IN THE EXECUTIVE ETHICS COMMISSION
OF THE STATE OF ILLINOIS

IN RE:	MARLENE MERIWETHER and JOHN ROGERS	))	OEIG Case #17-00213

OEIG FINAL REPORT (REDACTED)

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

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

The Commission received 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 Executive Inspector General for the Governor, and to Marlene Meriwether and John Rogers at their last known addresses.

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

I. ALLEGATIONS

The Office of Executive Inspector General (OEIG) received a complaint alleging that then-Illinois Department of Employment Security (IDES) Manager of Support Services Marlene Meriwether favored certain contract employees, sourced through Seville Staffing (Seville), by paying them for overtime they did not work, giving them days off, and allowing them to abuse time. Specifically, the complaint identified the following Seville employees as those that Ms. Meriwether favored: [Employee 1] and [Employee 2],[1] working at the IDES State Street regional office location, and [Employee 3] and [Employee 4][2] at the IDES Western Avenue warehouse. The complaint also alleged that employees were required to pick Ms. Meriwether up in an IDES

[1] The complaint identified [Employee 2] as "[redacted first name]" [Employee 2]. During the course of the investigation, the OEIG learned that his name was [Employee 2] but was known as [redacted] by some of his co-workers.

[2] The complaint did not provide a last name for this employee, but the OEIG learned his full name later.

vehicle each morning in the location where she parked her personal car and then to drop her back off at her car at the end of the day.[3]

II. BACKGROUND

A. Illinois Department of Employment Security

IDES provides employment services to Illinois residents and employers, analyzes and disseminates essential labor market information, and administers unemployment insurance programs. IDES has office locations throughout the State of Illinois, including five regional offices. The Chicago regional office is located at 33 S. State Street, with an additional entrance at 36 S. Wabash Avenue. IDES also operates a warehouse at 100 N. Western Avenue in Chicago, approximately four miles from the regional office.

B. Marlene Meriwether

Ms. Meriwether worked for the State of Illinois for 45 years prior to retiring on December 31, 2016 as IDES Manager of Support Services. She was based out of the IDES regional office located at 33 S. State Street. Ms. Meriwether was responsible for the IDES mailroom, duplication of documents for local State offices, maintenance crew, and vehicle pool. Following her retirement, Ms. Meriwether continued to perform the same duties for IDES under three 75-day temporary appointments, from February 16, 2017 to October 31, 2018.[4] Ms. Meriwether's supervisor was General Services Manager John Rogers.

C. Seville Staffing

Seville is a temporary staffing contractor providing customized, value-added staffing solutions for administrative, light industrial and skilled manufacturing requirements to businesses, nonprofits, and government clients.[5] IDES entered into a contract with Seville for maintenance utility workers to provide "varied services," which included serving as delivery drivers, loading materials and supplies, retrieving files, and collecting mail.[6]

IDES' contract with Seville was for a term of October 31, 2016 through June 30, 2020, with a maximum total contract amount of over $3,000,000, broken down as follows:

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[3] The complaint also alleged that Ms. Meriwether forced some Seville employees to resign and replaced them with relatives of [Employee 1]. In her OEIG interview, Ms. Meriwether denied having any involvement in the hiring process for Seville employees. No other interviewee asked about this allegation had any specific information about Ms. Meriwether being involved in Seville hires, and the Seville contract does not indicate she had any authority to select who would work for Seville in this manner. Thus, the OEIG did not investigate this allegation further.

[4] Ms. Meriwether's temporary appointments limited her to working 75 days in a calendar year as an annuitant under the Illinois Pension Code. The OEIG reviewed this matter and found that the Illinois State Retirement Systems only counts compensated days toward the 75-day limit and Ms. Meriwether never exceeded that limit, regularly working without compensation instead.

[5] Seville Staffing, www.sevillestaffing.com (last visited January 4, 2019).

[6] Prior to its contract with Seville, IDES contracted with other staffing agencies, including Chicago Contract Cleaning & Supply and A1A Professional Cleaning and Supplies.

- Remainder of FY 2017 (10/31/2016 to 6/30/2017, "Year One"): $560,191.44
- FY 2018 ("Year Two"): $861,494.95
- FY 2019 ("Year Three"): $880,980.28
- FY 2020 ("Year Four"): $896,703.75

Under the Seville contract, an estimated nine utility workers and four utility lead workers were to each work eight hours per day, Monday through Friday, from 8:30 a.m. to 5:00 p.m., with a 30-minute lunch break.[7] The estimated number of work hours and billing rates (for the first full year of the contract, which was identified as "Year Two") for the utility workers and utility lead workers included in the contract are described in the chart below.[8]

Position	Number of Employees in each Category	Year Two Regular Hourly Billing Rate	Regular Hours Estimated to Work (Week/Annual)	Year Two Overtime Hourly Billing Rate	Overtime Hours Estimated to Work (Week/Annual)
Utility Workers	9	$20.18	40 / 2,080	$27.24	8.6 / 450
Utility Lead Workers	4	$23.92	40 / 2,080	$32.29	26 / 1,350

The cost estimates for the overtime alone were on average almost $300,000 each full year, or approximately 33% of the total contract value.

III. INVESTIGATION

A. The OEIG's Investigation into Waste and Mismanagement of the Seville Contract

OEIG investigators reviewed records related to timekeeping and payroll for the Seville employees assigned to IDES from September 2016 through January 2018. Investigators also interviewed several Seville employees, Ms. Meriwether, IDES General Services Manager John Rogers, and then-IDES Chief of Staff Helen Cashman.

