

IN THE EXECUTIVE ETHICS COMMISSION
OF THE STATE OF ILLINOIS

In re: TERENCE MITCHELL

)

OEIG Case # 09-01006

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 Terence Mitchell 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. Background

On October 7, 2009, the Office of Executive Inspector General (OEIG) received a complaint alleging that Terence Mitchell (Mitchell), an Illinois Department of Human Services (DHS) employee, was abusing state time. Mitchell was allegedly “double dipping” by working as a graduate assistant at the University of Illinois – Chicago Campus (U of I) while at the same working for DHS.

II. Investigation

a. Terence Mitchell's DHS Employment

Terence Mitchell was first employed by DHS in November 2007 as a Public Service Administrator. While at DHS, Mitchell also served on a DHS Taskforce on the Condition of African American Males (AA Taskforce). During his time at DHS, numerous personnel supervised Mitchell.

From November 2007 through January 2008, Mitchell worked for Greg Diephouse, DHS, Director of Strategic Planning. In January 2008, Mitchell also began reporting to Carol Adams, former DHS Secretary, on issues relating to the AA Taskforce. In June 2009, Mitchell was assigned to work for [2 names redacted].

b. Terence Mitchell's University of Illinois Work

While working for DHS, Mitchell was also enrolled at U of I where he worked as a graduate assistant. According to [redacted], Mitchell's term as a graduate assistant ran from August 2008 to May 2009. Mitchell was paid via state funds. [Redacted] informed OEIG investigators that, once a contract for a graduate assistantship is initiated, the student is paid automatically unless action is taken to cease pay. Graduate assistants also receive a tuition waiver for their respective terms.

On January 27, 2010, OEIG investigators interviewed [redacted]. According to [redacted], graduate assistants are paid monthly and payments are processed automatically unless she receives an email from a faculty member stating that the student has resigned or a temporary pay stop is required. [Redacted] also stated that graduate assistants are required to submit a bi-weekly timesheet, which is certified and maintained by the faculty member overseeing the research.

c. Documents Reviewed

The OEIG reviewed DHS documents relating to Mitchell, including: payroll data, travel vouchers, timesheets, requests for time off, a TeleWork agreement, and Family Medical Leave Act leave requests. The OEIG also reviewed the following U of I documents: timesheets, graduate research assistant contract, attendance records, travel vouchers, and payroll data.

The OEIG's analysis reflected that on approximately 88 occasions between November 2007 and May 2009, Mitchell submitted U of I timesheets stating that he performed duties as a graduate assistant while simultaneously submitting DHS timesheets stating he had worked at DHS. On several occasions, Mitchell also submitted DHS travel vouchers stating he was not in the Chicago area, while also submitting U of I timesheets attesting to having performed his assistantship duties in the Chicago area during the same time periods.

III. Interviews

a. *University of Illinois Staff*

1. *OEIG Interview of [redacted]*

On December 10, 2009, the OEIG interviewed [redacted]. [Redacted] stated that Mitchell was appointed to assist him on a research project. Although Mitchell was appointed to assist him, [redacted] stated that he was not Mitchell's timekeeper. Rather, [redacted] said that he designated timekeepers for Mitchell, but that each designated timekeeper has since left U of I.

OEIG investigators provided [redacted] with copies of Mitchell's timesheets, which had been submitted unsigned. Upon review, [redacted] stated that the timesheets were sent to the Dean's Office and he also noted that he was surprised that no one at that the Dean's office noticed the timesheets were unsigned.

2. *OEIG Interview of [redacted]*

On February 16, 2010, the OEIG interviewed [redacted]. Upon reviewing U of I timesheets reflecting that Mitchell worked under her supervision, [redacted] indicated that the timesheets were not the same timesheets she reviewed and certified. [Redacted] stated that she signed Mitchell's timesheets, but the ones presented to her during the interview did not contain her signature.

[Redacted] also informed OEIG investigators that Mitchell failed to routinely report to work. According to [redacted], at some point during his employment, Mitchell provided her with a doctor's note saying he needed to work from home. [Identifying information redacted], [redacted] stated that she referred Mitchell to U of I's Employee Health Center to be seen by a university doctor. She stated that she understood Mitchell reported to the Employee Health Center, but refused to be examined.

[Redacted] stated that she then transferred the responsibility of monitoring Mitchell to [redacted]. [Redacted] also stated that she contemplated dismissing Mitchell because he had missed so many work hours, but was informed that it was almost impossible to dismiss a graduate assistant once the student was under contract.

3. *OEIG Interview of [redacted]*

On April 7, 2010, the OEIG interviewed [redacted]. [Redacted] stated that he became involved with Mitchell in the fall of 2008 or early January 2009 after Mitchell failed to report to work as directed to by [redacted]. [Redacted] stated that he was tasked with resolving Mitchell's sporadic attendance issues.

