

OEIG SUMMARY REPORT

I. SUMMARY OF THE ALLEGATIONS

On January 13, 2017, the Office of the Executive Inspector General (OEIG) received an anonymous complaint alleging that Chicago Transit Authority (CTA) Carpenter Foreman James Halleran and Carpenters Kevin Cook and [CTA Employee 1] were [the remaining part of this sentence is redacted because it relates to an allegation that the OEIG determined was unfounded; therefore, the Commission exercises its discretion to redact the remainder of this sentence pursuant to 5 ILCS 430/20-52(a)].

The OEIG received another anonymous complaint¹ on March 9, 2017, alleging that Mr. Cook left work early at least once a week and “there is a possibility that he is lying on his time sheet.” This complaint was closed into 17-00062.

Based on these allegations, the OEIG opened an investigation to determine whether there was any time abuse being committed by these individuals.

II. BACKGROUND

A. CTA Carpenters

CTA carpenters are responsible for repairing, rebuilding, constructing, and maintaining wood components of the CTA, both inside and outside of their assigned reporting locations. Kevin Cook and [CTA Employee 1] began working at the CTA as carpenters in October 1996 and August 2002, respectively. At the time of the initial complaint, both reported to Carpenter Foreman James Halleran at the garage located at 77th & Vincennes (77th Garage.)

Mr. Halleran worked for the CTA for approximately 31 years, first as a carpenter and then was promoted to carpenter foreman in March 2008. In addition to supervising the activities of his assigned carpenters, Mr. Halleran was responsible for preparing reports related to shop operations, including in-progress and completed work. Mr. Halleran retired from the CTA on March 31, 2017.

B. Facilities Maintenance Timekeeping Procedures

1. Mobile Workforce Management Application

All CTA-issued cell phones are installed with a mobile workforce management application, that can be used, in part, for timekeeping purposes. The application also has Global Position System (GPS) capabilities, which the CTA may use to identify and track the location of employees logged in to the application.

At the time of the complaint, CTA Bulletin No. FM 001, effective September 27, 2015 (Field Force Policy), outlined procedures for using the application Field Force Manager. The Field

¹ This complaint was originally assigned unique OEIG case number 17-00400.

Force Policy stated that all Facilities Maintenance personnel, including carpenters and foremen, had to use the Field Force Manager application installed on their CTA-issued cell phones to document their time by pressing “start shift” at the beginning of the work day, recording lunch breaks, and pressing “end shift” at the end of the day. The Field Force Policy also stated that employees had to keep their CTA-issued cell phones on them at all times and prohibited employees from giving cell phones to someone else.

At the end of 2015 or beginning of 2016, the CTA switched cell service providers and began using a different application, StreetSmart, instead of Field Force Manager. CTA Bulletin No. FM 001 Revision March 2017, effective March 20, 2017 (StreetSmart Policy), mirrors the Field Force Policy but specifically references the StreetSmart application.²

2. Daily Work Logs

The CTA implemented a daily dispatch work order log (work log) procedure on June 4, 2015. CTA Bulletin No. FM 1001 (Work Log Policy) establishes the guidelines that Facilities Maintenance Trade and Engineering Staff must follow when completing work logs. It states that carpenters must report their work time, break time and travel time, and the total hours worked (this should total 8.5 hours when a full day is worked).³ The work log provides space for carpenters to document work location, start time, stop time, travel time, total work time, lunch break time, and work description. Furthermore, the Work Log Policy states that it is the responsibility of the employees to turn in completed work logs “at the end of each shift every day” to the foreman and that it is the responsibility of the foreman, as their supervisor, to review and maintain all work logs.

III. INVESTIGATION

A. Interview With CTA General Manager Facilities Maintenance James Kissane

On March 28, 2017, the OEIG interviewed CTA General Manager, Facilities Maintenance James Kissane who is responsible for, among other things, issuing daily work order reports, issuing performance measurement reports, approving overtime, and issuing discipline. According to Mr. Kissane, carpenters work within Facilities Maintenance at various locations and report directly to the carpenter foremen, who then report directly to him.