1. Seville Timekeeping Records

OEIG investigators reviewed the IDES maintenance crew payroll records for the Seville employees assigned to IDES under the contract for the period of September 2016 to April 2017. The records showed that most employees were regularly paid for working overtime. For the period examined, Seville Utility Lead Workers [Employee 2], [Employee 3], and [Employee 1], and Utility Worker [Employee 4] consistently received the most overtime pay, with each averaging 31.25 hours of overtime pay weekly. Utility Lead Worker [Employee 5] and Utility Worker

[7] Contract # 17-C-34, §§1.2.4.1, 1.2.4.2, and 2.5.

[8] Contract # 17-C-34, §2.5. The contract laid out specific proposed billing rates for Years One through Four that included annual increases each year to the regular and overtime billing rates. This chart depicts the proposed rates for Year Two, the first full year of the contract. The estimated annual regular and overtime hours for Years Two through Four were identical, while the estimated annual hours for Year One were lower to account for a shorter term.

[Employee 6] averaged approximately 18 and 20 hours of overtime pay, respectively. The remaining employees averaged less than 4 hours of overtime pay per week.

Investigators reviewed the weekly timesheets for the Seville employees from July 2016 to September 2017. The weekly timesheets for the Seville employees were preprinted forms, which listed each of their names on a single form and had spaces for each day of the week. The dates, "In" and "Out" times, and total number of regular and overtime hours worked for each employee were handwritten. The employees also seemingly signed or initialed under each date. The timesheets were signed in the name of John Rogers and were directed to Ms. Meriwether's attention.

The OEIG also reviewed daily overtime authorization forms for the same period. Overtime was requested on an IDES form that included the date, names of employees requesting overtime, reasons for the overtime, the hours for each employee, and the employees' signatures. The forms were addressed to the "Manager" of the General Services Division from Ms. Meriwether and included a signature in the name of Mr. Rogers as approval.

When reviewing the weekly timesheets and daily overtime authorization forms, OEIG investigators noted that every employee's times, including lunch, were always on either the hour or the half hour. The times listed were often the same during the 14-month period. In addition, investigators noted the employees, hours, and reasons for overtime were nearly identical every day for the regional office employees, with tasks including early morning pick-up from the post office, early morning dumping of gurneys and shredders, and late afternoon loading of the mail truck. The overtime requests for the warehouse employees had a different task listed on each request, but almost always listed the same employees (Messrs. [Employee 3] and [Employee 4]) and requested the same 6.5 hours of overtime (6:00 a.m. to 8:30 a.m. and 5:00 p.m. to 9:00 p.m.).

2. Seville Employee Swipe Records

On January 10, 2018, OEIG investigators interviewed security staff at IDES' Chicago regional office and learned that Premier Security staffs the main entrance to the building every day, 24 hours a day, and that everyone working in the building should display their identification cards and use swipe cards to enter the work areas. Employees do not swipe out of their work areas when they leave.

Investigators reviewed the swipe records of the Seville employees assigned to the IDES regional office from November 2016 to April 2017.[9] The swipe records consistently showed that Seville employees swiped in until much later than they reported arriving on their timesheets. For example, the records reflected that:

- [Employee 2] regularly reported starting his day at 6:00 a.m., but his swipe records only reflected a swipe before 6:00 a.m. on one date and only seven other dates before 6:30 a.m., with the majority occurring after 8:00 a.m. On average, for the days that [Employee 2]

[9] The IDES warehouse on Western Avenue is not equipped with a swipe card reader.

reported working but swipe records indicated that he did not swipe in until after his reported starting time, swipes records differed from his reported start time by over two hours.[10]

- [Employee 1's] timesheets indicated a regular start time of 6:00 a.m., but his swipe records never reflected an initial swipe before 6:00 a.m. and only four before 6:30 a.m., with a majority closer to 8:00 a.m. On average, for the days that [Employee 1] reported working but swipe records indicated that he did not swipe in until after his reported starting time, swipes records differed from his reported start time by over one hour and 45 minutes.[11]

- [Employee 5] swiped in at or before his reported start time on 23 of 106 days he reported working. On average, [Employee 5's] swipe records for the days he swiped in after his reported start time differed by over one hour.

- [Employee 7] swiped in at or before his reported start time on 34 of 93 days he reported working. On average, [Employee 7's] swipe records for the days he swiped in after his reported start time differed by over one hour.[12]

3. Interviews of Seville Employees

The OEIG interviewed several Seville employees, including Utility Lead Workers [Employee 3],[13] [Employee 1],[14] and [Employee 5],[15] as well as Utility Workers [Employee 7] [16] and [Employee 6],[17] regarding their work hours and timekeeping documentation. Generally, the Seville employees indicated that they performed various duties as assigned by Ms. Meriwether or the lead workers, and the most commonly identified duties related to retrieving, sorting, and delivering the mail in the IDES offices, emptying garbage gurneys, and other basic tasks.[18] Seville employees, however, offered various explanations for their extended work schedules and the consistent need for overtime. A summary of their interview statements is included below by topic.

a. Work Hours

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[10] To arrive at this average, the OEIG did not consider the 13 days [Employee 2] reported working on his timesheets but never swiped in.

[11] To arrive at this average, the OEIG did not consider the 20 days [Employee 1] reported working on his timesheets but never swiped in.

[12] To arrive at the averages for Messrs. [Employee 7] and [Employee 5], the OEIG did not consider the eight days Messrs. [Employee 7] and [Employee 5] each reported working but never swiped in.

[13] [Employee 3] was interviewed on March 7, 2018. [Employee 3] told investigators that he had been working in his position at the IDES warehouse for 18 years under four different vendors.

[14] [Employee 1] was interviewed on March 8, 2018. [Employee 1] stated that he worked as a contract employee for the State for the past 22 years, which included time with five different companies.

[15] [Employee 5] was interviewed on April 11, 2017. [Employee 5] said that he had been a Lead Worker at IDES for over 20 years and was assigned to the IDES regional office.

[16] [Employee 7] was interviewed on March 12, 2018. [Employee 7] said that he had been working for Seville at the IDES office since December 2016.

