEPA policy states that sick leave shall only be used in certain circumstances, including illness, disability, injury, incapacitation, doctor appointments, family medical issues, and bereavement.¹⁶ The documents the OEIG reviewed reflect that on five separate days when Ms. Kidd used sick leave, Amtrak tickets purchased in Ms. Kidd's name were used to travel from Chicago to Springfield, and Lincoln Hotel records reflect that a person (or persons) staying in rooms paid for by a debit card in Ms. Kidd's name belonging to IAMG checked in shortly after the Amtrak trains arrived. The Lincoln Hotel records also reflect Ms. Kidd's name in the "Guests in Room" section of the computer printouts which, according to a Lincoln Hotel employee, contains the name of the person actually staying in the room.

On two other days when Ms. Kidd used sick leave, the records reflect the opposite trip. Lincoln Hotel records for March 31 and August 5, 2015, reflect that a person (or persons) checked out shortly before Amtrak tickets purchased in Ms. Kidd's name were used to travel from Springfield to Chicago. On March 31, 2015, the room was paid for by cash in Ms. Kidd's name and on August 5, 2015, the room was paid for using a debit card in her name belonging to IAMG. The computer printout for August 5, 2015, reflects Ms. Kidd's name in the "Guests in Room" section. There was one additional day, February 9, 2016, on which there are no records of travel using Amtrak tickets purchased in Ms. Kidd's name, but a room at the Lincoln Hotel was paid for with a debit card in Ms. Kidd's name belonging to IAMG, the Lincoln Hotel computer printout reflects the "Guests in Room" as "Kidd, Loretta," and there are no records placing her at the Suburban Office. Further, for six of the eight days, the person staying at the Lincoln Hotel was charged the rate for State employees, which can only be obtained by presenting a State employee identification.

During her interview, the OEIG presented Ms. Kidd with the above-mentioned documents and evidence of her sick leave use for six of those eight days. When asked about the reason for her trips to and from Springfield on those dates, Ms. Kidd said it was to visit her granddaughter in the evenings, but while she was in Springfield she was conducting business for IAMG.

The Lincoln Hotel records combined with the Amtrak records and Ms. Kidd's admission that she was in Springfield visiting her granddaughter and conducting IAMG business when she took sick leave make it more likely than not that she was traveling to or from Springfield on days when she was using sick leave. Therefore, the allegation that Loretta Kidd violated IEPA policy by using sick leave to travel to and from Springfield to visit her granddaughter and conduct work for IAMG on eight occasions, which are not purposes allowed by the IEPA Employee Handbook, is **FOUNDED**.

¹⁶ IEPA Employee Handbook, Chapter 7 Leave and Vacation, 7-5 Sick Leave (C).

D. Loretta Kidd Violated IEPA Policy By Submitting Falsified Timesheets

According to the IEPA Employee Handbook, employees “are expected to be accurate and truthful, both orally and in writing, with respect to all information pertaining to Agency employment and duties, including . . . timekeeping records. . . . Employees shall not knowingly submit false or misleading statements or reports.” Upon submitting a timesheet, an employee is alerted that submission of the timesheet means the employee is “[affirming] that the time shown is true and accurate.” As detailed above, Ms. Kidd’s timesheets reflect that she worked more hours than she actually did on 17 days included in 14 submitted timesheets.

Therefore, the allegation that Ms. Kidd violated IEPA policy by submitting 14 falsified timesheets is **FOUNDED**.

E. Loretta Kidd Violated IEPA Policy By Engaging In A Conflict Of Interest When She Used State Resources To Conduct Work For IAMG

The IEPA Employee Handbook states that a conflict of interest occurs when an employee’s outside activities “interfere with or compromise the employee’s public duties and responsibilities.”¹⁷ It also states that employees are prohibited from participating in any outside activity or employment which would “[i]nvolve the use of the employee’s time during official Agency working hours, [or] involve the use of official Agency facilities (for example, office space, telephones, office machines or supplies).”¹⁸ IEPA employees who contribute “to an outside entity’s work product may create an impermissible conflict of interest or the appearance of one,” and they “should report this to the Agency Ethics Officer in writing. . . .”¹⁹

The OEIG obtained and reviewed IAMG’s March 28, 2015, Lobbying Entity Registration which listed IEPA as one of the agencies it intended to lobby. The OEIG also obtained and reviewed Ms. Kidd’s Exclusive Lobbyist Registration, dated June 29, 2015, and it indicates that she was a registered lobbyist for IAMG. As mentioned above, Ms. Kidd said that whenever she took sick leave she was in Springfield conducting IAMG business and her State email archive contains approximately 20 emails relating to IAMG, with some IAMG documents scanned using State scanners and emailed to her State email address.

