

IN THE EXECUTIVE ETHICS COMMISSION
OF THE STATE OF ILLINOIS

In re: SCOTT FLOOD

)

OEIG Case # 09-00508

OEIG FINAL REPORT (REDACTED)

Below is a final summary report from an Executive Inspector General. The General Assembly has directed the 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 its factual allegations or legal conclusions before the Commission.

The Executive Ethics Commission ("Commission") received a final report from the Governor's Office of Executive Inspector General ("OEIG") and a response from the agency in this matter. The Commission redacted the final report and mailed copies of the redacted version and responses to the Attorney General, the Governor's Executive Inspector General and to Scott Flood at his last known address.

These recipients were given fifteen days to offer suggestions for redaction or provide a response to be made public with the report. Certain information contained in the proposed public response may have been redacted in accordance with the Commission's determination that it should not be made public. The Commission, having reviewed all suggestions received, makes this document available pursuant to 5 ILCS 430/20-52.

FINAL REPORT

I. Allegations and Background

The Office of Executive Inspector General ("OEIG") received a complaint alleging Illinois Department of Natural Resources ("IDNR" or "Department") employees Scott Flood and [name of second employee who received less than a three-day suspension is redacted and the Commission has determined that this information should not be made public] each abused time and made impermissible personal use of IDNR electronic resources. Additionally, it was alleged that Mr. Flood misused his state vehicle and cellular telephone, failed to properly disclose his outside business interests, and slept in his office during work hours.

Scott Flood currently oversees all State parks and IDNR property in western Illinois as the IDNR Regional Land Manager for Region Four. Mr. Flood also served as the Acting Site Superintendent for Frank Holten State Park and Horseshoe Lake State Park until December 2009. That additional post required him to manage park employees, oversee projects, and handle park programs.

[Redacted information concerning second employee]

II. Investigation Relating to Scott Flood

A. Time Abuse Allegation

1. OEIG Surveillance of Scott Flood

The OEIG conducted surveillance on Mr. Flood on four days between July and September 2009.¹ Mr. Flood is scheduled to work from 7:30 a.m. to 4:30 p.m. On three of the four surveillance days, Mr. Flood arrived at work between 7:45 a.m. and 9:15 a.m.² On July 22 and September 2, 2009, Mr. Flood left work prior to 4:30 p.m. In fact, on July 22, 2009, Mr. Flood left work at 12:58 p.m. and spent approximately two hours at a private residence before arriving at his own home at 2:53 p.m.

2. Review of Scott Flood's Timesheets

OEIG investigators obtained a copy of Mr. Flood's timesheet reflecting his schedule during the OEIG surveillance. Mr. Flood's timesheet reflected that he worked complete days on three of the four surveillance days. On July 22, 2009, Mr. Flood used sick time to account for his absence between 3:00 and 4:30 p.m.

B. Misuse of IDNR Electronic Resources Allegation

OEIG investigators obtained and reviewed copies of Mr. Flood's IDNR email archive. Based on that analysis, the OEIG determined that Mr. Flood sent 54 apparently personal emails between September 22 and October 7, 2009. These messages covered topics ranging from golf outings to chain letters. Mr. Flood also received dozens of emails unrelated to IDNR business, including messages from professional sports franchises such as the St. Louis Blues and St. Louis Cardinals. The communications relating to professional sports each included the text "[y]ou received this message because you registered to receive commercial email messages from [MLB.com/NHL.com]" and contained a link that allowed the recipient to remove his/her name from the mailing list.

C. Misuse of an IDNR Vehicle Allegation

¹ Surveillance took place on July 22, 2009; July 30, 2009; September 2, 2009; and September 23, 2009.

² Mr. Flood arrived at Frank Holten State Park at 8:38 a.m. on July 22, 7:53 a.m. on September 2, and 9:09 a.m. on September 23. On July 30, 2009 investigators were unable to locate Mr. Flood at the Frank Holten State Park, Horseshoe Lake State Park, or the Alton IDNR office and accordingly terminated surveillance at 10:20 a.m.

1. *Interview of IDNR Employees Regarding Mr. Flood's Vehicle Use*

OEIG investigators interviewed IDNR employees [three names redacted]. [Two employees] informed investigators that they saw Mr. Flood drive his IDNR-issued truck to Frank Holten State Park with a female passenger. According to [redacted], Mr. Flood introduced the passenger as his girlfriend. [Redacted] also recalled seeing Mr. Flood transport a female in his Department truck. However, [redacted] said the individual he saw riding with Mr. Flood was Mr. Flood's daughter.