1. Carpenter Timekeeping Documentation

Mr. Kissane confirmed that carpenters’ work hours are 7:00 a.m. to 3:30 p.m. each day. He said that carpenters have reporting locations that they are assigned, and they must start and end their day at the reporting location. He explained that carpenters use the StreetSmart application

² The Field Force Policy was in effect during the time of the complaint, but not applicable to the StreetSmart mobile workforce application that the carpenters were using at the time. The OEIG learned throughout its investigation that the carpenters were trained to use the StreetSmart application and were expected to use it in the same manner as outlined in the Field Force Policy.

³ Per the Agreement between the CTA and the Chicago Regional Council of Carpenters, United Brother of Carpenters and Joiners of America, carpenters have an 8.5-hour work day, including .50 hour of unpaid lunch.

installed on their CTA-issued cell phones to document start times, lunch break times, and end times, and that he and the foreman can view employees' StreetSmart records to monitor their employees.⁴ According to Mr. Kissane, the only time employees would physically sign in or out at their reporting location is if they forgot or broke their cell phone.

Mr. Kissane stated that in addition to recording time using the StreetSmart application, carpenters document their work time and work progress by filling out work logs. Carpenters are required to record their start time, work location, description of work, and end time on each log. Mr. Kissane said that the carpenters turn in the work logs to their foremen at the end of each day and that the foremen use both the work logs and the StreetSmart records to complete daily payroll records.

2. Monitoring of Carpenters

Mr. Kissane also told OEIG investigators that he monitors the foremen to ensure they are properly supervising the carpenters. Mr. Kissane said that in January 2017, he observed that a project that Mr. Halleran was responsible for was not completed in a timely manner. Upon further inquiry, he learned that Mr. Halleran was not properly overseeing his men, that he lied on the status of a work order, and that he failed to submit certain reports. Mr. Kissane said he accordingly suspended Mr. Halleran for one day and transferred him to the West Shop facility, where Mr. Kissane worked, so he could give him more supervision.⁵

Immediately after his OEIG interview, Mr. Kissane performed a random attendance check on the carpenters at the 77th Garage. Mr. Kissane informed OEIG investigators that at 3:15 p.m. on March 28, 2017, he (Mr. Kissane) arrived at the 77th Garage and found that all carpenters were in attendance, except for Mr. Cook. He said that Mr. Cook had not returned by the time he left the garage at 3:31 p.m. and that Mr. Cook's StreetSmart records for that day showed that Mr. Cook's StreetSmart application stopped working at 1:13 p.m. that day. He told investigators that Mr. Cook would be suspended for one day, docked pay from 1:13 p.m. to 3:30 p.m., and transferred to the West Shop facility.⁶

B. Review Of The Timekeeping Records

The OEIG obtained, reviewed, and compared the timekeeping records for Mr. Halleran, Mr. Cook, and [CTA Employee 1] to determine whether there was evidence of time abuse being committed.

⁴ The StreetSmart records also break down the individual's location by time, address, activity, the time duration between stops, and the distance travelled between stops for any given day.

⁵ The OEIG confirmed this discipline and transfer. Mr. Kissane later informed investigators that in February 2017, after Mr. Halleran was transferred to the West Shop facility, [CTA Employee 7], who was the foreman located at the West Shop facility, began supervising the carpenters at the 77th Garage along with the carpenters at the West Shops. In April 2017, the carpenters at the 77th Garage began reporting to other carpenters who temporarily acted as foremen (acting foremen), and in November 2017, [CTA Employee 5] became the permanent foreman at the 77th Garage.

⁶ Mr. Cook confirmed to the OEIG that he was disciplined for leaving work early on March 28, 2017 and was transferred to the West Shop facility. Specifically, Mr. Cook was issued a Gross Misconduct/Behavioral violation for leaving his assigned work area. *See* CTA General Rulebook 7(a)(b)(c) and 14(i).

