



OFFICE OF INSPECTOR GENERAL
City of Chicago



REPORT OF THE INSPECTOR GENERAL'S OFFICE:

***REVIEW OF THE CITY'S VEHICLE IMMOBILIZATION
PROGRAM***

JUNE 2012

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To the Mayor, Members of the City Council, the City Clerk, the City Treasurer, and the residents of the City of Chicago:

The City of Chicago Office of Inspector General (IGO) has concluded an investigation into the waste of City resources in the Chicago Department of Finance's (DOF) "vehicle immobilization program," better known as the "boot program." The investigation revealed that, from late 2009 through December 2011, the DOF Street Operations division wasted an estimated \$160,000 annually by failing to appropriately schedule and staff its booters' night shifts.

Attached is the public report of the IGO's programmatic findings and recommendations. A separate disciplinary report has been sent to the Mayor and the Comptroller; a summary of that report will be made public in a future IGO quarterly report.

In his reply, City Comptroller Amer Ahmad reported that he instituted an appropriately staggered break and lunch schedule for booting personnel in response to the IGO investigation. This, and other actions he has taken, will save the City money and ensure more efficient delivery of City services.

I would like to commend the Comptroller and the DOF's immediate response to these staffing and labor practices. Their actions have improved the efficiency and effectiveness of the booting program. I hope these findings, and DOF's subsequent actions, are of use to other City departments seeking to cut costs while increasing the quality of City services.

As always, I welcome your ideas, comments, suggestions, questions, and criticisms.

Respectfully,

Joseph M. Ferguson
Inspector General
City of Chicago

I. INTRODUCTION

The IGO has concluded an investigation which revealed that the Department of Finance's (DOF) "vehicle immobilization program," better known as the "boot program," failed to appropriately schedule and staff its night shift of booters. When the night shift was first created in November 2009, no dispatchers were available for the shift, so the DOF Street Operations division assigned the dispatch functions, traditionally performed by union personnel, to higher-paid, non-union security personnel, leaving the night shift as the only booting shift without a roving security element. Moreover, the booters' shift did not align with the dispatchers' shift, meaning that the dispatch services necessary for booting operations are not available for the entire night shift. To address this problem, DOF managers instructed all booters and dispatchers to take their lunch and breaks at the same time—at the end of their shifts. This arrangement wastes at least 30 minutes of the total number of hours available for booting, resulting in an estimated annual loss of \$160,000, due to a combination of lost boot revenue and wasted personnel expenditures. The arrangement also requires booters and dispatchers to work approximately six hours straight without breaks, presenting potential safety risks for booters, and, in the case of non-union dispatchers, constitutes an apparent violation of state labor laws. Additionally, given the strong likelihood that booters may in fact need, and therefore take, additional breaks before their late-scheduled lunch period, there is a strong potential for additional lost booting time and lost booting revenue.

The IGO recommends that DOF take the steps necessary to ensure each of the issues identified with the night shift are resolved. Specifically, the IGO recommends that DOF: (1) Review the staffing for the booting night shift and work with DSS to ensure that dispatchers are available for the entire night shift. (2) Ensure that security personnel are available to the night shift and able to perform their assigned security functions as appropriate. (3) Ensure that all employees working the night shift are able to take necessary breaks throughout their shifts in accordance with state labor laws. Finally, the IGO recommends that the Department of Human Resources (DHR) conduct a position audit of the parking revenue security supervisor working during the night shift to ensure that this individual is performing the duties of his given position or to reclassify the position. The IGO has issued a separate report to DOF making disciplinary recommendations for relevant employees.