2. *OEIG Surveillance*

On September 23, 2009, OEIG investigators saw Mr. Flood take a teenaged passenger, later identified as his daughter, to a local high school in his IDNR vehicle. Mr. Flood picked up his daughter at 8:12 a.m., and proceeded to the high school, arriving there at about 8:27 a.m.

D. Misuse of an IDNR Cellular Phone Allegation

The OEIG obtained copies of Mr. Flood's IDNR cellular phone records and discovered 378 telephone calls made to numbers bearing no direct relationship to State business between May 1 and August 31, 2009. These telephone calls had a combined duration of 758 minutes.

E. Failure to Disclose Outside Business Interests Allegation

OEIG investigators examined Accurint Reports for listings tied to Scott Flood, but were unable to locate any records relating to Mr. Flood's business interests.

F. Sleeping in an IDNR Office Allegation

[Redacted], an IDNR employee, informed OEIG investigators that he occasionally saw Mr. Flood sleeping on his office floor.

G. Interview of Scott Flood

Scott Flood was interviewed on March 9, 2010. Mr. Flood informed OEIG investigators that he worked from 7:30 a.m. until 4:30 p.m. daily. He also said his workday officially begins when he enters his IDNR-issued vehicle because he is "on call" throughout the day. OEIG investigators presented Mr. Flood with a copy of his timesheet for the four day surveillance period. After reviewing the timesheet, Mr. Flood said the document was an accurate representation of time worked. When questioned regarding his one hour visit to a private residence during the July 22, 2009 surveillance, Mr. Flood responded that the home belonged to his father, former IDNR Director [redacted]. Mr. Flood stated that given his father's past position, the visit may have related to State business.

Regarding his email use, Mr. Flood said that he sent and received a variety of personal emails on his IDNR account. He stated that he had utilized his IDNR account to order tickets to sporting events in past, but was unable to stop receipt of subsequent emails from sports teams,

despite his desire to do so. Mr. Flood additionally said that he had used his State vehicle to move his personal boat. He further noted that he possibly allowed his girlfriend to ride as a passenger in his assigned State truck. When presented with his IDNR cellular phone records, Mr. Flood identified the primary numbers called as belonging to his girlfriend and daughter. When asked about his outside business interests, Mr. Flood said he and his father owned property, which they rented under the title "S and S Investments." Finally, Mr. Flood recalled periodically "nod[ing] off" in his office, but never for an extended period.

H. Investigative Follow-up to Scott Flood's Interview

1. Follow-up Regarding Vehicle Use

OEIG investigators contacted [IDNR employee] to determine whether Mr. Flood's claim that his workday began when he entered his State vehicle was correct. [IDNR employee] responded in an official letter, dated May 28, 2010, that the only instance where an employee's use of a State vehicle marks the beginning of the employee's workday is when that employee must conduct Departmental business that involves travel beyond the typical morning commute.

2. Follow-up Regarding Secondary Employment

OEIG investigators obtained and reviewed copies of Secondary Employment or Private Enterprise Requests Mr. Flood filed with IDNR. According to these documents, Mr. Flood began working as a bartender at the West Side Tavern in Millstadt, Illinois in January 2008. He disclosed this activity on June 10, 2009. In addition, Mr. Flood filed a disclosure form pertaining to S and S Investments on June 14, 2010 – three months after his OEIG interview. In his form, Mr. Flood did not indicate when he began work with S and S Investments and wrote that his work was "on going."

III. Investigation Relating to [redacted]

[This section is related to an investigation of a second employee who received less than a three-day suspension and the Commission has determined that it should not be made public.]

IV. Analysis

A. IDNR Timekeeping Policy

Pursuant to IDNR Policy 3D-1(3), Department employees must arrive prepared to begin work when their scheduled shift commences and are not to leave before the conclusion of the work day without supervisory approval. During those hours, they each must focus on IDNR tasks as "all employees are expected to conduct personal business on their own time." *Id.* Furthermore, IDNR Policy 3D-1 states that any deviation from this agenda requires the employees to use of benefit time.

1. Scott Flood

The investigation revealed that Mr. Flood was scheduled to work from 7:30 a.m. until 4:30 p.m. but abused time by arriving late, leaving early, and conducting personal business during the work day. According to Mr. Flood, his working hours commenced when he entered his IDNR vehicle. However, this assertion is unsupported by any policy and was refuted by [redacted]. [Redacted] informed the OEIG that an employee's work day only starts when that individual enters their vehicle in those instances when official Departmental business requires travel beyond the typical morning commute. The OEIG surveillance did not reveal any evidence that Mr. Flood's morning travel varied in any manner from his "typical commute." In each instance, Mr. Flood either drove directly to work or performed other tasks normally associated with daily travel, i.e. taking his daughter to school. With that in mind, Mr. Flood was required to reach his IDNR work site no later than 7:30 a.m.