[17] [Employee 6] was interviewed on September 6, 2017. [Employee 6] said that he had worked as a contract employee at IDES for approximately 17 years and that he reports to the IDES regional office.

[18] [Employee 3] also said that he was the only employee in either location with a Commercial Driver's License (CDL), so there was a high demand for him to perform other duties.

[Employee 3] explained that his regular work hours were from 8:30 a.m. to 5:00 p.m., but the warehouse opened at 6:00 a.m., so he always went to work at 6:00 a.m. and stayed late, often until at least 9:00 p.m. He said that he stayed late because there was always more work to be done, although he confirmed that his actual work hours varied depending on the assignments given.

[Employee 1] stated that he reported to work at the IDES regional office from 6:00 a.m. to 9:00 p.m. for the past few years.

[Employee 5] said that his scheduled work hours were 6:30 a.m. to 6:00 p.m. [Employee 5] said that he and [Employee 6] started working at 6:30 a.m., but other employees, such as [Employee 2] and [Employee 1], only worked 8:30 a.m. to 6:00 p.m., even though they were supposed to start work at 6:00 a.m. or 6:30 a.m. He said that he never saw them at work until later in the morning.

[Employee 7] said that his work hours were from 7:00 a.m. until 7:00 p.m.

[Employee 6] told investigators that he worked from 6:30 a.m. to 6:30 or 7:00 p.m., Monday through Friday, and also worked on some Saturdays. He said he had to be at work at 6:30 a.m. because the mail had to be "on the floor" by 10:30 a.m. He stated that [Employee 5] also normally arrived at 6:30 a.m., but did not actually start working until 7:00 a.m. or 7:30 a.m. [Employee 6] said that he was the only Seville employee that started his work day at 6:30 a.m. He claimed that he worked a lot because no one else knew how to retrieve the mail, sort it, and deliver it around the building efficiently. [Employee 6] explained that he drove to the post office, got the mail, and brought it back to the IDES office each morning, and that he did not leave work until after the mail truck picked up the mail at the end of the day, between 6:00 and 7:00 p.m. He stated that all of the Seville employees typically ended their work day between 6:30 and 7:00 p.m. because they all did the mail together.

b. Work Timekeeping Documentation

OEIG investigators asked Seville employees about how they generally documented their work time. Their responses are included below.

[Employee 3] said that he signed a timesheet when he came in each day but noted that the other three employees working at the warehouse often did not do so. [Employee 3] explained that his timesheets regularly ended at 9:00 p.m. because he had to "come off" work at 9:00 p.m. on the timesheets even if he worked later than 9:00 p.m. He said if he worked until 11:00 p.m., he marked his timesheet as working until 9:00 p.m. and put the two remaining overtime hours on his timesheet for the following day. [Employee 3] explained that this "rollover" procedure was why his timesheets always reflected him working until 9:00 p.m. even if he left earlier. [Employee 3] said that was how they had always recorded hours and that he learned it from previous workers.

[Employee 1] stated that each day, he went to Ms. Meriwether's office on the 11th floor to sign in on a timesheet before starting work. [Employee 1] confirmed that employees had to swipe in on each floor but did not have to swipe out to leave. He added that he could also walk in with another employee who swiped them both in.

When asked to explain the timekeeping procedures at the IDES office, [Employee 5] said that on Thursdays or Fridays, [Employee 1] walked around with a timesheet that all the Seville employees signed, and [Employee 1] subsequently added the times that each employee worked.

[Employee 7] told investigators that he signed in and out on a timesheet located in Ms. Meriwether's office, recording the time he came into the building every morning. [Employee 7] explained that because overtime was needed "pretty much every day," most employees worked from 7:00 a.m. to 7:00 p.m. When investigators showed [Employee 7] his timesheets and swipe records for March 2017, [Employee 7] said that he did not know why his timesheet showed him arriving at work earlier than the swipe card record. He said his first swipe of the day would typically be on the 11th floor, but sometimes he had to load or unload a truck at the dock before entering the building for the day. When asked about his start time, [Employee 7] changed his answer numerous times during the interview until he eventually said that he was told by Ms. Meriwether to record his hours as 7:30 a.m. to 7:00 p.m. every day, regardless of the actual hours he worked. [Employee 7] admitted that there were days when he did not swipe into the building or start work at 7:30 a.m., but he nevertheless indicated that he started every day at 7:30 a.m. on his timesheet.

[Employee 6] told investigators that he went to Ms. Meriwether's office each morning and wrote his start and end times for the day. [Employee 6] explained that that certain employees had been there for a long time and knew they would work until 6:30 or 7:00 p.m. He also told investigators that he based his hours on the fact that he was "guaranteed 60 hours per week." [Employee 6] stated that even if he ended work at 6:30 p.m., he still wrote 7:00 p.m. as his end time because sometimes he did not take a lunch break.

c. Overtime

OEIG investigators also asked the Seville employees about how much overtime they received, how they were assigned overtime, and what duties they generally performed while on overtime. In response to this line of questioning, they gave the following explanations.

When asked about overtime, [Employee 3] said it was done according to demand. For example, he attributed much of his overtime to the fact that he was the only employee with a Commercial Driver's License, so he regularly made trips to Springfield that resulted in him returning after 5:00 p.m. [Employee 3] explained that the overtime authorization forms did not include everything that was completed and said that sometimes he just turned in the sheets and Ms. Meriwether summarized what he did.

[Employee 1] said that, each day, all of the Seville employees worked overtime, adding that [Employee 5] and [Employee 7] generally left at 7:00 p.m., while he and [Employee 2] worked until 9:00 p.m. When asked for examples of overtime assignments, [Employee 1] said they included picking up the mail, emptying bins, making deliveries, and setting up meeting rooms. He told investigators that "they tell us what the assignment is, and we stretch it out." He said that the practice of working overtime everyday started two to four years ago. When asked if overtime

could be reduced by having staggering shifts, [Employee 1] confirmed that working two shifts would reduce the amount of overtime.