After Mitchell began reporting to him, [redacted] stated that Mitchell continued to routinely fail to report to work as agreed and did not complete tasks assigned to him. [Redacted] also stated that Mitchell claimed a shoulder injury prohibited him from using a computer. [Redacted] told OEIG investigators that he asked Mitchell to see university health professionals

to be evaluated for a possible work accommodation, but Mitchell refused to complete the evaluation. [Redacted] inquired with U of I legal staff about the possibility of discharge, but was informed that it would be difficult to terminate Mitchell because of his medical condition.

[Redacted] stated that when he informed Mitchell that he would not continue in the graduate assistant program because of his failure to submit timesheets, Mitchell presented timesheets for hours worked from 2007-2009. [Redacted] refused to certify them and forwarded the timesheets and his concerns to [another university employee].

4. OEIG Interview of [redacted]

On May 11, 2010, the OEIG interviewed [redacted]. [Redacted] was not aware that Mitchell held a paid graduate research assistant position at U of I while simultaneously working full time for DHS.

[Redacted] informed OEIG investigators that he approved Mitchell's timesheets when he and Mitchell did not work at the same location. [Redacted] also stated that he approved Mitchell's timesheets long after pay periods. [Redacted] said he assumed Mitchell was working on the AA Taskforce, but never verified that Mitchell was present or doing any DHS work.

[Redacted] indicated that Mitchell had not completed the final report for the legislature concerning his AA Taskforce duties.

5. OEIG Interview of [redacted]

On May 18, 2010, the OEIG interviewed [redacted]. During the interview, [redacted] stated that her office does not maintain timesheets for her staff, and that she presumes an employee is working unless the timekeeper has information that an employee submitted a time off request.

[Redacted] stated that Mitchell performed duties related to the AA Taskforce. [Redacted] was not aware that Mitchell's pursuit of a graduate degree at U of I overlapped with part of his tenure at DHS. [Redacted] stated that she signed Mitchell's timesheets without knowing where he was or what he was doing at any time. Mitchell also stated that she never clarified Mitchell's duties under her supervision. [Redacted] transferred her timekeeping duties of Mitchell to the CHP administrative assistant sometime in January 2010.

6. OEIG Interview of Terence Mitchell

On August 26, 2010, the OEIG interviewed Terence Mitchell. Mitchell said he was responsible for coordinating AA Taskforce's efforts from June 2009 to May 2010. Despite his schedule of 9:00 a.m. to 5:00 p.m., Mitchell stated that he routinely worked late in the evening.

When asked about the discrepancies in his DHS and U of I timekeeping, Mitchell said he completed U of I duties in the evening and was not required to submit those timesheets

immediately or even soon after he completed the work. According to Mitchell, he was directed to provide timesheets at the end of his U of I program.

Mitchell confirmed that he submitted false information (dates and hours) and that the submitted documents were not an accurate reflection of the number of hours he actually worked. Mitchell informed OEIG investigators that he had no explanation for his false submissions.

Mitchell indicated that he completed a report on his AA Taskforce research during the first semester of his program and was not required to complete any other papers or reports. Mitchell stated that he had no work product related to his AA Taskforce research.

IV. Time Abuse

a. Applicable Agency Rules and Regulations

1. DHS

The DHS Employee Handbook (Handbook) in Section III on *Attendance* states: “Employees are expected to be on-site, performing required duties during the hours established for their job. ... If an employee is unable to report to work, or is going to be late, the employee must contact the supervisor. Employees must complete the Staff Request for Time Off (IL444-4140) form for all absences and submit to the supervisor for action.”

2. U of I

The U of I’s website¹ addresses the work schedule of graduate assistants, noting that the “weekly clock hours of service required of assistants are twenty for a half-time appointment and the proportional fraction of time for other appointments.” More specific arrangements may be required or negotiated by the supervisor or department for which the student will work. Beyond these general guidelines, it does not appear that the University has a specific timekeeping policy.

b. Analysis of the Conduct

Between August 2008 and May 2009, Mitchell earned a total of \$7,210 for ten hours per week as a graduate assistant at U of I, in addition to tuition waivers and his regular salary from his full time DHS position.

An analysis of Mitchell’s timesheets, graduate research assistant contract, attendance records, travel vouchers, and payroll data from DHS and U of I reflect that on approximately 88 occasions between November 2007 and May 2009, Mitchell submitted timesheets reflect that he performed duties as a graduate research assistant at U of I during the same periods he was employed and being paid by DHS.

¹ <http://grad.uic.edu/cms/?pid=1000081>, last accessed September 30, 2010.

In addition, on several occasions, Mitchell submitted travel vouchers to DHS indicating he was not in the Chicago area at the same time he submitted timesheets indicating he was working for U of I in Chicago. Furthermore, Mitchell's U of I timesheets reflect that he was working for U of I while he was purportedly on medical leave and unable to work for DHS. These inconsistencies contravene both DHS and U of I policy. The allegation that Mitchell abused state time is therefore FOUNDED.