On each of the four days Mr. Flood was under surveillance, he was more than 20 minutes late to work and in fact arrived more than an hour late on three of these occasions. In addition, Mr. Flood departed early on two occasions but only utilized benefit time to account for his early departure on one occasion – he took sick leave on July 22, 2009 to account for the time between 3:00 p.m. and 4:30 p.m. Moreover, on that day, Mr. Flood spent over an hour at his father's home. Although Scott Flood's father, [redacted], was a past IDNR Director, there is no indication [the former director] remains involved with the Department in any manner. Thus, spending time at his father's residence during working hours constitutes conducting personal business on State time. IDNR policy strictly prohibits tardiness, premature departure, and engaging in personal business during the work day. Mr. Flood engaged in each of these impermissible behaviors and as a result the time abuse allegation is FOUNDED.

2. [Redacted]

[This section is related to an investigation of a second employee who received less than a three-day suspension and the Commission has determined that it should not be made public.]

B. IDNR Information Technology Policy

1. *Scott Flood*

Pursuant to IDNR Procedure 2-2(V), Department employees are permitted reasonable use of the email system, so long as it does not adversely affect the performance of official duties and is of reasonable duration and frequency. However, disseminating assigned IDNR email addresses to non-business related Internet sites is expressly prohibited. *Id.*

During his interview, Mr. Flood recalled sending and receiving personal emails from his IDNR account. The OEIG electronic analysis revealed that Mr. Flood sent and received 54 messages not related to IDNR business in a sixteen-day span in September and October 2009. The subjects of these emails ranged from baseball and hockey ticket information to chain letters and golf scramble scheduling queries. IDNR policy prohibits employees from frequently utilizing Department email accounts for personal business. Given the high volume of activity in that time period, it is clear that Mr. Flood violated this prohibition.

Mr. Flood also received a series of messages from the St. Louis Blues and St. Louis Cardinals which included the text “[y]ou received this message because you registered to receive commercial email messages from [MLB.com/NHL.com].” Given that language, Mr. Flood clearly had to provide his email address to these sites. Moreover, messages pertaining to a pair of professional sports franchises do not relate to the day-to-day operations of the western Illinois state parks. As the quoted text indicates that Mr. Flood provided his IDNR email address for non-business interests, his email use violated IDNR policy. Given the abovementioned personal emails, the allegation that he violated the IDNR email use policy is FOUNDED.

2. [Redacted]

[This section is related to an investigation of a second employee who received less than a three-day suspension and the Commission has determined that it should not be made public.]

C. IDNR Vehicle Use Policy

Pursuant to IDNR Policy 7-1, Department-owned or leased vehicles are to be used only for official business. Additionally, only State employees and members of the public involved with IDNR in a professional capacity may be passengers in these vehicles. *Id.* at (II)(I).

The facts of this investigation revealed that Mr. Flood violated both prohibitions. A number of IDNR employees informed the OEIG that they saw Mr. Flood transport his daughter and girlfriend in his Department vehicle. Mr. Flood said he used his State issued truck to haul his personal boat and to transport his girlfriend. In addition, OEIG investigators saw him drive his daughter to school on September 23, 2009. In effect, Mr. Flood used his State vehicle as if it were his personal automobile. IDNR policy prohibits such behavior and, therefore, the allegation that he misused his State vehicle is FOUNDED.

D. IDNR Telephone Use Policy

Pursuant to IDNR Policy 2-1(II)(b), Department employees are permitted limited personal use of State phones, so long as it does not adversely affect the employee’s performance of official duties, is of reasonable frequency and duration, and the telephone calls could not have reasonably been made after work hours. In addition, IDNR Policy 2-1(D)(f) states that employees who abuse the telephone policy are subject a fine of \$0.50 per minute of inappropriate local calls.

Between May 2009 and August 2009, Mr. Flood placed 378 personal calls, totaling 758 minutes in duration, from his IDNR cellular telephone. On average, Mr. Flood made nearly 25 personal calls per week during that time, hardly a reasonable frequency. When presented with this evidence, Mr. Flood said most of the calls were to his girlfriend and daughter. In short, it appears as though Mr. Flood used his State phone as an alternative for a personal cellular phone. Therefore, the allegation that Flood violated the IDNR telephone policy is FOUNDED and Mr. Flood is subject to a fine of \$379.00 to account for his improper use.