[Employee 5] said that he believed [Employee 1] assigned the overtime to Seville employees.

[Employee 7] said that Ms. Meriwether told the employees when overtime was needed, which was "pretty much every day," and explained that the employees worked overtime to complete the mail services or if something happened in the building.

[Employee 6] told investigators that overtime was assigned through Ms. Meriwether, clarifying that [Employee 1] and [Employee 2] were told about overtime opportunities and that he often got overtime because he knew how to do most of the overtime jobs. [Employee 6] told investigators that his overtime was "automatically set" because he had to get the mail. [Employee 6] stated that he believed both [Employee 1] and Ms. Meriwether maintained the timesheets and overtime authorization forms, but he was unsure who approved them. [Employee 6] said [Employee 1] was the "timekeeper" and brought the overtime authorization forms for employees to sign, which just listed the justification for the overtime and not the number of hours worked. [Employee 6] said [Employee 1] wrote in the hours.

4. Interview of Marlene Meriwether

Ms. Meriwether said she was responsible for giving State employees and Seville employees their daily assignments related to the mailroom, duplication of documents, maintenance, and the vehicle pool.[19]

Ms. Meriwether told investigators that each Seville employee completed a timesheet every day. She stated that the IDES warehouse timesheets were brought to her office and signed by Mr. Rogers. Ms. Meriwether was presented with copies of timesheets for Seville employees working at the IDES warehouse from April 3, 2017 through April 28, 2017. When asked why the times listed on the timesheets were almost always the same every day, Ms. Meriwether stated that the Seville employees worked the same hours each day all the time. When asked why a few of the Seville employees worked until 9:00 p.m., Ms. Meriwether stated that 9:00 p.m. was the latest an employee could sign out, but that they could work past 9:00 p.m. Ms. Meriwether said she came up with the 9:00 p.m. limit and that if an employee worked past 9:00 p.m. then they could leave early the next day and still write down on the next day's timesheet that they worked until 9:00 p.m. Ms. Meriwether explained that the employees could "carryover" the hours they worked past 9:00 p.m. the previous day. When asked how it would be possible to know when an employee was working, Ms. Meriwether conceded that the "carryover" policy may have been a mistake and that it could be impossible to verify the actual hours an employee worked.

Ms. Meriwether was also presented with a copy of the Seville employee timesheets and overtime authorization forms for the IDES regional office from March 5 through March 31, 2017. Again, Ms. Meriwether stated that the timesheets were completed each day by the Seville employees and signed by Mr. Rogers. Despite similar handwriting appearing on the timesheets,

[19] OEIG investigators interviewed then-IDES Manager of Support Services Marlene Meriwether on March 29, 2018.

Ms. Meriwether said she did not think that the same person wrote all the timesheet entries; rather, she thought that the employees filled in their own time.

Ms. Meriwether was aware that the regional office employees had to use a badge to swipe in to each floor. When asked why several employees had swipe records that showed they arrived later than their timesheets indicated, Ms. Meriwether said that an employee could enter a floor or room with another employee and only one employee would swipe in, so there would be no record of the second employee. Ms. Meriwether said she believed that the Seville employees who reported that they started working at 6:00 a.m. actually started working then even though their first recorded swipes were almost always much later in the day. She said she was unable to explain how the discrepancies could happen nearly every day. Ms. Meriwether told investigators that she knew that the Seville employees stayed until 9:00 p.m. because otherwise she would have received complaints from vendors or other State agencies that assignments were not completed. Ms. Meriwether said that she trusted her employees to report the correct times.

With respect to overtime reporting, Ms. Meriwether stated that Seville employees each wrote their names and the times the overtime started and ended on overtime authorization forms. When asked why the overtime forms were consistently identical in hours and assignments, she explained that the overtime was for duties that occurred daily. Ms. Meriwether told investigators that [Employee 1] and [Employee 2] worked most of the overtime and that [Employee 3] was the only Seville employee with a CDL, so he received more overtime as well. Ms. Meriwether said she believed that the Seville employees did not have a lot of downtime and that they needed to work all the overtime hours that they reported.

When investigators asked Ms. Meriwether if IDES had ever considered having Seville employees work different shifts, Ms. Meriwether said that they tried it, but that it did not work because there were other jobs that had to be done during the day in addition to the daily duties, such as moving office furniture and making other deliveries. Ms. Meriwether said that if the shifts were split, there would not be enough contract employees for those other duties.

Ms. Meriwether said that she saw Mr. Rogers every day. However, despite her earlier assertions that Mr. Rogers signed the time records, she then admitted that he did not actually review or sign the timesheets or the overtime authorization forms. She explained that [Employee 1] and [Employee 3] had Mr. Rogers' signature on a stamp that they used to sign the timesheets and overtime forms.

5. Interview of John Rogers

OEIG investigators interviewed IDES General Services Manager John Rogers on June 12, 2018. Mr. Rogers explained that he oversaw three divisions within IDES: office services; general services; and the warehouse. He also confirmed Ms. Meriwether was one of six employees that reported directly to him and noted that her staff also reported to him. Mr. Rogers said that he allowed the Seville employees to work on their own when Ms. Meriwether was not in the office (as she was part-time) because the work they performed was routine and he believed they were trustworthy. Mr. Rogers said his own supervisor was Helen Cashman.