V. **Misrepresentation and Falsification of Documents**

a. *Applicable Agency Rules and Regulations*

1. *DHS*

DHS Administrative Directive 01.02.03.040 and the Handbook state that “[a]n employee shall not participate in or condone fraud; dishonesty, or misrepresentation in the performance of duties.”² Moreover, the Handbook also gives examples of employee misconduct, including the “falsification of official documents or records.”³

2. *U of I*

U of I does not have a formal timekeeping policy or procedure for its graduate research assistants, other than the fact that graduate research assistants are required to complete a certain number of hours during certain time periods, and to comply with the needs and requirements of their supervisors.

b. *Analysis of the Conduct*

1. *Terence Mitchell*

Because Terence Mitchell admitted to falsifying his U of I timesheets by documenting his hours long after completing them and by fabricating the actual dates and times he did the work. Therefore, the allegation that Mitchell falsified documents is FOUNDED.

2. *[Redacted]*

[This section has been redacted because actions of the employee involved did not result in a suspension of three days or more, and, in the opinion of the Commission, are appropriately redacted.]

3. *[Redacted]*

[This section has been redacted because actions of the employee involved did not result in a suspension of three days or more, and, in the opinion of the Commission, are appropriately redacted.]

² Section V on “Employee Personal Conduct.”

³ Section V on “Employee Personal Conduct,” the *Reporting of Alleged Employee Misconduct*.

VI. Conclusion

Because Mitchell is no longer a state employee, the OEIG recommends that a copy of this Final Report be placed in U of I and DHS' respective personnel records for Mitchell.

The OEIG also recommends that both U of I and DHS establish or review its procedures to: (1) ensure there is adequate oversight over timekeeping records; (2) delineate the process for removing, reviewing, and approving Attendance Reports on a daily basis; and (3) monitor whether employees submit time off and/or leave forms upon return(s) from any absence.

[This sentence has been redacted because actions of the employees involved did not result in a suspension of three days or more, and, in the opinion of the Commission, are appropriately redacted.]

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



OFFICE OF EXECUTIVE INSPECTOR GENERAL
for the Agencies of the Illinois Governor

James A. Wright, Executive Inspector General • www.inspectorgeneral.illinois.gov

OEIG RESPONSE FORM

Case Number: 09-01006

Due 20 Days after Receipt of Report

Please check the box that applies.

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

A copy of the OEIG final report has been placed in the former employee's college level personnel file. The College now requires that all graduate assistant time reports be approved by the supervisor on a weekly basis and be reviewed for completeness by the unit on a monthly basis. Additionally, the College will clarify its policies regarding time off and/or leave forms requiring forms within five working days of return from any absence exceeding four days.

- We are implementing the OEIG recommendations however, we request approval to deviate as follows:

(Provide details regarding action planned / taken and proposed alternate(s).)

2011 JAN 24 AM 11:37
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OIG-Chicago

We do not wish to implement any of the OEIG recommendations and request approval to deviate as follows:

(Explain why and provide details of alternate plan.)

Signature
Donna S. McNeely

Print Name

University of Illinois, Univ. Ethics

Print Agency and Job Title *Officer*
1/11/11

Date

Return to Sherry Bult, Office of Executive Inspector General, 32 W. Randolph St., Chicago, Illinois 60601



Pat Quinn, Governor

Illinois Department of Human Services

Michelle R.B. Saddler, Secretary

100 South Grand Avenue, East • Springfield, Illinois 62762
401 South Clinton Street • Chicago, Illinois 60607

February 7, 2011

Mr. Ricardo Meza
Executive Inspector General
Office of the Executive Inspector General
For the Agencies of the Illinois Governor
32 West Randolph Street, Suite 1900
Chicago, Illinois 60601

RE: OEIG Complaint No: 09-01006

Dear Inspector General Meza:

This response is in reference to the aforementioned complaint regarding Terrence Mitchell, an employee who was formerly employed by the Division of Community Health and Prevention (CHP). Your office concluded that Mr. Mitchell abused state time and falsified timekeeping records. [Redacted] implemented the OEIG's recommendations. A summary of her actions is outlined below.

Michael Holmes received a counseling from [redacted] on timekeeping policies. Specifically, he was instructed never to attest that an employee has performed their duties without a mechanism for accounting that the duties were actually performed. Policies on time and record keeping have been sent out to staff as a reminder of their obligation to the State. [Redacted] has since retired and therefore, we are unable to counsel her as recommended in your report.

[Redacted] submitted a letter of resignation on January 16, 2011. A copy of the OEIG's report has been sent to the Office Human Resources so that it can be placed in his personnel file. In addition, the Office of Human Resources will add that Mr. Mitchell has no reinstatement rights to any State of Illinois agency.

We have taken steps to rectify the issue that Mr. Mitchell's immediate supervisor was not apprised of his secondary employment. DHS has stated that when secondary employment is identified and disclosed, a second form is completed by the employee that discloses hours worked and gives the agency permission to verify with the secondary employer the hours that the employee works on a quarterly basis. Also, DHS has since initiated Work Away Forms for staff to submit prior to working away from their designated primary work station. Consequently, DHS considers this matter resolved and respectfully requests that your office close this case.

Sincerely,

Michelle R.B. Saddler
Secretary

2011 FEB 10 AM 11:04

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OIG-CHICAGO