



**OFFICE OF INSPECTOR GENERAL**  
*City of Chicago*



***REPORT OF THE OFFICE OF INSPECTOR GENERAL:***

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***ADVISORY CONCERNING SUSPENSIONS ISSUED FOR HISTORICAL  
SHAKMAN VIOLATIONS***

**NOVEMBER 2013**

866-IG-TIPLINE (866-448-4754)  
[www.chicagoinspectorgeneral.org](http://www.chicagoinspectorgeneral.org)



Joseph M. Ferguson  
Inspector General

## OFFICE OF INSPECTOR GENERAL *City of Chicago*

740 N. Sedgwick Street, Suite 200  
Chicago, Illinois 60654  
Telephone: (773) 478-7799  
Fax: (773) 478-3949

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November 1, 2013

Soo Choi  
Commissioner  
Department of Human Resources  
121 N. LaSalle Street, 11<sup>th</sup> Floor  
Chicago, IL 60602

Erin Keane  
Acting Comptroller  
Department of Finance  
33 North LaSalle Street, Suite 600  
Chicago, IL 60602

Dear Commissioner Choi and Acting Comptroller Keane:

The Hiring Oversight Section of the Office of Inspector General recently conducted a Compliance Review of the City's time-keeping records related to the imposition of discipline by the City arising from the *Shakman* Monitor Office (the Monitor) investigations of historical *Shakman* violations. We reviewed the records specifically to ensure that the City imposes disciplinary sanctions consistent with the City's stated final action.

Hiring Oversight's review found inconsistencies in the method, manner, and means by which disciplinary sanctions were coded, calculated, and effectuated across and within City departments. Consultation with OIG investigators further revealed such variations have long been observed in the City's imposition of disciplinary action taken as a result of OIG investigations. The historical variations in other OIG matters have been observed across City departments and span multiple administrations. The result is disparate implementation of otherwise similar agency disciplinary actions.

More specifically, we discovered the following:

- Inconsistent and incorrect coding of disciplinary suspensions, including the entry of "voluntary furlough" and "excused absence" for days when a disciplinary suspension had taken place. These particular coding practices appear to: (i) conceal the true nature of the disciplinary action taken; (ii) render official City personnel and payroll records inaccurate, and; (iii) protect the suspended employee(s) from the consequences of having

a disciplinary suspension on their records, such as ineligibility for pay increases, promotions, and employment in other positions with the City,<sup>1</sup>

- Missing notices for disciplinary suspensions in employee personnel files due to the failure of City departments to submit the proper suspension notices and information to DHR for inclusion in the corresponding official personnel file;
- Inconsistency in how suspensions are served. In some departments employees are allowed to serve non-consecutive suspensions spaced out over several weeks and even months without documented operational justification. This practice appears to have the incidental, if not intended effect of mitigating the financial impact of consecutively imposed days of unpaid suspension;
- Inconsistency in the days a suspended employee is allowed to serve the suspension. In some departments employees are allowed to serve portions of unpaid suspensions on non-work days. For example, an employee whose regular work schedule is Monday through Friday may count weekend days as part of his or her suspended period. This practice further mitigates the true duration and financial impact of the suspension.

The OIG suggests the City act to bring uniformity and equity in the imposition of disciplinary sanctions. Such action is needed to bring clarity to the disciplinary process that would attend standardization. Doing so will have the further effect of safeguarding against claims and appearances of disparate and/or preferential treatment arising from divergent departmental practices resulting in disparate outcomes for otherwise similarly situated employees. In order to achieve these objectives, the OIG further suggests the joint creation and implementation by DHR and the Department of Finance of a Citywide policy for the assessment, coding, and enforcement of unpaid suspensions and disciplinary sanctions. Among other things, such a policy might require the following:

- All disciplinary suspensions be recorded in all relevant time-keeping systems utilizing a single suspension code;
- All disciplinary suspension documentation including, specifically, any “Notice of Disciplinary Dock” or “Suspension Notice,” be completed by the supervisor of the suspended employee and given to the employee, the Department Head, and DHR;
- All disciplinary suspensions be calculated and assessed Citywide on the basis of regular work days and not on the basis of calendar days;
- All disciplinary suspensions be served on consecutive regular work days absent a documented, operational justification provided to the OIG by the Department Commissioner;

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<sup>1</sup> The OIG apprised the City’s Department of Law of its findings and the Law department indicated that it is taking action to ensure that the proper suspension code is used for each City employee who was suspended as a result of the Monitor’s investigations.

- Non-regular work weekend days and holidays be excluded from the count of consecutive workdays on which a suspension is served;
- The Personnel File of the disciplined employee in both DHR and the employing department each include documentation of the imposed discipline;
- Docking of pay of salaried employees operate on the basis of a single assessment schedule.

The OIG invites the Department of Human Resources and the Department of Finance to respond in writing to the above before December 2, 2013. Any response will be made public along with the OIG's advisory.

Respectfully,



Joseph M. Ferguson  
Inspector General  
City of Chicago

cc: Lisa Schrader, Chief of Staff, Office of the Mayor  
Stephen Patton, Corporation Counsel, Department of Law  
Noelle Brennan, *Shakman* Monitor

**CITY OF CHICAGO OFFICE OF INSPECTOR GENERAL**

<b>Public Inquiries</b>	Rachel Leven (773) 478-0534 <a href="mailto:rleven@chicagoinspectorgeneral.org">rleven@chicagoinspectorgeneral.org</a>
<b>To Suggest Ways to Improve City Government</b>	Visit our website: <a href="https://chicagoinspectorgeneral.org/get-involved/help-improve-city-government/">https://chicagoinspectorgeneral.org/get-involved/help-improve-city-government/</a>
<b>To Report Fraud, Waste, and Abuse in City Programs</b>	Call the OIG's toll-free hotline 866-IG-TIPLINE (866-448-4754). Talk to an investigator from 8:30 a.m. to 5:00 p.m. Monday-Friday. Or visit our website: <a href="http://chicagoinspectorgeneral.org/get-involved/fight-waste-fraud-and-abuse/">http://chicagoinspectorgeneral.org/get-involved/fight-waste-fraud-and-abuse/</a>

**MISSION**

The City of Chicago Office of Inspector General (OIG) is an independent, nonpartisan oversight agency whose mission is to promote economy, efficiency, and integrity in the administration of programs and operations of City government. The OIG achieves this mission through:

- Administrative and criminal investigations
- Audits of City programs and operations
- Reviews of City programs, operations, and policies
- Monitoring employment actions

From these activities, the OIG issues reports of findings, disciplinary, and other recommendations to assure that City officials, employees, and vendors are held accountable for the provision of efficient, cost-effective government operations and further to prevent, detect, identify, expose and eliminate waste, inefficiency, misconduct, fraud, corruption, and abuse of public authority and resources.

**AUTHORITY**

The authority to produce reports and recommendations regarding OIG Hiring Oversight Monitoring is established in §2-56-35 of the City of Chicago Municipal Code which confers upon the Inspector General the following power and duty:

*(b) Powers and duties. The inspector general shall have the authority to monitor employment actions under the hiring plan and related policies and procedures. In addition, the inspector general shall have the authority to investigate allegations of non-compliance with the hiring plan and related policies and procedures. Complaints concerning employment actions and related policies and procedures, including claims of unlawful political discrimination, shall be made to the inspector general.*

*(c) Reporting on monitoring of employment actions. Notwithstanding anything to the contrary, the inspector general shall issue reports as required by the hiring plan and as otherwise necessary to carry out his functions under this section. These reports will be*

*considered public records and will be posted, with identifying information stricken, on the inspector general's website.*