II. BACKGROUND

A. The City's Boot Program

The City operates a "vehicle immobilization program" or "boot program" to enforce the parking, compliance, and automated camera ordinances of the City's traffic code. As detailed in the Municipal Code of Chicago § 9-100-120, vehicles become boot-eligible when a registered owner accrues three or more unpaid parking or red-light tickets or two unpaid parking or red-light tickets older than one year. The City must first send a notice of "impending vehicle immobilization," providing the owner 21 days to pay all outstanding debts. If the debts remain unpaid, the vehicle may be booted while parked in the public way or on City property. Once the vehicle is booted, the owner must pay the outstanding debt plus a \$60 boot fee (\$400 for "truck

tractors, semi-trailers, and trailers”).¹ If the debt is not paid within 24 hours of booting, the vehicle is eligible to be towed to a City auto-pound, and the owner will incur additional towing and storage fees: a \$150 tow fee, plus storage fees of \$10 per day for the first 5 days, and \$35 per day thereafter for most passenger vehicles.² According to the “Department of Revenue Standard Operating Procedures,” a motorist with 3 tickets typically owes the City between \$300 and \$750.

The City’s Department of Finance, Revenue Services and Operations Division, Street Operations section administers the boot program. Booters are members of the State and Municipal Teamsters, Chauffeurs and Helpers Union, Local 726, and the terms of their employment are governed by a Collective Bargaining Agreement, which provides that they work an eight-hour day but does not address lunch periods or breaks. The Department of Revenue Standard Operating Procedures state that employees who work a 40-hour week are entitled to a one-half-hour lunch period and two fifteen minute breaks each work day. Booters may combine their lunch with one break (resulting in 45 minutes for lunch), and the second 15-minute break must be taken before lunch or within two hours of the start of a shift.

Booters drive vans equipped with cameras on both corners of the van. Using the License Plate Recognition (LPR) system, the cameras scan license plates to identify “boot-eligible” vehicles. The vans also have cameras on the outer rear of the van to record when the booter places a boot on a vehicle and a camera inside to record the booter’s activity. Booters fill out a confirmation sheet for each vehicle they boot and call in a verbal confirmation of the boot to a dispatcher who enters the vehicle information into the City’s Canvas database. In interviews with IGO investigators, DOF managers reported that the department is in the beginning stages of implementing a mobile confirmation system, which would allow the booters to input confirmations into Canvas without having to call a dispatcher.

B. Relevant Authorities

The Illinois One Day Rest in Seven Act, 820 ILCS 140/3, provides that, with the exception of “employees for whom meal periods are established through the collective bargaining process,” . . . “[e]very employer shall permit its employees who are to work for 7 ½ continuous hours or longer . . . at least 20 minutes for a meal period beginning no later than 5 hours after the start of the work period.”

III. SUMMARY OF INVESTIGATION

A. Complaint

On March 30, 2011, the IGO received a complaint alleging that DOF booters working the night shift had been instructed to suspend booting and “look busy” for the last two hours of their evening shifts. The complainant stated that booters stop booting at 4:00 a.m. because that is when they take lunch and there are no dispatchers to take confirmations. Two security officers

¹ M.C.C. § 9-100-120(g).

² See City of Chicago Website, Department of Finance,

http://www.cityofchicago.org/content/city/en/depts/fin/supp_info/revenue/boot_tow_information/booted_vehicle_information.html.

also work an evening shift, which runs from 9:00 p.m. to 5:00 a.m. The security officers are supposed to follow the booters, respond to any altercations between car owners and booters, and check to make sure the boots are installed properly. But, the complainant explained, the security officers do not work their security detail. Instead, since the night shift was first created, they have been assigned to work as dispatchers at the DOF facility. Consequently, the night shift does not have anyone working in the role of security officer. Moreover, because the security officers finish work at 5:00 a.m., supervisors instruct the booters to suspend their booting activity by 4:00 a.m. each morning. At that point, the security personnel have an hour to finish up their dispatching paperwork before they swipe out. The complainant alleged that booters were instructed to “do what you have to do, and then stay out of trouble” from 4:00 a.m. to 6:00 a.m.

B. Surveillance

On June 24, 2011 and July 9, 2011, the IGO conducted surveillances of the DOF night shift booters. During the first surveillance, investigators observed five of the eight night shift booters return to the Street Operations Facility at Diversey and Ashland Avenue before 5:00 a.m., and three returned between 5:00 and 5:15 a.m. During the second surveillance, investigators observed two individual booters stop booting at approximately 4:15 a.m., and observed the booters sleep or eat lunch before returning to the facility at approximately 5:30 a.m.