E. IDNR Secondary Employment Disclosure Policy

Pursuant to IDNR Policy 3D-9, Department employees may maintain outside employment so long as that enterprise does not interfere with his primary position. In order to permissibly do so, the employee must file a Secondary Employment or Private Enterprise Request with his immediate supervisor before undertaking that venture. *Id.*

During his March 9, 2010 interview with the OEIG, Flood admitted owning a private rental company, S and S Investments. However, Mr. Flood only disclosed this outside business after OEIG investigators interviewed him regarding his secondary employment. Furthermore, the documentation Mr. Flood submitted was not a request for permission to undertake a new endeavor, as IDNR policy requires. Rather, the form indicated that his involvement with S and S Investments was “on going.” Additionally, Mr. Flood submitted a request to account for his part time bartending at the West Side Tavern in June 2009. Similarly, that request noted that he held the position for nearly eighteen months before obtaining approval. In both situations, Mr. Flood failed request permission to obtain outside employment before actually engaging in such restricted outside activity. As IDNR’s policy expressly requires notification of a secondary enterprise before undertaking that venture and Mr. Flood failed to do so on two occasions, the allegation that he failed to document his outside business interests is **FOUNDED**.

F. IDNR Employee Conduct Policy

The regulations regarding employee conduct are embodied in IDNR Policy 3D-2. In particular, sleeping during IDNR work hours is prohibited. *Id.* at (V)(h).

[An employee] told OEIG investigators that Mr. Flood took naps in his office. Similarly, Mr. Flood stated that he may “nod off” during working hours, but never for an extended period. These assertions clearly illustrate that Mr. Flood, at least on occasion, slept during the workday, which is forbidden. Accordingly, the allegation that Mr. Flood slept at work is **FOUNDED**.

V. Recommendations

The OEIG issues these findings:

- **FOUNDED** –Flood and [redacted] abused time by conducting personal business during the work day as well as arriving late and leaving early.
- **FOUNDED** –Flood and [redacted] used IDNR electronic resources for personal purposes.
- **FOUNDED** –Flood misused his IDNR vehicle by allowing a non-employee to ride as a passenger.
- **FOUNDED** –Flood used his IDNR cellular telephone to make impermissible personal calls after work hours.
- **FOUNDED** –Flood failed to properly disclose his outside business interests.
- **FOUNDED** – Flood slept during the work day.

Based upon the evidence, the OEIG recommends that Scott Flood be discharged with no right to reinstatement with any State agency for his: (1) time abuse; (2) impermissible personal use of his IDNR email account; (3) misuse of his IDNR vehicle; (4) impermissible personal use of his IDNR cellular phone; (5) failure to properly disclose his outside business interests; and (6) sleeping during work hours. Furthermore, any separation agreement reached with Flood should state that he agrees “never to apply for, nor to accept, employment with the State.”

Additionally, the OEIG recommends that IDNR levy a fine of \$379.00 to account for Flood’s misuse of his State cellular phone, pursuant to IDNR Policy and Procedure Manual, Procedure 2-1(II)(D)(f).

[This section is related to an investigation of a second employee who received less than a three-day suspension and the Commission has determined that it should not be made public.]

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



OFFICE OF EXECUTIVE INSPECTOR GENERAL
FOR THE AGENCIES OF THE ILLINOIS GOVERNOR

32 WEST RANDOLPH STREET, SUITE 1900
CHICAGO, ILLINOIS 60601
(312) 814-5600

RICARDO MEZA
EXECUTIVE INSPECTOR GENERAL

OEIGG RESPONSE FORM

Case Number:
09-00508

Return By:
20 Days after Receipt of Report

Please check the box that applies.

- We have implemented all of the OEIGG recommendations:
(Provide details regarding action taken.)

- We will implement all of the OEIGG recommendations but will require additional time.
We will report to OEIGG within 30 days from the original return date:
(Provide details regarding action planned / taken.)

(over)

*** IF YOU WISH TO DEVIATE FROM OEIGG RECOMMENDATIONS YOU MUST OBTAIN PRIOR WRITTEN APPROVAL FROM THE OEIGG.**

- We are implementing the OEIGG recommendations however, we request approval to deviate as follows:
(Provide details regarding action planned / taken and proposed alternate(s).)