1. Review of the StreetSmart Application Records

The OEIG reviewed six months of StreetSmart records for Mr. Halleran, Mr. Cook, and [CTA Employee 1], from October 1, 2016 to March 31, 2017. The StreetSmart records generally showed that during this period all three carpenters began their shifts at various times before 7:00 a.m. from the 77th Garage. The StreetSmart records showed that all three typically worked a full day and ended their shifts at approximately 3:30 p.m. from the 77th Garage. However, there were two days when Mr. Cook's records suggested he did not work a full day as detailed below:

- **October 12, 2016:** StreetSmart records showed that Mr. Cook ended his shift at 1:45 p.m. at the 77th Garage and then logged back in to the application at 1:47 p.m. The GPS activity on the StreetSmart records showed he was in Merrillville, Indiana at 2:38 p.m. He did not log out of StreetSmart at the end of his shift on this day, and the StreetSmart records showed no other information for that day.⁷
- **March 28, 2017:** StreetSmart records showed that on the day of Mr. Kissane's OEIG interview and subsequent spot check at the 77th Garage, the last GPS activity on Mr. Cook's StreetSmart records was at the 77th Garage at 1:13 p.m. He did not log out of StreetSmart at the end of his shift on this day, and the StreetSmart records showed no other information on that day.

2. Review of the Daily Work Logs

The OEIG also reviewed approximately seven months of work logs, from September 1, 2016 to March 31, 2017, that were completed by Mr. Cook and [CTA Employee 1] and compared the work logs with the StreetSmart records.⁸ The CTA provided the OEIG with only 14 work logs out of 133 days worked for Mr. Cook and 20 work logs for 130 days worked for [CTA Employee 1].

Many of the work logs had both Mr. Cook and [CTA Employee 1]'s names on them. Three of the logs did not have signatures, and at least nine did not have the total number of hours worked. The OEIG found four work logs that varied from the StreetSmart records for Mr. Cook or [CTA Employee 1]. The discrepancies involved different beginning and/or end times but the actual number of hours worked according to the StreetSmart records was of an equal or greater amount of time than that listed in the work logs.⁹

⁷ The payroll records for October 12, 2016 showed that Mr. Cook was paid for 8.0 hours of work and that no benefit time was used on this day.

⁸ Carpenter foremen are not required to complete daily work logs and thus there were no work logs for Mr. Halleran.

⁹ The four work logs include logs dated February 22, March 1, March 16, and March 20, 2017.

3. Work Logs of all Carpenters at the 77th Garage

The OEIG also requested the work logs for the six other carpenters who worked under Mr. Halleran to determine if work logs were missing for the other carpenters. The OEIG reviewed all eight carpenters' work logs from September 1, 2016 to May 16, 2017, and found the following:

Total Work Logs for September 1, 2016 – May 16, 2017

Name	Number of Work Logs	Number of Days Worked ¹⁰	Number of Missing Work Logs
Kevin Cook	14	163	149
Roberto Delosrios	29	162	133
[CTA Employee 1]	48	160	112
[CTA Employee 2]	71	137	66
[CTA Employee 3]	117	170	53
[CTA Employee 4]	111	163	52
[CTA Employee 5]	129	152	23
[CTA Employee 6]	146	159	13

The following is the approximate number of work logs completed and submitted by the carpenters between September 1, 2016 and January 31, 2017, the five-month period that Mr. Halleran was the foreman:

Work Logs for September 1, 2016 – January 31, 2017 When Mr. Halleran was Foreman

Name	Number of Work Logs	Number of Days Worked	Number of Missing Work Logs
Kevin Cook	1	93	92
Roberto Delosrios	16	93	77
[CTA Employee 1]	10	91	81
[CTA Employee 2]	51	81	30
[CTA Employee 3]	69	98	29
[CTA Employee 4]	68	95	27
[CTA Employee 5]	70	92	22
[CTA Employee 6]	79	91	12

¹⁰ Investigators reviewed a time capture report, which records the type of "time" used, for the carpenters to determine the number of days worked during this time period. The OEIG did not include training days or days when the carpenters were acting foreman, as work logs would not be completed on those days. The OEIG also did not include any weekends that the carpenters worked.

The OEIG then reviewed additional work logs and noted that after Mr. Halleran was removed as foreman for the 77th Garage, all of the carpenters began completing their work logs slightly more than when Mr. Halleran had been overseeing them.