C. Documents

The IGO obtained and reviewed various DOF records regarding booting activity for the night shift:

- DOF daily activity sheets for booters working the night shift for February and March 2011 and a spreadsheet listing the daily totals of the number of boots placed on vehicles by each night-shift booter for the same period.
- DOF monthly performance graphs for the Street Operation division, which include the booting data for each booter from January 2011 through September 2011. The spreadsheets provide the number of boots placed, number of hours worked, number of boot releases, among other data, for each booter for each month.
- DOF boot dispatchers’ log sheets from September 2010 through December 2010, providing information on each vehicle booted including the booter’s name, license plate number of the vehicle booted, location, and time booted.

D. DSS Daytime Booting Dispatchers

On February 7, 2012, DSS informed the IGO that DSS employs four booting dispatch clerks and one supervising “dispatch clerk I/C,” who work out of OEMC. The dispatch clerks are members of AFSCME and work 8.5 hour days with an hour lunch. The dispatch clerks work two daytime shifts, 6:00 a.m. to 2:00 p.m. and 8:00 a.m. to 4:00 p.m., and no dispatch clerks work 9:00 p.m. to 6:00 a.m. or on Sundays. The City’s employee database shows that the five

booting dispatch clerks identified by DSS are paid less than the two DOF security personnel at comparable supervisory levels, by \$16,000 and \$8,940 respectively.

E. Interviews

In the fall of 2011, the IGO interviewed multiple DOF Street Operations Division employees at all levels of the boot program. DOF employees explained that in November 2009 the department decided to establish a booting night shift because booters can travel quicker at night and boot a different population of parked vehicles. DOF, however, did not have any dispatchers to assign to the night shift. DOF employees explained that the department used to employ dispatchers, but they were transferred to DSS. The dispatchers are stationed at the Office of Emergency Management and Communications (OEMC) call center and still do dispatch work for the DOF boot program but report to DSS. Five DSS dispatchers are assigned to work with booters during the day shifts, but no DSS dispatchers are assigned to the night shift. Senior DOF managers met with high-ranking DSS employees on several occasions to discuss dispatch coverage but, DOF employees explained, DSS was unable to assist due to budget constraints. As a result, DOF decided to assign two DOF security personnel to work as dispatchers out of the DOF facility. The assignment was initially intended to be a temporary one, to last just one or two months, but both employees were both still working in these positions two years later.

Employees interviewed by the IGO consistently described the daily routine of the night-shift booters. A crew of eight booters works the night shift from 9:30 p.m. to 6:00 a.m. At the beginning of the shift, a supervisor passes out the required paperwork for the day and assigns the booters to different zones throughout the City. After the booters receive their equipment and required paperwork, they load their vehicles, conduct a “panic check” of the emergency alert system, and make sure cameras on the City vehicles are functional. The cameras on the vehicles allow supervisors to observe the booters, and, in the event something happens to them, an alarm goes off. The booters head out to their zones around 10:15 p.m. and begin calling in their boot confirmations between 11:00 p.m. to 11:30 p.m.

A senior manager stated that booters should stop booting at 5:30 a.m., 30 minutes prior to the end of their shift in order to give them time to travel back to the facility. But, with one exception, all of the employees interviewed acknowledged that the booters stop booting at 4:00 a.m., a full two hours before the end of their shift. Several employees reported that at 4:00 a.m. the booters take their 30-minute lunch plus a 15-minute break (45 minutes all together), then, from 4:45 a.m. until 6:00 a.m., sit idle, and often sit in their vehicles at DOF facility parking lot until it is time to swipe out.