The IDNR Plans to discharge me, Scott Flood, but will not seek to enter into a Separation agreement where he agrees never to apply for state employment and will not seek to levy a fine for the misuse of his state cellular phone. I have attached a copy of the statement of charges that will be presented to the employee.

- We do not wish to implement any of the OEIGG recommendations and request approval to deviate as follows:
(Explain why and provide details of alternate plan.)

n.n

Signature

Gloria Williams
Print Name

IDNR, Ethics Officer
Print Agency and Job Title

Jan 25, 2011
Date

* We will accept or reject your proposed alternate plan within 30 days of its receipt.

Statement of Charges

Mr. Scott Flood
Senior Public Service Administrator, Opt 5
Regional Land Manager – Region 4
Office of Land Management, Division of Parks & Recreation

Mr. Flood is being terminated for cause as a result of the outcome and recommendations of an official Office of the Executive Inspector General (“OEIG”) report and for the following IDNR Policy & Procedures violations:

- IDNR Policy & Procedures, Chapter 2, Section 2-1: Telecommunications Policy, Article II-b: Personal Usage of State Telephones
- IDNR Policy & Procedures, Chapter 2, Section 2-1: Telecommunications Procedures, Article II-D(f)
- IDNR Policy & Procedures, Chapter 2, Section 2-2V: Information Technology
- IDNR Policy & Procedures, Chapter 3, Section 3D-1: Work Rules, Subsections 3 and 9.
- IDNR Policy & Procedures, Chapter 3, Section 3D-2: Rules of Conduct, Article V: Personal Conduct, paragraphs a. and h
- IDNR Policy & Procedures, Chapter 3, Section 3D-2: Rules of Conduct, Article VII: Property Owned by the State, paragraph d.
- IDNR Policy & Procedures, Chapter 3, Section 3D-9: Secondary Employment or Private Enterprise
- IDNR Policy & Procedures, Chapter 7, Section 7-1: Vehicles-Department Owned Leased/Personal, Articles II-A: Official State Business Only and II-I: Passengers



Illinois Department of Natural Resources

One Natural Resources Way Springfield, Illinois 62702-1271
<http://dnr.state.il.us>

Pat Quinn, Governor
Marc Miller, Director

May 13, 2011

Mr. Neil Olson
Deputy Director
Office of the Executive Inspector General
32 West Randolph Street, Suite 1900
Chicago, IL 60601

Re: OEIG Case Number 09-00508-Final

Deputy Director Olson:

This letter serves to inform you of the final status for the above-mentioned OEIG Case. As noted in the OEIG Final summary report, the OEIG concluded that violations of the IDNR Policy & Procedures were founded on both employees.

Please be advised that a Pre-Disciplinary Meeting was held on May 12, to discuss the Statement of Charges against [redacted]. After consideration of the rebuttal and no prior discipline, [redacted] received a Written Reprimand for violating the following IDNR Policy & Procedures:

- IDNR Policy & Procedures, Chapter 3, Section 3D-1: Work Rules, Subsection 9
- IDNR Policy & Procedures, Chapter 3, Section 3D-2: Rules of Conduct, Article V: Personal Conduct, paragraph a, and Article VII: Property Owned by the State, Paragraph d.

I have attached a copy of the Memorandum issued to [redacted] regarding her discipline. In regards to Mr. Flood, I have attached a copy of a negotiated settlement between the Illinois Department of Natural Resources (IDNR), Mr. Flood and his attorney Carl Draper. If I can be of further assistance please do not hesitate to contact me.

Regards,

Gloria Williams, Ethics Officer
Illinois Department of Natural Resources

CC: Director Marc Miller
File



ILLINOIS
DEPARTMENT OF
NATURAL
RESOURCES

MEMORANDUM

to: [Redacted]
Office Administrator III

from: Michele Cusumano
HR Director

date: May 12, 2011

subject: Written Reprimand

The purpose of this memorandum is to notify you that you are receiving a Written Reprimand as a result of OEIG Case No. 09-00508.

The OEIG final summary concludes that violations of the IDNR Policy & Procedures were founded. After consideration of the rebuttal you and your union provided to me, I feel that a written reprimand is sufficient to address the violations as described in the final report.

As agreed between you, your union steward and I, if after 1 year from the date of this memo, there are no future infractions, you may request in writing that this discipline be removed from your personnel file. If other infractions occur in the future, you will be subject to more severe disciplinary action.

Cc: [Redacted] Personnel File
Carla Gillespie, AFSCME Union Steward
Ron House, Supervisor

Rebuttal for [redacted] regarding Pre-disciplinary hearing dated 5-12-11.