Work Logs for February 1, 2017 – May 16, 2017
After Mr. Halleran was Removed as 77th Garage Foreman

Name	Number of Work Logs	Number of Days Worked	Number of Missing Work Logs
Kevin Cook	13	70	57
Roberto Delosrios	13	69	56
[CTA Employee 1]	38	69	31
[CTA Employee 2]	20	56	36
[CTA Employee 3]	48	72	24
[CTA Employee 4]	43	68	25
[CTA Employee 5]	59	60	1
[CTA Employee 6]	67	68	1

Mr. Kissane told investigators that shortly after his March 28, 2017 OEIG interview, he requested work logs from his 77th Garage carpenter foremen, [CTA Employee 7] and [CTA Employee 8], and that he reminded them to make sure their carpenters were completing and turning in the work logs. Beginning in April 2017, shortly after Mr. Kissane’s spot check, records show that the carpenters began completing their work logs consistently, except for Mr. Cook and Mr. Delosrios. For example, between April 1, 2017 and May 16, 2017, Mr. Cook completed zero out of 29 days worked, while Mr. Delosrios completed only five out of 28 days worked while the other six carpenters were missing only eight work logs collectively. [CTA Employee 1], specifically, was only missing three work logs during this period, completing 27 of 30 work logs.

The OEIG interviewed Mr. Cook, [CTA Employee 1] and Mr. Delosrios regarding the alleged time abuse and their timekeeping practices.

C. Interview Of Kevin Cook

On May 11, 2017, the OEIG interviewed Mr. Cook who confirmed that he works Monday through Friday from 7:00 a.m. to 3:30 p.m. and that his hours only differ if overtime is needed. He said that he usually keeps track of his time by using the StreetSmart application on his CTA-issued cell phone and filling out daily work logs. However, he told investigators that he was currently physically signing in and out at his reporting location because he had lost his CTA-issued cell phone on March 28, 2017.

1. Mr. Cook’s StreetSmart Records

Mr. Cook stated that he usually arrives at his reporting location between 5:30 a.m. and 6:30 a.m., even though his shift does not officially start until 7:00 a.m. He explained when he arrives at work he hits “start shift” on the StreetSmart application, and then hits the “end shift” button on the StreetSmart application.

The OEIG asked Mr. Cook about his StreetSmart records for October 12, 2016 that show he did not log out at the end of the day but his GPS activity shows him in Merrillville, Indiana at 2:38 pm.¹¹ Mr. Cook explained that he had a [appointment] that day and that Mr. Halleran gave him permission to leave early. The OEIG subsequently presented Mr. Cook with a copy of the payroll records for that day. He confirmed he was paid for 8.0 hours without the loss of benefit time, instead of the 6.25 hours that he worked. Mr. Cook stated that Mr. Halleran should have documented that he left early and should have not paid him for the full 8.0 hours of work that day.

The OEIG questioned Mr. Cook about his StreetSmart records for March 1, 2017 that show that he started his shift at 5:31 a.m. and ended his shift at 2:30 p.m. Mr. Cook explained that Foreman [CTA Employee 7] had given him permission to work from 6:00 a.m. to 2:30 p.m. that day because he had a [appointment].

Additionally, the OEIG presented Mr. Cook with a copy of his StreetSmart records for March 28, 2017, which showed that he never ended his shift or logged off of StreetSmart. The records showed that he stopped at the 77th Garage at 1:13 p.m., and reflected no other activity on that day. Mr. Cook explained that he had lost his CTA-issued cell phone that day and that he spent the afternoon looking for it in the garage. He confirmed that he was disciplined by the CTA for leaving work early on this day.

2. Mr. Cook's Work Logs

Mr. Cook confirmed that in addition to using the StreetSmart application, he also completes a work log, which documents, among other things, his start time, end time, and total hours worked. He said that he is required to submit the signed work log to his foreman at the end of each day and that his signature represents that all the information on the work log is accurate. He said he began completing these logs about a year ago, when his foreman, Mr. Halleran, told him about the procedures being implemented to document the amount of time spent on CTA projects.

[Pursuant to footnote 17, 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. The information in this paragraph is redacted because it relates to an allegation that the OEIG determined was unfounded. Therefore, the Commission exercises its discretion to redact this paragraph pursuant to 5 ILCS 430/20-52(a)].