DOF employees explained that the booters stop at 4:00 a.m. because there are no dispatchers available to receive confirmations after that time. As one employee explained, when the night shift was first created, booters were allowed to take their lunch break at any time. But because the security personnel acting as dispatchers end their shift at 5:00 a.m., there were occasions when the booters returned from their lunch break and would not have anyone to take their booting confirmations. Since this was not conducive to booting operations, the employee explained, in January 2010, senior management decided to have everyone “down” at the same

time; the dispatchers would take their hour-long lunch break from 4:00 a.m. to 5:00 a.m., and the booters would take their lunch from 4:00 a.m. to 4:30 a.m. and their personal breaks from 4:30 a.m. to 5:00 a.m. At 5:00 a.m., booters make their way back to the DOF facility, refuel and check the fluids in vehicle, turn in their paperwork and equipment, and then hang out until 6:00 a.m.

IGO investigators separately interviewed the two security personnel assigned to the night shift. Both work a 9:00 p.m. to 5:00 a.m. shift. The employees explained that they are not dispatchers but “do dispatch work” for the night shift. They receive boot confirmations from the booters, fill out two forms, a “City of Chicago Vehicle Tow” form and a “Street Operations Vehicle Mileage Summary,” and then input the same information into the Canvas system. The employees also handle calls regarding “gone on arrivals” (GOA), boots that have been removed illegally, and take emergency calls from booters who are verbally or physically attacked. In such instances, they call the Chicago Police Department for assistance. The security personnel complained that they did not have time to take a lunch because every time they tried to take a lunch, a booter would call in a confirmation. As a result, senior management decided to have everyone take their breaks at the same time.

The security personnel explained that if they did not act as dispatchers, they would be working as security in the field. One of the security employees reported that many booters express their concerns about the lack of security in the field and commented that if a dispatcher were assigned to the third shift, the security personnel could be out in the streets acting as a roving security element, assisting booters with GOAs, and helping the private company Serco with parking violators.

Only one employee interviewed by the IGO reported that the staggered shifts, the need for dispatchers, and reduced productivity had been raised with upper management. The employee explained that management’s repeated response was, “We are working on it,” or “We will take that into consideration.”

By contrast, senior managers denied that employees were directed to take their breaks at the same time or to stop booting at 4:00 a.m. One senior manager was unaware that booting operations stopped at 4:00 a.m. and mistakenly believed that DSS dispatchers were available beginning as early as 3:00 a.m. to receive boot confirmations after the security employees finish work at 5:00 a.m. The same senior manager explained that the division relies primarily on monthly productivity reports, and based on these reports, the night shift is the most productive, which led the senior manager to believe there no problems with the shift.

Finally, one DOF employee explained that although the department is installing a mobile confirmation system, which would eliminate the need for dispatchers, as of December 2011, the department was still trying to work out glitches with the new system due to its reliance on cell tower connectivity. Ideally, even after the technology is up and running, the employee noted, DSS dispatchers would still be assigned to all booting shifts to act as back-up in the event of connectivity issues and to call in boot releases.

IV. ANALYSIS AND RECOMMENDATIONS

The IGO's investigation revealed that since its inception in November 2009, the DOF's night shift of booting operations has been poorly planned and inefficiently operated due to a lack of appropriate dispatcher staffing. As a result, DOF assigned security personnel to perform dispatching functions—functions normally performed by union employees at a lower pay rate—leaving no one to perform the security function. Moreover, the “dispatchers” were scheduled to start before the booters arrive and therefore finish their shift an hour before the booters. Although the night hours are an optimal time for booting, the attempt to make the booters and dispatchers' staggered shifts work by instructing everyone to wait until 4:00 a.m. to take lunch presents potential safety concerns and leaves the booters idle for at least 30 minutes of their day, thereby reducing productivity and booting revenue.