The OEIG presented Ms. Kidd with IEPA’s conflict of interest policy, and she admitted that it would be a conflict of interest if her IAMG duties interfered with her IEPA duties. Although Ms. Kidd said she was unaware that IAMG listed IEPA as one of the agencies it intended to lobby, and that she did not lobby on behalf of IAMG in 2015 or 2016, her registration as an IAMG lobbyist and the work she has done for IAMG are a conflict of interest.

¹⁷ IEPA Employee Handbook, Chapter 12 Ethics, 12-4 Conflicts of Interest, 12-4(A)(2).

¹⁸ IEPA Employee Handbook, Chapter 12 Ethics, 12-4 Conflicts of Interest, 12-4(C)(1)(b), 12-4(C)(3)(a).

¹⁹ *Id.* at 12-4(C)(6), 12-4(E)(1). “‘Outside entities’ include participation in or work for professional, charitable, social, fraternal, for-profit, not-for-profit, recreational, public service, political, civic organizations, and community affairs as private citizens.” *Id.* at 12-4(D)(10).

Therefore, the allegation that Loretta Kidd engaged in a conflict of interest when she conducted IAMG business on State time by using State scanners to scan IAMG documents and send them to herself is **FOUNDED**.

Additionally, IEPA's Ethics Officer informed the OEIG that IEPA has not received any written documentation from Ms. Kidd regarding her involvement with IAMG. Ms. Kidd's State email archive contains clear indications that she contributed to IAMG's work product, such as the 20-page IAMG "Profit & Loss Detail" she scanned using State scanners and sent to her State email archive. Therefore, the allegation that Loretta Kidd violated IEPA policy by failing to inform IEPA's Ethics Officer in writing of her involvement with IAMG is **FOUNDED**.

F. IEPA Mismanaged Loretta Kidd By Failing To Provide Adequate Supervision

The Illinois State Officials and Employees Ethics Act grants the Executive Inspector General jurisdiction to investigate allegations of mismanagement.²⁰ During the investigation, the OEIG interviewed the IEPA Human Resources employee responsible for Ms. Kidd, the IEPA employee who approves Ms. Kidd's timesheets, the Suburban Office Regional Coordinator, the former Director of IEPA, and Ms. Kidd herself. The information gathered in these interviews, along with the misconduct Ms. Kidd was able to accomplish without discipline, reflect IEPA's mismanagement of Ms. Kidd.

The OEIG interviewed IEPA Human Resources Manager Pamela Smith, and when asked to whom Ms. Kidd's position reports, she said "That's a good question." The OEIG asked Ms. Smith what work Ms. Kidd does, and she said, "I can't tell you what she does." She said that when Ms. Kidd was promoted to Office Administrator III, she "did not get along" with the person to whom she was supposed to report, and [Supervisor] was directed by someone in Human Resources to monitor, review, and approve Ms. Kidd's timesheets instead, although he was not assigned to monitor her work product.

When the OEIG interviewed IEPA [Supervisor] he said that Ms. Kidd is supposed to report to him but does not, he has no oversight over her daily duties, he does not know anyone who has given Ms. Kidd any work from 2005 to present, and he does not know when Ms. Kidd takes her lunch period or her work breaks. [Supervisor] said that he could not supervise Ms. Kidd like he should have given that (1) his office is on the ground floor of the Suburban Office, and at all times relevant to this investigation, her work space was on the third floor, and (2) he works in the field away from the Suburban Office much of the week. [Supervisor] told the OEIG that he voiced concerns to Ms. Bonnett, but she told him there was "no room for discussion – it's an order." [Supervisor] said he also took his concerns to IEPA [Employee 2], but [Employee 2] warned him against raising questions or causing problems regarding Ms. Kidd.

The OEIG interviewed [Employee 2] and asked him about Ms. Kidd. He said that Ms. Kidd would complain often, made other employees "afraid" to confront her over her actions, and needed more direct supervision than any of his other employees. He said that [Supervisor] had complained to him about Ms. Kidd in the past, but he did not feel like he could "butt into [the

²⁰ 5 ILCS 430/20-10(c).

Supervisor's Bureau's]" business. [Employee 2] said that he does not know what happens in Ms. Kidd's work unit, but he is happy she no longer works in his unit.