When OEIG investigators presented Mr. Cook with the 12 work logs for the approximately seven-month period,¹² Mr. Cook replied that either he or his partner for the particular day completed work logs a majority of the time. Furthermore, he said that he heard that Mr. Halleran's office was a mess and he believed that Mr. Halleran most likely lost a lot of paperwork. He did admit, however, that there were some occasions that he or his partner did not complete a work log.

¹¹ The OEIG was not provided a work log for Mr. Cook for this day.

¹² At the time of the interview, investigators had 13 work logs, including a work log for March 30, 2017. This work log was inadvertently not discussed during the interview. A 14th work log was provided by the CTA after this interview, for December 20, 2016.

Additionally, Mr. Cook told investigators that [CTA Employee 1] signed his name on most of his work logs. He explained that while he did not explicitly ask [CTA Employee 1] to sign his name on his behalf, he had no problem with [CTA Employee 1] doing so because he did not believe work logs were official CTA documents. Mr. Cook said he has never had anyone log out of his StreetSmart application on his behalf.

D. Interview Of [CTA Employee 1]

On May 12, 2017, the OEIG interviewed [CTA Employee 1] regarding time abuse and his timekeeping records. [CTA Employee 1] confirmed that he works Monday through Friday from 7:00 a.m. to 3:30 p.m. and his hours only differ if overtime is needed. Like Mr. Cook, [CTA Employee 1] acknowledged that he keeps track of his time using the StreetSmart application on his CTA-issued cell phone and filling out daily work logs.

[CTA Employee 1] told the OEIG that at the end of the day he usually reports back to the 77th Garage where he unloads his tools and completes a work log, which he signs and turns into the foreman. [CTA Employee 1] said that about four years ago, Mr. Halleran informed him of the new work log requirements, but he was never given instruction or informed on how to properly complete the work logs. The OEIG showed [CTA Employee 1] a copy of the Work Log Policy. [CTA Employee 1] denied receiving a copy of it, explaining that there was no designated area for bulletins at the 77th Garage. [CTA Employee 1] explained that if he had any questions about work logs, he asked his co-workers.

When OEIG investigators presented [CTA Employee 1] with 17 work logs for an approximately seven-month period, [CTA Employee 1] insisted that there were more work logs with his name on them.¹³ He stated that there were some instances that he worked in the garage, or took the day off, which would explain some missing logs. [CTA Employee 1] said that he also heard from other carpenters that Mr. Halleran's office was a mess and he suspected that Mr. Halleran most likely lost a lot of paperwork. He ultimately admitted there were some occasions that he forgot to complete a work log.

[CTA Employee 1] explained that he either filled out the work logs himself or they were filled out by his partner that was working with him at the time. [CTA Employee 1] said that when he was partnered with Mr. Cook, he ([CTA Employee 1]) filled out the logs for both himself and Mr. Cook and signed Mr. Cook's name with Mr. Cook's permission. He explained that Mr. Cook told him "if you want it signed, sign it" after reviewing the logs. [CTA Employee 1] admitted, however, that he knew he should not have signed Mr. Cook's name for him. He added that he has never logged out for any employees on their StreetSmart application on their behalf, nor had anyone logged out on his behalf.

¹³ After [CTA Employee 1]'s interview, the CTA provided the OEIG with work logs dated September 2, 8, and 9, 2016, bringing [CTA Employee 1]'s total number of work logs to 20 during this time period.

E. Interview With Roberto Delosrios

On January 16, 2018, the OEIG interviewed Roberto Delosrios regarding his timekeeping records.¹⁴ Mr. Delosrios confirmed that he reports to the 77th Garage at 7:00 a.m. and ends his day at 3:30 p.m. back at the 77th Garage. Like Mr. Cook and [CTA Employee 1], Mr. Delosrios told investigators that he keeps track of his time using the StreetSmart application on his CTA-issued cell phone and by filling out daily work logs. Mr. Delosrios also confirmed that he reported to Mr. Halleran for approximately two and a half years until Mr. Halleran retired in April 2017.