Mr. Rogers told investigators that the Seville employees worked the same hours as IDES employees, 8:30 a.m. to 5:00 p.m. He said that each morning the employees at the IDES regional office had to go into Ms. Meriwether's office on the 11th floor to retrieve the keys for a State vehicle to be used to pick up the mail and that the employees had to use their swipe cards to access the floor. When OEIG investigators asked Mr. Rogers if a Seville employee could arrive at work and begin to unload a truck before swiping in, Mr. Rogers said that there were not any deliveries at 6:00 a.m. and that the Seville employee would still have to swipe in on the 11th floor to retrieve and change into their uniform. Mr. Rogers said the Seville employees did the same jobs every day, such as picking up mail and loading and unloading deliveries locally. He added that they could also deliver or pick up items as far away as Peoria or Springfield.

When asked about the overtime work opportunities for Seville employees, Mr. Rogers stated that they occasionally worked on weekends to complete certain jobs that need to be done, such as inventory and mail room tasks. For example, Mr. Rogers explained that businesses had to be sent notices four or five times a year to pay their quarterly taxes and the Seville employees worked on weekends to complete the mailings. Mr. Rogers admitted, however, that he did not know when the Seville employees worked overtime and said that it was possible that they worked overtime every day. He said that the Seville employees should be working eight-hour days but may return late after getting short notice to set up for a meeting at a facility or get stuck in traffic when making long trips out of the area. Mr. Rogers said that there should not be much overtime for the warehouse employees, and they should end their work day between 5:30 p.m. and 7:00 p.m. Mr. Rogers said the two utility lead workers also supervised the Seville employees and were responsible for verifying any overtime hours worked.

Mr. Rogers said that all the Seville employees could be assigned overtime by Ms. Meriwether and that the overtime was based on need, not want. Mr. Rogers said that he was not aware of any favoritism by Ms. Meriwether towards any Seville employee. However, he admitted that he did not know how the Seville employees were chosen for overtime and that he had not seen any documentation for the need to work overtime, except when the previously discussed business tax notices had to be sent.

Mr. Rogers denied signing the timesheets or overtime authorizations for Ms. Meriwether or the Seville employees. He said he did not know who at IDES was responsible for signing them; he did explain, however, that he had signed Ms. Meriwether's timesheets before she retired but had not seen any more after she came back to IDES on temporary appointments. When OEIG investigators showed Mr. Rogers timesheets and overtime authorization forms for the Seville employees at the warehouse from April 4 to 23, 2017, he confirmed that he was not familiar with either set of documents. Mr. Rogers did identify his signature on the timesheets and overtime authorization forms, but informed investigators that he did not sign the documents, adding that it appeared someone used his signature stamp.[20] When investigators asked Mr. Rogers why the Seville employees worked the same start and end times each day, he said, "I have no idea." Mr. Rogers said that the descriptions of the work performed on the overtime authorization forms was work that was performed every day and was not unusual, but the fact that it was being done as

[20] After reviewing some of Ms. Meriwether's timesheets during the period she was on temporary appointment at IDES, Mr. Rogers also indicated that they appeared to be signed with his signature stamp and emphasized that Ms. Meriwether did not have permission to stamp her own timesheets with his signature stamp.

overtime was clearly inefficient. Mr. Rogers stated, "I don't know what they're doing every night till nine o'clock at night." When investigators asked Mr. Rogers about the "rollover" or "carryover" policy, he said that he was not aware of any such policy at IDES.

Investigators also showed Mr. Rogers copies of the Seville employee timesheets for the IDES regional office for February 27 through March 12, 2017. Again, Mr. Rogers said he had never seen these timesheets or signed them, and it was his signature stamp on the documents. Mr. Rogers said that he did not give anyone permission to use his signature stamp on any of the documents. When asked if the Seville utility lead workers had his signature stamp, Mr. Rogers replied, "not to my knowledge." Mr. Rogers said he had the signature stamp made approximately 10 years ago and that, at the time, he told Ms. Meriwether to use the signature stamp on invoices that required his signature when he was out of the office.

OEIG investigators showed Mr. Rogers swipe card records dated March 1 to 31, 2017 for [Employee 1]. When asked if it would be possible for a Seville employee to arrive at work at 6:00 a.m., not change into their uniform, and begin loading or unloading a truck, Mr. Rogers stated, "Not at 6:00 a.m." Mr. Rogers said that there should be at least one employee working at 6:00 a.m. for the mail delivery and at least one at night between 4:00 p.m. and 6:00 p.m. when the outgoing mail was picked up. When asked about Seville employees working 72 hours in a week, Mr. Rogers admitted it did not look good and said that he would be concerned about the long hours shown on the timesheets. Mr. Rogers described the number of hours worked and the amount of overtime indicated on the timesheets as "unbelievable."

With respect to the terms of the Seville contract, Mr. Rogers said that he was never consulted regarding the number of overtime hours allowed under the contract and that Ms. Meriwether had always been the primary contact for it. He said he did not know if the contract allowed for the shifts to be staggered and that the issue had never been discussed with him.

6. Interview of Helen Cashman

OEIG investigators interviewed then-IDES Chief of Staff Helen Cashman on July 18, 2018. Ms. Cashman stated that she started at IDES in 2009 as a project manager and served as Deputy Chief of Staff from 2015 until July 16, 2018 when she was appointed Chief of Staff.[21]

Ms. Cashman informed investigators that she had never seen timesheets or overtime authorizations for Seville employees until a week before her OEIG interview when Mr. Rogers was on vacation. She said that was the first time she signed off on timesheets for Seville staff members. Ms. Cashman said that Ms. Meriwether was responsible for approving the timesheets and Mr. Rogers should have signed off on them after her.

Investigators presented Ms. Cashman with copies of Seville timesheets and overtime authorization forms for April 10 to 16, 2017. Ms. Cashman noted that the timesheets should have had signatures for both Ms. Meriwether and Mr. Rogers. Ms. Cashman told investigators that Mr. Rogers had informed her of the issue with his signature stamp following his OEIG interview.

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[21] Ms. Cashman retired from State employment effective January 1, 2019.