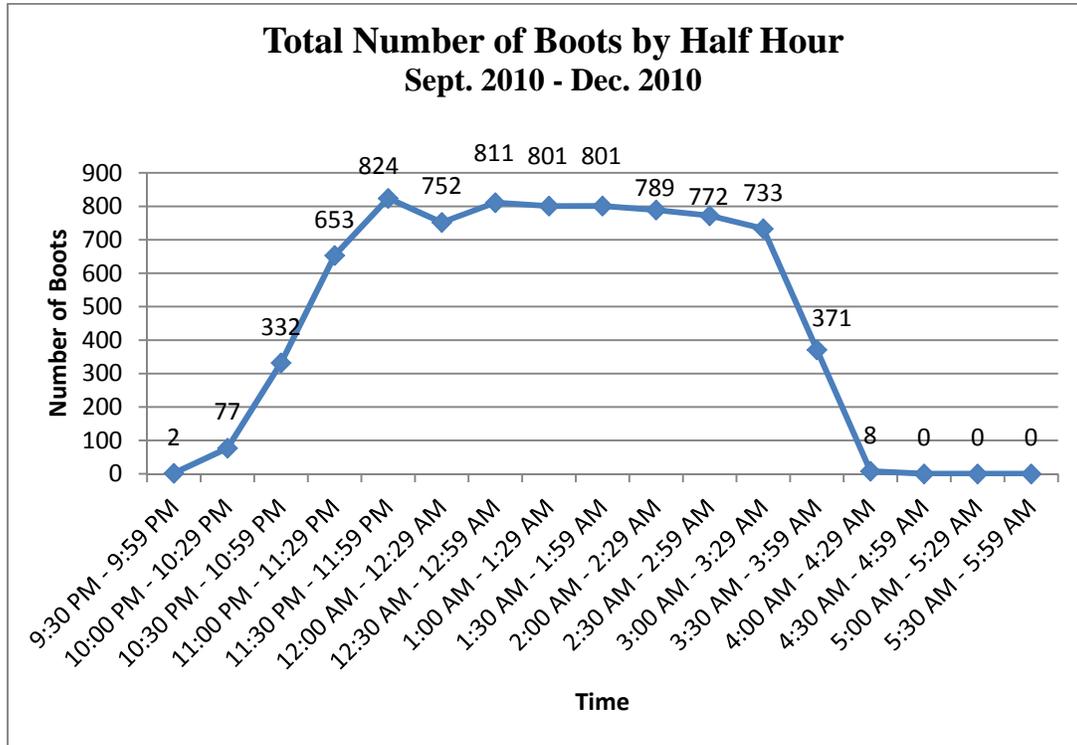
DOF booting records and IGO interviews with DOF employees involved at nearly all levels of booting operations confirmed that the booters' schedule has never coincided with the dispatchers' schedule. Night-shift booters work from 9:30 p.m. to 6:00 a.m. and are entitled to a combined total of one hour in lunchtime and breaks, a total of 7.5 work hours. The two non-union, security employees serving as dispatchers, work 9:00 p.m. to 5:00 a.m. and are entitled to a one-hour lunch, a total of 7 work hours.³ As described by DOF managers, booters should head out to the field by 10:15 p.m. and should stop booting at 5:30 a.m. to allow time to travel back to the facility. Given that booters are assigned to different geographical zones throughout the City, some booters may need to stop earlier than others to allow enough time to return to the DOF facility. But on average, booters should be booting from 10:15 p.m. to 5:30 a.m., a total of 6 hours and 15 minutes, after deducting the booters' one hour in breaks. The IGO's interviews with several DOF employees, however, confirmed that booters were instructed to stop booting by 4:00 a.m.

If the booters should ideally stop booting at 5:30 a.m. or 30 minutes before the end of their shift, then arranging the breaks of booters and dispatchers to coincide at the end of the dispatchers' shift, but two hours before the end of the booters' shift, results in a 30-minute loss in hours available for booting. On paper at least, booters and dispatchers work non-stop from 10:15 p.m. to 4:00 a.m. for a total of 5.75 hours, but booters should be booting for a total of 6.25 hours. If booters take their lunch from 4:00 a.m. to 5:00 a.m. and require just 30 minutes on average to return to the DOF facility and prep their vehicles before swiping out at 6:00 a.m., each booter loses 30 minutes of booting time because no dispatcher is ever available from 5:00 a.m. to 5:30 a.m. Accordingly, DOF employees reported that booters sit idle at the end of their shift. IGO surveillance also revealed booters sleeping and taking lunch for periods longer than an hour before returning to the facility at approximately 5:30 a.m.