Mr. Delosrios told OEIG investigators that, every day, he documents his daily work assignments on a printed-out work log, signs them, and turns them into a bin located in the foreman's office. He stated that the purpose of the work logs was to compare it with work orders to ensure the correct hours are attributed to the time worked each day. He said that in 2015, [CTA Employee 7] told him that he needed to start completing the daily work logs, but he did not remember receiving training on how to complete them.

When OEIG investigators presented Mr. Delosrios with 29 work logs for an approximately eight-and-a-half-month period, Mr. Delosrios stated that he had no idea why there were so many of his work logs missing.¹⁵ He told investigators that he had completed work logs every day and gave them to the foreman. He added that he keeps a personal record of the work that he completes each day in case something unexpected happens while he is on the job.

F. Attempted Interview Of James Halleran

On July 6, 2017, the OEIG requested to interview Mr. Halleran regarding the alleged time abuse and to clarify why some carpenters' work logs were missing and others were not. Mr. Halleran is currently retired and did not agree to be interviewed. The OEIG declined to use its subpoena power to obtain an interview of Mr. Halleran, and further delay this investigation.

IV. ANALYSIS

A. Time Abuse Allegations

As part of its investigation, the OEIG reviewed various time records of CTA employees in order to determine whether there was any time abuse occurring. While the OEIG was not able to find evidence to substantiate regular time abuse on the part of Mr. Cook or [CTA Employee 1], there was evidence of two instances, October 12, 2016 and March 28, 2017,¹⁶ of Mr. Cook leaving his assigned work location early and being paid for time he was not at work without taking benefit time.

¹⁴ The OEIG initially attempted to schedule an interview with Mr. Delosrios on August 30, 2017 and learned that he was [out of the shop].

¹⁵ The OEIG showed Mr. Delosrios one more work log, but it was outside the time period that was analyzed in this case.

¹⁶ Because Mr. Cook was previously disciplined by CTA for the March 28, 2017 violation, the OEIG is not making a finding regarding this misconduct.

Since at least September 2015, CTA carpenters are required to use an application on their CTA-issued cell phones to document start times, lunch break times, and end times. Mr. Cook's StreetSmart records for October 12, 2016 showed that Mr. Cook documented that he started his shift at 6:35 a.m., ended his shift at 1:45 p.m., started his shift again at 1:47 p.m., and did not end his shift again on that day. The GPS location for the 1:45 p.m. end shift and 1:47 p.m. start shift showed that Mr. Cook was at the 77th Garage. The StreetSmart records also showed, however, that at 2:38 p.m., Mr. Cook was in Merrillville, Indiana, not at his work location. There was no work log for this day to compare to his StreetSmart records.

In his interview, Mr. Cook told OEIG investigators that on October 12, 2016, he had a [appointment] in Indiana and that Mr. Halleran gave him permission to leave work early. Despite this supposed permission, Mr. Cook's payroll records for that same day, showed he received payment for the full 8.0 hours, with no benefit time used, instead of the 6.25 hours that Mr. Cook actually worked. Mr. Cook admitted that the CTA should have not paid him for a full work day. Thus, the allegation that Mr. Cook violated CTA policy by failing to document his end time on his CTA-issued cell phone, resulting in him receiving payment for time he did not work, is **FOUNDED**.¹⁷

B. Failure To Complete Daily Work Logs

As part of the time abuse investigation, the OEIG found that most carpenters at the 77th garage had not been properly filling out or submitting work logs required by CTA policy. According to the Work Log Policy, carpenters must document, among other things, their start time, end time, and total hours worked on the work logs. These work logs are supposed to be turned in to the foreman at the end of each day.

The OEIG found that between September 1, 2016 and May 16, 2017, all the carpenters at the 77th garage were missing work logs for days that they worked. The number of work logs missing ranged from 13 missing work logs to 149 missing work logs. Specifically, each carpenter was missing the following number of work logs:

- Mr. Cook: 149 work logs out of 163 days worked
- Mr. Delosrios: 133 work logs out of 162 days worked
- [CTA Employee 1]: 112 work logs out of 160 days worked
- [CTA Employee 2]: 66 work logs out of 137 days worked
- [CTA Employee 3]: 53 work logs out of 170 days worked
- [CTA Employee 4]: 52 work logs out of 163 days worked
- [CTA Employee 5]: 23 work logs out of 152 days worked
- [CTA Employee 6]: 13 work logs out of 159 days worked

¹⁷ 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.