When investigators asked Ms. Cashman about the differences in Seville employees' swipe records versus their timesheets, Ms. Cashman said that an employee could enter the building with another employee occasionally, but that the swipe records should generally reflect their start times. Ms. Cashman said that the employees had uniforms that were kept on the 11th floor and that they were supposed to wear them, but she admitted she had seen employees working without their uniforms. Ms. Cashman also stated that the keys for the State van are supposed to be kept on the 11th floor as well, but that she had also seen Seville employees enter the van without going to retrieve the keys, presumably because the keys were left in the van overnight.

Ms. Cashman also reviewed the reasons provided on the overtime authorization forms. She said that the work described should have been done during the employees' regularly scheduled work hours, except for the trips to Springfield. Ms. Cashman said the amount of overtime hours that were worked by a few of the Seville employees was "awful." Ms. Cashman said Ms. Meriwether and Mr. Rogers were responsible for overseeing the hours worked by the Seville employees and that Mr. Rogers should have been aware of the work being performed by the Seville employees. Ms. Cashman told investigators the latest a Seville employee should work was 7:00 p.m. except for when they had to deliver payroll documents to Springfield every two weeks. Ms. Cashman also confirmed that IDES did not have a policy that allowed employees to "rollover" hours to the next day when they worked past 9:00 p.m. nor was there a policy that employees could only work until 9:00 p.m.

During Ms. Cashman's interview, she stated that she did not know how the number of regular and overtime hours came to be in the contract, but she believed Ms. Meriwether, Mr. Rogers, IDES procurement staff, and IDES' Chief Legal Counsel would have been involved in establishing those terms.[22] Ms. Cashman added that IDES' procurement staff would most likely have relied on Ms. Meriwether and Mr. Rogers to determine how many regular hours and overtime hours were needed. Ms. Cashman told investigators that no one had brought the issue to her attention until 2017, when IDES' Chief Fiscal Officer told her the Seville contract was expensive and IDES should use State employees instead.

7. Communications about Subsequent Changes

During her interview and in an email, she subsequently sent to OEIG investigators, Ms. Cashman mentioned some changes that were made by IDES after Mr. Rogers was interviewed by the OEIG and met with her to develop a plan to rectify the problems. For example, she said that:

- Ms. Meriwether's contract was terminated on June 20, 2018;
- On June 27, 2018, Mr. Rogers notified Seville employees that all signature stamps were to be turned into him and that all overtime was to be approved by him prior to working any overtime;
- IDES limited the amount of overtime for Seville employees, and informed them that all overtime justifications had to be more accurate;

[22] The OEIG reviewed the Seville-IDES contract and noted that there were multiple signatures on various forms included with it that seemingly signified approval of the contract. For example, one form required signatories to attest that they had "reviewed and approved the following contract...." Ms. Cashman's name was one of those on this form, along with signatures for IDES' Chief Fiscal Officer, Chief Legal Counsel, and Director.

- Mr. Rogers transitioned the Seville employees to split shifts on July 2, 2018, with one starting at 6:00 a.m. and the other at 9:00 a.m.; and
- Mr. Rogers was to be issued an official Oral Reprimand by the end of July.

In January 2019, Mr. Rogers confirmed to investigators that he did receive an Oral Reprimand and said that he planned to retire from State employment effective March 1, 2019. He said that Seville was purchased by Intermountain Staffing, but still had one year remaining on the original contract and that the Seville employees were still working at IDES.

B. The OEIG's Investigation of Marlene Meriwether's Use of State Vehicles

1. Documents Reviewed

OEIG investigators reviewed records for the nine State vehicles assigned to IDES. Seven of the vehicles were designated for Office Services and managed by Ms. Meriwether. Four of those vehicles were allocated to the warehouse and three were for the regional office.

Investigators identified the vehicles allocated to the regional office, which consisted of three Dodge Caravans. The vehicles were parked at Millennium Garage near the regional office. IDES employees must swipe an access card to enter and exit the garage in a State vehicle. Each access card is assigned to a specific vehicle. Investigators reviewed a report generated by the parking management company that listed each entry and exit by the IDES vehicles between January and June 2017. The report showed that the vehicles were generally used multiple times a day with the initial swipe occurring between 6:30 a.m. and 7:00 a.m. The final swipe of the day generally occurred around 5:30 p.m. but was occasionally recorded in the late morning or early afternoon. When investigators compared the report to Ms. Meriwether's timesheets and regional office swipe records, there was no discernable correlation between the entry and exits times of the vehicles and those of Ms. Meriwether at her office.

2. Interviews of IDES and Seville Employees

Ms. Meriwether told investigators that she parked her personal vehicle at Millennium Garage and then walked to work. Ms. Meriwether denied that any of the Seville employees picked her up and drove her from Millennium Garage to the IDES office. She said a Seville employee may have picked her up from the garage if she went to the IDES warehouse, the post office, or another facility to start her work day.

Mr. Rogers told OEIG investigators that he was not aware of any Seville employees picking Ms. Meriwether up at the garage where she parked her vehicle and driving her to work. He said that would not be part of their duties if they were doing that and that it would be unacceptable. Mr. Rogers said Ms. Meriwether rarely went to the warehouse and never went to the post office.