IGO analysis of the DOF booting statistics and daily activity and log sheets further supports these findings. The boot dispatchers log sheets from September 2010 through December 2010 shows that during this time-period, booting activity virtually ceased at 4:00 a.m.,

³ The IGO notes that the City's collective bargaining agreement with AFSCME, Section 1.2 “Unit Work,” provides that with the exception of emergencies or other limited circumstances, the City must “assign bargaining unit work to bargaining unit employees only.” The DSS dispatch clerks (title codes 7102 and 7118) who provide dispatch services for the other booting shifts are covered under the AFSCME bargaining unit.

and, in fact, significantly dropped at 3:30 a.m. These records show that a total of 7,726 boots were placed by the night shift during this 4-month period. Looking at the number of boots placed during each hour of the night shift, just 8 boots were placed after 4:00 a.m. And just 371 boots were placed between 3:30 a.m. and 4:00 a.m., representing 5% of the total number of boots placed during this period. By contrast, booting remained relatively steady from 11:00 p.m. to 3:00 a.m. with 1,477 boots placed between 11:00 and 11:59 p.m., 1,563 boots placed between 12:00 and 12:59 a.m., 1,602 boots placed between 1:00 and 1:59 a.m., and 1,561 boots placed between 2:00 and 2:59 a.m.



The IGO’s analysis of DOF monthly performance statistics for the night shift from January 2011 through September 2011 revealed that the eight night shift booters’ loss of 30 minutes in booting time wastes—at a minimum—an estimated \$36,000 in compensation paid for booters to sit idle and \$124,000 in lost booting revenue annually. The data shows that the eight booters worked 10,609.25 hours during this period for an average of 1,178.81 hours per month. If booters could be booting until 5:30 a.m. before driving back to the DOF facility, but instead stop at 4 a.m. to take their lunch for an hour and then sit idle until 5:30 a.m., the City is effectively losing .5 hours of productive time from each worker, each shift. This translates to lost productive time of 6.25% per night shift. Assuming that 6.25% of the night shift is not being worked, the table below shows the hours not being worked per month and the dollar value of the wasted personnel expenditures based on the booters’ compensation.

	Percentage of Shift Not Being Worked	Hours Not Worked per Month*	Per Hour Booter Compensation*	Monthly Wasted Personnel Expenditures	Annual Wasted Personnel Expenditures
Assuming .5 hours per shift per booter lost not booting	6.25%	73.68	\$41.18	\$3,033.58	\$36,402.99
*This is calculated by multiplying the average hours worked per month for the entire night shift (1,178.81 hours) by the percentage of shift not being worked. **A booter's annual salary is \$63,440. Assuming additional fringe benefits are 35% of salary, total annual compensation for a booter is \$85,644. Assuming that a booter is paid for 2,080 hours a year (40 hours per week, 52 weeks per year), the hourly compensation for a booter is \$41.18. Source: Current Employee Salary List http://data.cityofchicago.org/Administration-Finance/Current-Employee-Names-Salaries-and-Position-Title/xzkq-xp2w					

To calculate the lost revenue due to fewer boots being placed on vehicles, the IGO analyzed the same dataset, which also detailed how many boots booters on the night shift placed on vehicles from January through September 2011. During this time period, these booters placed 17,762 boots on vehicles. Given that these booters worked 10,609.25 hours during this period, the booters as a group averaged 1.67 boots per hour worked. However, this boots-per-hour figure must be adjusted for the fact that these booters were not placing boots on vehicles during their entire shifts. Based on the analysis above, booters should be booting 6.25 hours out of each 8-hour shift worked, or 78.13% of each shift. Applying this same percentage to the 10,609.25 hours worked from January through September 2011, the result is that the night shift booters should have spent an estimated 8,288.48 hours booting over this time period. However, because booters only spent 5.75 hours, or 71.88%, of each shift booting over this time period, the actual hours spent booting was an estimated 7,625.40 hours. With 17,762 boots placed during this time period, this equals 2.33 boots per actual hour spent booting.

