



City of Chicago

Committee on Finance
City Hall • Room 302 • 60602
www.committeefonfinance.org

Alderman Edward M. Burke
Chairman

Telephone
312-744-3380

July 24, 2012

Joseph M. Ferguson, Esq.
Inspector General
740 N. Sedgwick Street
Suite 200
Chicago, Illinois 60654

Dear Mr. Ferguson:

This letter is in response to your email to me dated July 16, reissuing a letter dated June 18, 2012 which had, perhaps erroneously, been recalled by your office. I hope to provide more clarity in explaining the viewpoint of this Committee in what you concede is “an important substantive matter,” specifically, respect for the differing jurisdictions of the Executive Inspector General and the Legislative Inspector General.

In my original response to your request for “immediate, unfiltered read-only access to the database(s)” related to the management of “the City’s duty disability programs,” I noted that employee duty disability is a State of Illinois program governed by the Illinois Workers’ Compensation Act, not by an ordinance of the City of Chicago. The Committee on Finance provides administrative support, subject to the oversight of the Illinois Workers’ Compensation Commission and its arbitrators. To the extent that duty disability relates to police and fire personnel, the Committee is subject to negotiated contracts, to grievance procedures, and to mandatory arbitration.

Even if I accepted your expansive argument that your office nevertheless has jurisdiction, it is reasonable to understand “city government” as the totality of City executive department operations as carried out by departmental personnel, and not a license to review every policy or decision of the Mayor and City Council, but rather only matters involving misconduct,

inefficiencies, or waste by those employees “in the performance of their official duties.” This charge to your office goes back to the inception of the Office of the Inspector General, but surely is even more explicit since the creation of the Office of the Legislative Inspector General, who enjoys a parallel jurisdiction with respect to members and employees of the City Council. Further, the scope of the mandate to every inspector general established by the Illinois General Assembly, legislative and executive, is identical, and none of them contemplates the review or evaluation of programs, State or Municipal, established by the legislative process, except in the context of misconduct, inefficiency, or waste committed by employees.

This understanding is supported by the restricted nature of the power of the subpoena, which is available “only...if the investigation relates to misconduct ...by any person...and the inspector general has a reasonable belief that such misconduct has occurred....”

Nevertheless, in our prior correspondence, I directed your attention to numerous available sources of information related to operations of the Committee with respect to our administration of the State statute, as well as payments through the Department of Finance. Furthermore, the Committee is subject to the Illinois Freedom of Information Act and regularly responds to warranted requests for information.

As a result, I regret that you have chosen to read the Committee’s position as a “final denial” rather than an invitation to jointly search for a reasonable process that recognizes the differences in both legislatively mandated charges and jurisdiction. I remain hopeful that you will reconsider your position and work with the Committee to seek ways to aid you in your duties, without requiring the Committee irresponsibly, and possibly illegally, to waive what we regard as “substantive” distinctions established by municipal ordinance.

Very truly yours,



Marla M. Kaiden
Chief Administrative Officer

MMK/dms