In response to the violation of IDNR Policy & Procedures, Chapter 3, Section 3D-1: Work Rules, Subsection 9 it is important to note that [redacted] has been unable to leave her work area for breaks. [redacted] has no designated lunch time. [redacted] admits to using her personal cell phone during work hours to conduct personal business but maintains that she used time equal to or less than her two 15 minute breaks each day due to being unable to leave her work area to do so.

In response to the violation of IDNR Policy & Procedures, Chapter 3, Sections 3D-2, Rules of Conduct, Article V: Personal Conduct, Paragraph a, [redacted] has not left her work area for breaks so as not to impair the operation, efficiency or integrity of the Department. It was never [redacted] ; intent to partake in conduct that is unbecoming.

In response to the violation of IDNR Policy & Procedures, Chapter 3, Sections 3D-2: Rules of Conduct, Article VII: Property Owned by the State, paragraph d it is important to note that several of the graphics referred to were pictures taken for IDNR. [redacted] admits that there were a small number of personal items on the hard drive and has since removed them as soon as she was informed that this was a violation of policy.

Statement of Charges

Redacted →
→

Office of Land Management, Division of Parks & Recreation

Pre-Disciplinary Meeting Held:
May 12, 2011 @ 1:00 p.m.
AFSCME Office
1623 Washington Avenue
Alton, Illinois

is being disciplined as a result of the outcome and recommendations of an official Office of the Executive Inspector General report and for violating the following IDNR Policy & Procedures:

- IDNR Policy & Procedures, Chapter 3, Section 3D-1: Work Rules, Subsection 9
- IDNR Policy & Procedures, Chapter 3, Section 3D-2: Rules of Conduct, Article V: Personal Conduct, paragraph a and Article VII: Property Owned by the State, paragraph d.

Prior Discipline

No prior discipline

ILLINOIS DEPARTMENT OF NATURAL RESOURCES

Policy and Procedure Manual

| | |
|--------------|---------------------------------|
| Chapter 3 | Personnel |
| Subchapter D | Management - Employee Relations |
| Section 3D-1 | Work Rules |

POLICY: Work rules are defined as, and limited to, rules promulgated by the Department which regulate the personal conduct of employees during the hours of their employment. These rules are established not to restrict the rights of employees but rather to define these rights and to ensure the attainment of the Department's objectives through orderly process.

Work rules are to be interpreted and applied uniformly to all employees under like circumstances.

It is the responsibility of both the employee and supervisor to ensure compliance with these rules. There is a shared obligation on both parts for effective communication. Violation of any of these rules may be cause for disciplinary action up to and including discharge.

1. The Department's work week is 12:01 AM Monday through 12:00 PM Sunday except where alternative work weeks are approved.
2. The Department's standard work schedule is 8:30 AM to 5:00 PM except where alternative work schedules are approved.
3. Each employee must be at his/her work area and prepared to begin work at the start of his/her work shift. Employees shall not leave before the scheduled quitting time of their shift without the specific approval of their supervisor.
4. The meal period for all employees is established by the employee's

New Policy Date: _____

Revision Date: July 31, 1998

Special Instructions: Replaces revision of July 1, 1997
which replaced MC9101-E dated September 26, 1991

Chapter 3
Section 3D-1

supervisor at approximately mid-point of the work day. Meal periods shall be no less than 30 minutes and not more than 60 minutes.

5. A work break of 15 minutes is allowed during the first and second half of the work shift. Breaks shall be taken as scheduled by the supervisor. If it is not possible to take breaks away from the work area, employees must conduct themselves in a manner as not to disrupt working employees.
6. If an employee is absent from work due to illness, it is the employee's responsibility to report that fact directly to his/her supervisor, or his/her supervisor's designee, promptly at the start of the work shift and daily, thereafter, unless a mutual agreement is made otherwise.
7. Days off, such as personal days, holidays liquidation, vacation, or other absences shall be scheduled sufficiently in advance to be consistent with the operating needs of the employer except in emergency situations.
8. Each employee is responsible for maintaining an orderly work area. Each employee is responsible for proper care and maintenance of equipment.
9. All employees are expected to conduct personal business on their own time. As specified in the Telephone Policy, telephones are for official business use.
10. The reasonable use of personal radios during working hours may be permitted. Any employee listening to his/her personal radio during working hours may be required to utilize an earphone at the discretion of his/her Office or Division Supervisor.