None of the carpenters completed work logs 100% of the time, with Mr. Cook, Mr. Delosrios, and [CTA Employee 1] missing significantly more work logs than the rest of the carpenters.

The submission of work logs, however, changed after Mr. Kissane's OEIG interview on March 28, 2017. Subsequent to the interview, Mr. Kissane performed an attendance spot check at the 77th Garage and reminded 77th Garage carpenter foremen to ensure that carpenters complete and turn in their work logs. The OEIG found that beginning in April 2017, most of the carpenters began completing their work logs on a more consistent basis, except for Mr. Cook and Mr. Delosrios. Between April 1, 2017 and May 16, 2017, Mr. Cook did not complete any work logs out of 29 days worked, while Mr. Delosrios completed only five work logs out of 28 days worked. The other six carpenters were missing only eight work logs, collectively, during this same period, with [CTA Employee 1] only missing three work logs out of 30 days worked. Because these six carpenters began consistently completing their work logs after being reminded to do so, the OEIG makes no findings with respect to these six carpenters for failing to strictly adhere to the CTA's Work Log Policy. However, even after Mr. Kissane's spot check and subsequent reminder to carpenter foremen to ensure that carpenters complete their work logs, Mr. Cook and Mr. Delosrios failed to do so.

In his OEIG interview, Mr. Cook admitted that there were some occasions where he or his partner did not complete a work log, but he insisted that he or his partner completed work logs a majority of the time. He also speculated that Mr. Halleran lost many of the work logs. The OEIG finds this assertion without merit for two reasons. First, the CTA provided the OEIG with a majority of the work logs for five other carpenters, all of whom also reported to Mr. Halleran. Additionally, the CTA could only produce 13 work logs completed by Mr. Cook out of 70 days worked after Mr. Cook stopped reporting to Mr. Halleran. Thus, the allegation that Mr. Cook failed to complete his work logs in violation of the Work Log Policy is **FOUNDED**.

When investigators questioned Mr. Delosrios as to why the CTA provided only 29 work logs for him for an approximately eight-and-a-half-month period, Mr. Delosrios could not provide an explanation. Thus, the allegation that Mr. Delosrios failed to complete his work logs in violation of the Work Log Policy is **FOUNDED**.

- C. [The information in this subsection is redacted because it relates to an allegation that the OEIG determined was unfounded. Therefore, the Commission exercises its discretion to redact this subsection pursuant to 5 ILCS 430/20-52(a)].

V. FINDINGS AND RECOMMENDATIONS

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

- **FOUNDED** – Kevin Cook violated CTA policy by failing to properly document his end work time on October 12, 2016.

- **FOUNDED** – Kevin Cook violated CTA’s Work Log Policy (Bulletin No. FM 1001) by failing to complete daily work logs.
- **FOUNDED** – Roberto Delosrios violated CTA’s Work Log Policy (Bulletin No. FM 1001) by failing to complete daily work logs.
- **UNFOUNDED** – [The information in this sentence is redacted because it relates to an allegation that the OEIG determined was unfounded. Therefore, the Commission exercises its discretion to redact this sentence pursuant to 5 ILCS 430/20-52(a)].

The OEIG recommends that the CTA take whatever action it deems appropriate with regard to Mr. Cook.

The OEIG also recommends that the CTA counsel Mr. Delosrios, and any other applicable 77th Garage employees, based on their failure to submit daily work logs pursuant to CTA policy with regard to submitting daily work logs. Alternatively, the CTA may want to consider whether the Work Log policy is necessary, considering its StreetSmart application, in order to meet the timekeeping requirements of the Ethics Act, and/or for the need of CTA’s determination of actual time worked by employees.

No further action is necessary and this matter is considered closed.

Date: **May 15, 2018**

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**AGENCY OR ULTIMATE JURISDICTIONAL AUTHORITY
RESPONSE FORM**

Case Number: 17-00062

Return 20 Days After Receipt

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

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

We will implement some or all of the OEIG recommendations but will require additional time to do so.
We will report to OEIG within 30 days from the original return date.