Investigators asked the Seville employees if they were aware of Ms. Meriwether being driven to or from the office in a State vehicle. [Employee 6] said that someone (usually [Employee 7]) picked Ms. Meriwether up from the parking garage every day to bring her to the IDES office. [Employee 6] further indicated that [Employee 7] usually drove Ms. Meriwether back to her

vehicle at the end of her workday in the State van. He noted that the van was kept at the loading dock during the day, so the employees had access to it. He told investigators that Ms. Meriwether has been picked up almost every day since at least 2009 and that he ([Employee 6]) had also driven Ms. Meriwether to her vehicle on occasions when [Employee 7] could not. Similarly, [Employee 5] told investigators that [Employee 7] picked up Ms. Meriwether from the parking garage and drove her to work in an IDES vehicle and then drove her back to her personal vehicle at the end of the day. [Employee 5] denied ever personally picking up or dropping off Ms. Meriwether. [Employee 1] stated that he had picked her up at the garage in his personal vehicle and driven her to the IDES office a few times a week but had never used the State vehicles to do so. [Employee 7] and [Employee 3] both said they were unaware of how Ms. Meriwether arrived at work and denied ever picking her up from or dropping her off at the garage. [Employee 7] also claimed that Ms. Meriwether was already at work when he got there every morning at 7:00 a.m.

IV. ANALYSIS

A. Marlene Meriwether and John Rogers Mismanaged the Seville Contract

The evidence gathered in this investigation revealed that IDES staff mismanaged the Seville contract by failing to properly supervise and monitor the Seville employees and allowing for excessive amounts of overtime.

The complaint alleged that Ms. Meriwether favored Messrs. [Employee 1], [Employee 2], [Employee 3], and [Employee 4], permitting them to abuse time and paying them for overtime and days they did not work. OEIG investigators reviewed the timekeeping records, including overtime authorizations, for the Seville employees assigned to IDES and confirmed that almost all of the employees were paid for working some overtime, but Messrs. [Employee 1], [Employee 2], [Employee 3], and [Employee 4] received pay for the most, at an average of over 31 hours per week. Thus, it is true that these individuals received the most overtime, but it is unclear if that was due to favoritism, demand, or just common practice. As it was, Messrs. [Employee 6] and [Employee 5] also received a substantial amount of overtime with approximately 18 and 20 hours of average overtime, respectively. The justification for most of the overtime was to complete normal duties relating to delivering mail or emptying shredders. Ms. Meriwether claimed that the extensive overtime hours were nevertheless needed, while Ms. Cashman indicated that most of the work should have been done during regular work hours, and Mr. Rogers called the amount of overtime "unbelievable" and inefficient.

In addition, when investigators compared the timesheets of the Seville regional office employees with their swipe records they found significant discrepancies suggesting that employees generally arrived hours after the times reported on their timesheets and thus may not have worked the hours they claimed as either regular work or overtime hours.[23] Some employees claimed this was the result of a "carryover" timekeeping policy, saying they worked the number of hours, just

[23] While there could have been occasional instances when employees entered the IDES regional office by going in with another employee who swiped in, it is extremely unlikely that they did so on a daily basis.

at different times then what was recorded on their timesheets.[24] On the other hand, after being shown copies of swipe records that did not match his timesheets, one Seville employee, [Employee 7], admitted that he always recorded the same times on his timesheets regardless of when he worked. Another employee, [Employee 1], admitted that they intentionally stretched out assignments. Moreover, Messrs. [Employee 5] and [Employee 6] claimed that other employees never began working when they were supposed to, suggesting that multiple employees falsified timekeeping documents. Thus, it is clear that at least some of the Seville employees reported false information on their timesheets. However, because the documentation is inaccurate, and the managers of the Seville employees did not monitor their staff, the OEIG cannot conclude how much work they actually performed or how many employees falsified their timekeeping records or abused State time. For these reasons, the OEIG is not making findings against the Seville employees.

That being said, it is also clear that Ms. Meriwether and Mr. Rogers did not adequately supervise the Seville staff. The overtime authorization forms and the timesheets were seemingly approved by Mr. Rogers. However, Ms. Meriwether and Mr. Rogers told investigators that the forms were actually signed using Mr. Rogers' signature stamp, which was given to Ms. Meriwether previously to approve occasional invoices, not timesheets, and which was seemingly used by the Seville lead workers to approve the timesheets and overtime forms, including their own. It appears that neither Ms. Meriwether nor Mr. Rogers reviewed the Seville timesheets or overtime authorization forms. Ms. Meriwether also created the "carryover" practice, which essentially authorized staff to record false information on their timekeeping records. Ms. Meriwether knew that the employees were claiming to work lots of overtime and said she figured they were working those long hours because she didn't receive complaints from other IDES staff about jobs not being completed, but she did not check up on staff to ensure they were working. She explained that she thought the excessive overtime hours were necessary, and split shifts did not work well, because the employees needed to be available if other duties came up. [Employee 1], however, acknowledged that splitting the shifts would reduce the amount of overtime and gave no indication that this had already been attempted.

Mr. Rogers said he had no idea when the Seville employees claimed to work or how much overtime they claimed; rather, he relied on Ms. Meriwether to monitor them or allowed them to monitor themselves in Ms. Meriwether's absence. But, as noted above, once he learned about the excessive overtime being worked, he said he did not think it was necessary. Mr. Rogers said he did not recall any attempt at splitting shifts to reduce overtime. Mr. Rogers also admitted that he had not even reviewed or signed off on Ms. Meriwether's own timesheets for a long time, even though she reported directly to him and he did not know who else would have done so. Essentially, Mr. Rogers did not appear to know what was happening or how much money was being spent, nor did he appear to supervise in any way a division that he was responsible for.