Assuming booters would place the same number of boots per hour from 5 a.m. to 5:30 a.m. as they do during the rest of the night shift, the table below details how much additional boot revenue these booters would generate if they placed boots for an additional 30 minutes.

Hours Not Spent Booting from January through September 2011*	Boots Not Placed on Vehicles from January through September**	Boots Not Placed on Vehicles per month	Passenger Vehicle Boot Fee	Monthly Lost Revenue	Annual Lost Revenue
663.08	1544.52	171.61	\$60.00	\$10,297	\$123,562
* This figure is calculated by subtracting the estimated 7,625.4 hours booters actually spent booting during January through September 2011, from the estimated 8,288.48 hours that booters should have spent booting during this time period. ** This figure is calculated by multiplying the hours not spent booting figure by the 2.33, the number of boots placed per hour that was calculated above.					

In sum, the IGO estimated that for the eight-booter night shift, a loss of 30 minutes of productive time results in an estimated \$124,000 in annual lost boot revenue (based only on the \$60 boot fee for passenger vehicles) and an estimated \$36,000 in annual wasted personnel

expenditures. This estimate is a conservative one, given that the lost boot revenue is based only on the \$60 boot fee and does not include the higher \$400 fee for trucks, additional storage fees, or the revenue collected from motorists' previously unpaid tickets. As noted in the department's standard operating procedures, boot-eligible motorists typically owe the City between \$300 and \$750.

In addition to these calculable costs, delaying all breaks for booters and dispatchers is bound to result in a further reduction in productivity. Booters drive City vehicles in the field for nearly six hours each day. Presumably, booters require personal breaks—and take necessary breaks during their shift—well before their combined lunchtime and breaks at 4:00 a.m. Ideally, booters would be able to use their breaks and lunchtime, as intended, throughout the shift. But if they are forced to take all their time at the end of the shift and also take additional personal breaks during the shift, productivity suffers.

The delayed lunch period further raises safety considerations for booters, and, in the case of the dispatchers, appears to violate the state's One Day Rest in Seven Act. Although the Act does not apply to the booters because their lunch is established by the collective bargaining agreement, the law evinces the public policy of the state that lunch periods should occur no later than five hours into a 7.5-hour shift. If booters, in fact, do not take additional breaks throughout their shift, they end up driving at night for nearly six hours straight and may become fatigued and inattentive, raising the risk of accidents. Moreover, the non-union dispatchers, who are required to work an 8-hour shift from 9:00 p.m. to 5:00 a.m., are covered by the Act, and, therefore, must be provided at least a 20 minute lunch period no later than 5 hours into their shift.

The assignment of the two non-union security personnel to perform dispatch functions raises additional labor management issues. The DSS dispatch clerks working the day shifts for booting operations are AFSCME members and the collective bargaining agreement requires that the City must "assign bargaining unit work to bargaining unit employees only." Moreover, the security personnel assigned to dispatch are paid more in their security titles than the dispatch clerk titles, by \$16,000 and \$8,940 respectively. The use of higher paid employees to perform a position normally performed at a lower pay rate constitutes additional waste.

V. RECOMMENDATIONS

1. Review the staffing for the booting night shift and work with DSS to ensure that dispatchers are available to the night shift, for the entire shift.
2. Ensure that security personnel are available to the night shift and able to perform their assigned security functions as appropriate.
3. Ensure that all employees working the night shift are able to take breaks at appropriate times throughout their shift in accordance with state labor laws.
4. While DOF is working toward an automated confirmation system, as of December 2011, this system was not functioning in a way that would eliminate the need for dispatchers. Thus, the IGO recommends that DHR conduct a position audit of the remaining security

position and reclassify the position to more accurately reflect the employee's dispatch duties.