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


Signature

James D. D'Amico
Print Name

Chicago Transit Authority
Vice President, Facilities Maintenance
Print Agency and Job Title

5/30/18
Date



TO: Executive Ethics Commission

FROM: William Mooney
Chief Infrastructure Officer

DATE: March 31, 2021

RE: OEIG Case No. 17-0062– FINAL REPORT RESPONSE

CTA concurs with the findings made by the OEIG in the above-referenced final report (Final Report), namely that CTA Carpenter Kevin Cook violated CTA policy by failing to properly document his end work time on October 12, 2016 and that Mr. Cook and CTA Carpenter Roberto Delosrios violated CTA's Work Log Policy by failing to complete daily work logs. Due to Mr. Cook being off duty due to [REDACTED], CTA continued the time period to respond to this Final Report through agreement with the OEIG. As such, this is CTA's response detailing the actions CTA has taken with regards to the OEIG's Final Report recommendations.

CTA's Response to the OEIG's Recommendations

The OEIG recommends that the CTA take whatever action it deems appropriate with regard to Mr. Cook.

This Final Report was issued to CTA on May 16, 2018. Prior to the issuance of this Final Report, on March 8, 2018, Mr. Cook was off duty due to a [REDACTED] and remained off duty due to [REDACTED] until he retired on September 24, 2020. Mr. Cook is no longer an employee at CTA and a copy of this Final Report has been placed in Mr. Cook's permanent personnel file. Also, as the OEIG notes in the Final Report, when Mr. Cook was an active employee, CTA disciplined him for his violation of CTA's timekeeping policy on March 28, 2017.

The OEIG also recommends that the CTA counsel Mr. Delosrios, and any other applicable 77th Garage employees, based on their failure to submit daily work logs pursuant to CTA policy with regard to submitting daily work logs. Alternatively, the CTA may want to consider whether the Work Log policy is necessary, considering its StreetSmart application, in order to meet the timekeeping requirements of the Ethics Act, and/or for the need of CTA's determination of actual time worked by employees.

As the OEIG acknowledges in the Final Report, CTA Management intervened in April 2017 to assess compliance with CTA Facilities Maintenance Carpenters' timekeeping procedures and issued a reminder about following proper protocols. As a result of this intervention, as the OEIG also acknowledges, the resulting issues concerning timekeeping were limited to Mr. Cook and Mr. Delosrios.

CTA Facilities Maintenance Carpenters, including Mr. Delosrios, are trained regarding timekeeping policies and procedures in accordance with CTA's current timekeeping bulletins so as to ensure each employee's compliance with the timekeeping requirements of the State Officials and Employees Ethics Act (State Ethics Act). CTA continues to monitor the timekeeping practices of our employees for compliance with our bulletins and the State Ethics Act.

With respect to current CTA timekeeping procedures for CTA Carpenters in the Facilities Maintenance Department, since 2019, CTA has been using, and continues to use, the "INFOR" management program to track and manage Facilities Maintenance Department Carpenter work orders and payroll. As part of this process, CTA Carpenters in the Facilities Maintenance Department have the "Field Force" application installed on their CTA-issued mobile device. The Carpenters in the Facilities Maintenance Department use the "Field Force" application to log in and out of their shift as well as to log the start and end of their breaks throughout the day. As Facilities Maintenance Carpenters finish their daily assigned work orders they notify their supervising Carpenter Foreperson and that Carpenter Foreperson tracks the statuses of the work orders assigned to the Carpenters they supervise by entering that information into the "INFOR" program. The Carpenter Foreperson enters the hours worked, the travel time, and any other associated breaks for the Carpenter with respect to each work order in the "INFOR" program. To help Carpenter Forepersons track all of this information before entering it into the "INFOR" program, some Carpenter Forepersons elect to utilize the Daily Work Logs referenced in CTA's Work Log Policy (Bulletin No. FM 1001), but the manual completion of these logs is no longer required.

No further action will be taken on this matter and CTA considers this complaint closed.

cc: Nora Leerhsen, CTA Chief of Staff
Colleen Thomas, OEIG