The OEIG also spoke to former IEPA Director Lisa Bonnett about Ms. Kidd. Ms. Bonnett described how Ms. Kidd was assigned to work for [Supervisor] as a result of Ms. Kidd complaining about IEPA [Employee 3]. She said that she told [Supervisor] to assign Ms. Kidd work in order to keep her occupied during the work day, but she said she had no direct knowledge of Ms. Kidd's work product. She also said that she was not aware of any issues regarding Ms. Kidd's attendance at work, IAMG involvement, or even that Ms. Kidd's cubicle was on the third floor of the Suburban Office.

When the OEIG interviewed Ms. Kidd and asked her about her position description, she said that most of it does not apply to her current duties. However, when the OEIG asked her what she actually does, the only answers she provided were going through mail, representing the IEPA at job fairs, and other duties as assigned. Ms. Kidd said she only helps IEPA employees when she is needed and only when they ask her to help.

Ms. Kidd's explanation of her work duties is vague and does not provide any notion of what she does each day. None of the employees the OEIG interviewed had any idea of what Ms. Kidd did each work day or what her duties were. [Supervisor], the person who was assigned to be her supervisor, said that he does not know anyone who has given her any work since 2005. The other IEPA employees the OEIG interviewed described Ms. Kidd as someone who needs constant supervision and is known for her poor work product. However, despite this and [Supervisor's] concerns about his inability to monitor her sufficiently, Ms. Kidd's office was on the third floor of the Suburban Office and the office of the person she was assigned to work for was on the ground floor. The interviews describe a situation in which no supervisor wanted to manage Ms. Kidd, and as a result, she was assigned to report to someone who could not adequately supervise her, despite his concerns. This not only resulted in Ms. Kidd being able to abuse time, but it appears that Ms. Kidd was assigned to do little to no work for years.

Therefore, given IEPA's inability to articulate what Ms. Kidd's duties are, the lack of supervision over her, and the lack of work product from Ms. Kidd, the allegation that IEPA mismanaged Loretta Kidd is **FOUNDED**.

G. IEPA Failed To Administer Performance Evaluations For Its Employees

Per the Illinois Administrative Code, each agency must prepare an evaluation of its employees' performance "not less often than annually."²¹ The IEPA Employee Handbook requires that newly hired employees be evaluated twice during their first six months of employment²² and that certified employees²³ have annual evaluations conducted in writing.²⁴ During the course of

²¹ 80 Ill. Admin. Code sec. 302.270.

²² IEPA Employee Handbook, Chapter 4 Employment and Personnel Actions, 4-1 Employee Status (E).

²³ "Certified employees" are employees who have successfully completed a probationary period. IEPA Employee Handbook, Chapter 4 Employment and Personnel Actions, 4-1 Employee Status (D).

²⁴ IEPA Employee Handbook, Chapter 3 Employee Evaluation, Development And Training, 3-1 Employee Evaluations.

the investigation, the OEIG requested all performance evaluations for all IEPA clerical employees at salary steps 7 and 8, as defined in the collective bargaining agreement between IEPA and AFSCME, from March 27, 2009, through May 31, 2016. IEPA had 49 such employees, and gave the OEIG 163 performance evaluations for them. Were each of those 49 employees to have begun working for IEPA at salary step 7 on March 27, 2009, and ended work on May 31, 2016,²⁵ IEPA would have been required to conduct nine evaluations per employee over that period for a total of 441 evaluations for all 49 employees.

The OEIG reviewed audit reports of IEPA conducted by the Illinois Auditor General and discovered that from 2008 to 2014, the most recent year an audit report was available, each one contained a finding that a percentage of IEPA employees did not have a performance evaluation conducted during the examination period. In 2008, the Illinois Auditor General found that 30% of employees tested did not have a performance evaluation for the period tested, and it increased every year: in 2010 it was 40%, in 2012 it was 43%, and in 2014 it was 53%.

When the OEIG interviewed Ms. Bonnett and asked her about IEPA's performance evaluations, she said that she did not require them for employees who had reached salary steps 7 and 8, as defined in the collective bargaining agreement between IEPA and AFSCME. Ms. Bonnett said that because of the AFSCME contract, the performance evaluations of potentially 300 employees would have to be conducted by an IEPA Bureau Chief who has no direct supervision over them. When asked about the Illinois Auditor General findings, Ms. Bonnett said that she made a "conscious effort" to not resolve those findings.