While the OEIG found no evidence that IDES paid Seville more than was allowed under the contract, it does appear that the amount of overtime given to Seville employees was excessive and likely included pay for time either when the employees were not present at IDES facilities or

[24] Mr. Rogers and Ms. Cashman said there was no such policy at IDES, but Ms. Meriwether admitted it was a practice she, herself, came up with for the Seville employees and acknowledged that it was probably not a good idea because it is impossible to verify the actual hours an employee worked.

may have been present but were not actually performing duties while they stretched assignments and waited for mail deliveries or other routine assignments. In the end, IDES allowed for an excessive amount of overtime hours under the contract and then permitted one individual, Ms. Meriwether, to approve the use of those hours without any real oversight by herself or her supervisor, Mr. Rogers. Neither knew if the employees were consistently performing tasks throughout the day or questioned whether it was a good use of State funds to pay the Seville employees to wait around each day for mail deliveries or other duties that might come up, even assuming they had actually been working that entire time. Ms. Meriwether was directly responsible for supervising the Seville employees but failed to adequately do so. Similarly, Mr. Rogers was also responsible for supervising Ms. Meriwether and all of her employees, and should have had some idea of what those employees were doing, especially since Ms. Meriwether was only working part time. Therefore, the allegation that Ms. Meriwether and Mr. Rogers mismanaged the Seville contract and employees is **FOUNDED**.[25]

B. Ms. Meriwether's Use of State Vehicles and Seville Contract Employees

The complaint also alleged that Seville employees used IDES vehicles to pick Ms. Meriwether up from, and later drop her off at, her personal vehicle. The IDES Procedures Manual prohibits personal use of State vehicles and the Illinois Administrative Code states that State-owned vehicles should only be used for public purposes and in the best interests of the State.[26]

The vehicles assigned to IDES were kept in Millennium Garage and Ms. Meriwether confirmed she parked her personal vehicle there during the day, but several Seville employees and Ms. Meriwether denied using a State vehicle to transport Ms. Meriwether to or from her personal vehicle. In fact, only Messrs. [Employee 6] and [Employee 5] told investigators that a State vehicle was used to pick up Ms. Meriwether from her personal vehicle, although [Employee 5] denied personally having done so. Further, while Messrs. [Employee 6] and [Employee 5] claimed that Seville employees, usually [Employee 7], picked up and drove Ms. Meriwether to and from her car, [Employee 7] denied doing so. [Employee 1] said he had driven Ms. Meriwether before, but in his personal vehicle. A review of the IDES vehicle swipe records from Millennium Garage was inconclusive because the vehicles entered and exited the garage at various times with no clear correlation to Ms. Meriwether's swipe records at the regional office. In addition, according to [Employee 6], the State van was usually parked at the IDES loading dock during the day, so there would be no record of it picking up Ms. Meriwether outside the garage and it would be impossible to discern whether the van was dropping her off at her vehicle or simply being returned to the garage at the end of the day. Therefore, the OEIG found insufficient evidence to conclude that Ms. Meriwether abused State resources by having Seville employees use a State vehicle to deliver her to and from her personal vehicle; thus, the allegation is **UNFOUNDED**.

V. FINDINGS AND RECOMMENDATIONS

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[25] 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.

[26] 44 Ill. Admin. 5040.350 (2001).

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

- **FOUNDED** – Ms. Meriwether and Mr. Rogers mismanaged the Seville contract and employees.

- **UNFOUNDED** – There is insufficient evidence to conclude that Ms. Meriwether abused State resources by having Seville employees use a State vehicle to deliver her to and from her personal vehicle.

Since Ms. Meriwether is no longer employed by IDES and Mr. Rogers already received an Oral Reprimand for these matters, the OEIG suggests that this report be placed in their respective personnel files.

In addition, the OEIG recommends that IDES ensure there is adequate supervision of contract employees in the future, including the proper monitoring of their timekeeping records. The OEIG also strongly encourages IDES to reevaluate this contract to determine whether the amount of overtime hours is necessary and should be allowed under future contracts for these types of services.

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

Date: **February 26, 2019**

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

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AGENCY OR ULTIMATE JURISDICTIONAL AUTHORITY RESPONSE FORM

Case Number: 17-00213 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:

See attached

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

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

Signature

IDES Interim Director
Print Agency and Job Title

Thomas Chan
Print Name

March 18, 2019
Date

JB Pritzker
Governor

Thomas D. Chan
Interim Director

March 18, 2019

Office of Executive Inspector General
69 W. Washington St., Suite 3400
Chicago, IL 60602

Re: OEIG Case No. 17-00213

To whom it may concern,

IDES reviewed the OEIG's report in the above referenced case and has implemented the recommendations by taking the following actions: 1) placed the report in the personnel files of John Rogers and Marlene Meriwether, respectively; 2) improved supervision of the Seville (now Intermountain) employees, including proper monitoring of timekeeping records; and 3) reevaluated the contract to determine whether overtime is necessary and allowed in future contracts for these services.

Supervision of the Seville employees has been improved by having two IDES employees, and , oversee their daily activities and requests for overtime. and both report to Rogers. There is now a two-step approval process for overtime. evaluates the request and initially approves or denies the same. Given his knowledge of their daily activities, can assess whether overtime is necessary. If approved, then Rogers is sent the request for final approval or denial. If Rogers is out on leave, provides the initial approval and gives the final approval or denial. Also, a more accurate and thorough explanation of the work to be done and the justification for the same is provided to and Rogers at the time the request is made. Overtime has been cut significantly and now is generally only given on Fridays in the Central Office for a recurring task. The warehouse employees are currently working on a sizeable document destruction project, so they are given overtime as deemed necessary. The Seville employees now sign in and out at the actual time they come in and leave, as opposed to their scheduled start and end time. The timekeeping records are placed in a locked file cabinet, which maintains. Finally, signature stamps are no longer used on the timekeeping records. They are signed manually by .

The Seville contract was transferred to Intermountain on August 22, 2018. IDES reviewed the contract and the overtime provision. For the remaining approximately fifteen months of the contract IDES will ensure overtime is only allowed when absolutely necessary and only with prior approval. The contract expires on June 30, 2020. For new contracts, we will add a provision limiting overtime hours to specific enumerated circumstances which require prior approval to being worked.

We believe the above actions have remedied any mismanagement of the Seville employees and will prevent future concerns regarding abusing State resources.

Sincerely,

Thomas D. Chan
Interim Director