New Policy Date: _____

Revision Date: July 31, 1998

Special Instructions: Replaces revision of July 1, 1997
which replaced MC9101-E dated September 26, 1991

ILLINOIS DEPARTMENT OF NATURAL RESOURCES

Policy and Procedure Manual

| | |
|--------------|---------------------------------|
| Chapter 3 | Personnel |
| Subchapter D | Management - Employee Relations |
| Section 3D-1 | Work Rules |

PROCEDURE:

Additional work rules may apply to each specific work site. It is the responsibility of management to negotiate with the union and to inform all employees and the Department's Labor Relations Office of any additional work rules or changes in the work rules.

Negotiations of specific site work rules which affect bargaining unit employees will take place only at the appropriate Labor-Management meetings.

Questions regarding work rules should be directed to the Department's Labor Relations Office.

ILLINOIS DEPARTMENT OF NATURAL RESOURCES

Policy and Procedure Manual

Chapter 3 Personnel
Subchapter D Management - Employee Relations Section
Section 3D-2 Rules of Conduct

POLICY: Employees shall comply with the following rules of conduct. This list of rules does not cover every type of employee conduct, but illustrates typical offenses which management considers serious.

Any federal or state law enacted or amended in the future which mandates a change to the rules of conduct that follow will automatically be controlling and employees will be notified of such change.

Violation of any of these rules may be cause for disciplinary action up to and including discharge.

I. Drugs and Alcohol

No employee shall report to work, or while at work be, under the influence of alcohol or a controlled substance. Possession or use of alcohol or a controlled substance, unless prescribed by a licensed physician, in the workplace is prohibited. (See Drug-Free Workplace policy, Chapter 3, Section 3D-3)

II. Convictions

Employees must immediately notify their supervisor of any conviction, plea of guilty, suspended sentence or supervision that results in a fine of \$100 or more, probation, a jail term, or the suspension or revocation of their driver's license.

New Policy Date: _____

Revision Date: November 1, 2000

Special Instructions: Replaces revision of July 31, 1998
 July 1, 1997 revision replaced MC9102 dated August 17, 1995

III. False Statements or Representations

- a. Employees shall not intentionally falsify or cause the falsification of any records of the State, including but not limited to, work reports of any nature, or accounts of any kind, vouchers, leave requests, applications forms, and other forms that serve as a basis for appointment, reassignment, promotion, or other personnel actions, and affidavits, transcripts of testimony, or statements, whether or not made under oath.
- b. Employees must not alter or destroy any official report, record or evidence with the intent to mislead, conceal or falsify.
- c. Knowingly permitting another person to use one's State identification card is prohibited.
- d. Employees may be subject to disciplinary action, including dismissal and prosecution, for making false or misleading verbal or written statements concerning matters of official interest.

IV. Performance of Duties

Failure to follow proper written or oral supervisory instructions, directions, or assignments is prohibited.

V. Personal Conduct

- a. Employees shall refrain from any conduct that is unbecoming of the employee. Conduct "unbecoming of" an employee includes that which tends to bring the Department into disrepute or reflects discredit upon him or her as a member of the Department or that tends to impair the operation, efficiency, or integrity of the Department or the employee.
- b. Employees shall refrain from public criticism of the Department's operation, rules and policies or such conduct which reflects adversely

New Policy Date: _____

Revision Date: November 1, 2000

Special Instructions:

Replaces revision of July 31, 1998
July 1, 1997 revision replaced MC9102 dated August 17, 1995

Chapter 3
Section 3D-2

upon the Department.

- c. Discourtesy to the general public, other employees or persons affiliated with the Department is prohibited.
- d. Disorderly conduct during work time, including fighting, interfering with the work of another or threatening, abusing or coercing other employees, including supervisory personnel, visitors or persons affiliated with the Department by word or act is prohibited.
- e. Engaging in, instigating or causing any interruption of, or impeding work is prohibited.
- f. Obscene, abusive or discriminatory remarks or language at the worksite is prohibited.
- g. Willful or wanton abuse or physical contact with intent to do bodily harm to any employee, visitor or person affiliated with the Department is prohibited.
- h. Sleeping, loafing, or not being attentive during working hours is prohibited.
- i. Gambling during working hours is prohibited.

VI. Political Activity

Employees shall not while at work during regular working hours:

- a. Assist at the polls on behalf of any party or party-designated candidate on election day
- b. Participate in the organization of any political meeting
- c. Solicit money for political purposes
- d. Initiate or circulate petitions on behalf of a candidate for political office or on behalf of a political issue
- e. Make contributions of money on behalf of a candidate for political

New Policy Date: _____

Revision Date: November 1, 2000

Special Instructions:

Replaces revision of July 31, 1998
July 1, 1997 revision replaced MC9102 dated August 17, 1995

- office or on behalf of a political issue
- f. Sell or distribute tickets for political meetings
 - g. In addition, if an employee is paid, in whole or in part, by federal funds and the employee performs duties in connection with an activity that is financed by these funds, they will be subject to the Hatch Act and may not hold a partisan elective office.