Although it is unlikely that all 49 IEPA employees were at steps 7 and 8, as defined in the collective bargaining agreement between IEPA and AFSCME, from the entire period of March 27, 2009, through May 31, 2016, the number of evaluations IEPA was required to conduct for them is certainly higher than the 163 IEPA provided to the OEIG. Considered alongside the Illinois Auditor General's findings that IEPA did not conduct an increasing number of performance evaluations and Ms. Bonnett's admission that she did not require the performance evaluations for some employees, it is clear that IEPA failed to conduct annual performance evaluations of some of its employees.

Therefore, the OEIG concludes that the allegation that IEPA failed to conduct annual performance evaluations of some of its employees is **FOUNDED**.

²⁵ The OEIG did not conduct research into the length of service of each of the IEPA employees.

V. FINDINGS AND RECOMMENDATIONS

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

- **FOUNDED** – Loretta Kidd violated IEPA policy by failing to be at her workstation from her appointed starting time until her appointed quitting time by arriving at work late and leaving work early.
- **FOUNDED** – Loretta Kidd violated IEPA policy by failing to be at her workstation from her appointed starting time until her appointed quitting time by traveling from Springfield to Chicago during her work day on six occasions.
- **FOUNDED** – Loretta Kidd violated IEPA policy by using sick leave to travel to and from Springfield to visit her granddaughter and conduct work for IAMG.
- **FOUNDED** – Loretta Kidd violated IEPA policy by submitting falsified timesheets.
- **FOUNDED** – Loretta Kidd engaged in a conflict of interest when she conducted IAMG business on State time by using State scanners to scan IAMG documents and send them to her State email.
- **FOUNDED** – Loretta Kidd violated IEPA policy by failing to inform IEPA’s Ethics Officer in writing of her involvement with IAMG.
- **FOUNDED** – IEPA mismanaged Loretta Kidd by failing to adequately supervise her.
- **FOUNDED** – IEPA failed to conduct annual performance evaluations of some of its employees.

The OEIG recommends that Ms. Kidd be terminated from State employment, and a copy of this report be placed in her personnel file. The OEIG also recommends that IEPA ensure proper management of all of its employees and conduct performance evaluations in accordance with the Illinois Administrative Code and its own Employee Handbook.

No further investigation is required and this matter is closed.

Date: December 6, 2016

Office of Executive Inspector General
for the Agencies of the Illinois Governor
69 W. Washington St., Suite 3400
Chicago, IL 60602-3152

Grant Anderson
Assistant Inspector General #150

Steven Hochstetler
Investigator # 164



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 • (217) 782-3397

BRUCE RAUNER, GOVERNOR

ALEC MESSINA, ACTING DIRECTOR

December 23, 2016

Margaret A. Hickey
Executive Inspector General
Office of the Executive Inspector General
69 West Washington Street, Suite 3400
Chicago, IL 60602

Re: OEIG Case No. 16-00092 – Final Report

Dear Inspector General Hickey:

On December 6, 2016, the Illinois Environmental Protection Agency (“Illinois EPA”) received a copy of a cover letter and Final Report (dated the same day) from the Office of the Executive Inspector General (“OEIG”). The Final Report was the culmination of your office’s investigation and review of complaints and allegations involving an employee of the Illinois EPA. On behalf of the Illinois EPA, I am providing this response.

The Final Report details the complaints, information and evidence gathered through investigation, and analysis and findings. In the Final Report, all allegations against the employee were founded, and two additional findings were reached against the Illinois EPA.

In response to the recommendations of the Final Report, the Illinois EPA provides descriptions of the following actions taken to address the recommendations:

Recommendation: The OEIG recommends the employee be terminated from State employment and a copy of the Final Report placed in the employee’s personnel file.

Response: Prior to receipt of the OEIG cover letter and Final Report, the employee had previously informed the Illinois EPA of her intention to retire by December 31, 2016. Thus, there was not enough time for the completion of our own investigation, as well as initiation of appropriate discipline between receipt of the Final Report and December 31, 2016. Instead, on December 20, 2016, the Illinois EPA effectuated the employee’s immediate departure from the Illinois EPA, using her remaining benefit time to help cover the time until her retirement date. The Illinois EPA will place documentation of this agreement and the Final Report in her personnel file.

Recommendation: The OEIG recommends that Illinois EPA ensure proper management of all its employees and conduct performance evaluations in accordance with the Illinois Administrative Code and its own Employee Handbook.

Response: The Illinois EPA will be conducting a comprehensive review of the existing management structure for regional offices, including that in which the employee was stationed. Further, the Illinois EPA will be placing additional emphasis on diligent compliance with the requirement of performance evaluations for all employees.

If you have any questions regarding this letter, please let me know.

Sincerely,



John J. Kim
Chief Legal Counsel