VII. Property Owned by the State

- a. The unauthorized use of any State property such as State-owned vehicles, equipment, supplies, credit cards, petty cash, or State vouchers is prohibited.
- b. The intentional removal from State premises of any property belonging to the State without State authorization is prohibited.
- c. Mishandling, abusing, destroying or defacing property belonging to the Department whether by negligence or willful conduct may result in disciplinary action.
- d. The use or consumption of State property for personal or private purposes or the use of State employees for such purposes is prohibited unless explicitly authorized in writing.

VIII. Property Owned by Others

- a. The intentional removal from State premises of any property belonging to another person without authorization of the owner is prohibited.
- b. Mishandling, abusing, destroying or defacing property belonging to another person whether by negligence or willful conduct may result in disciplinary action.

IX. Reporting Employee Misconduct

New Policy Date: _____

Revision Date: November 1, 2000

Special Instructions:

Replaces revision of July 31, 1998
July 1, 1997 revision replaced MC9102 dated August 17, 1995

Chapter 3
Section 3D-2

Employees shall report to their supervisor any actions which they believe or have reason to believe is criminal conduct involving or impacting the Department committed by an employee. Reporting such conduct is not optional.

X. Safety

Violating safety rules or doing anything that creates a safety hazard or contributes to unsafe, unsanitary conditions is prohibited.

XI. State and Federal Laws

Employees shall not perform any act prohibited by State and Federal laws, administrative rules or policies or procedures relating to game, fish, forestry, state parks, boat/snowmobile registration and safety.

XII. Weapons

No employee may possess explosives, firearms, or dangerous weapons or attempt to bring same onto State premises for any purpose except as required to perform assigned duties, or to participate in approved hunting or target practice programs, or for storage in a building provided by the Department as a residence for the employee.

New Policy Date: _____ Revision Date: November 1, 2000

Special Instructions: Replaces revision of July 31, 1998
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ILLINOIS DEPARTMENT OF NATURAL RESOURCES

Policy and Procedure Manual

| | |
|--------------|---------------------------------|
| Chapter 3 | Personnel |
| Subchapter D | Management - Employee Relations |
| Section 3D-2 | Rules of Conduct |

PROCEDURE:

When any manager believes disciplinary action is necessary, it is imperative that the proper disciplinary procedures, as outlined in the appropriate contract, Personnel Rule, division policy or procedure manual, or the Discipline Policy, Chapter 3, Section 3D-7 contained in this manual be followed.

A copy of this policy must be permanently posted on an accessible bulletin board at all work sites. All current and future employees should be directed to read it.

Between Scott Flood ("Employee")
And
IL Department of Natural Resources ("Employer")

CONFIDENTIAL

Scott Flood
Senior Public Services Administrator, Option 5
Regional Land Manager, Region 4
Office of Land Management, Division of Parks & Recreation

IL Department of Natural Resources
Subject: OEIG Case No. 09-00508

In full, final and complete resolution of this matter, the parties agree as follows:

1. The Employer hereby agrees to withdraw OEIG's recommendation to terminate Employee.
2. Employee agrees to submit by close of business May 3, 2011 an irrevocable letter of resignation effective July 15, 2011 and regardless of certification of title, if any, by the IL Labor Relations Board. The Employer agrees to accept said resignation effective close of business July 15, 2011.
3. The Employee will remain on active payroll/"Administrative Leave with Pay" through July 15, 2011, to allow employee to vest with the State Employees Retirement System. Employee agrees to be available at Employee's home during normal work hours of Monday through Friday, 8:00 a.m. to 4:30 p.m. Any deviation from this work schedule will require the use of Benefit time off and Leave Request submittal.
4. Employee agrees to pay restitution of \$379 to account for his personal use of State cellular phone.
5. Employee agrees not to initiate or pursue any grievance, administrative, or judicial proceedings arising out of this action or the circumstances that led to the OEIG investigation, or the filing of the charges seeking discharge against the employer, State of Illinois, OEIG, or any individual employed by, or associated with those agencies or organizations.

Employee

Date

For the Employer

Date

SCOTT FLOOD
Scott Flood

Jay Curtis, Chief of Staff
Printed Name, Title

5/10/11