

IN THE EXECUTIVE ETHICS COMMISSION
OF THE STATE OF ILLINOIS

In re: TONYA LOKER) OEIG Case #12-02148

OEIG FINAL REPORT (REDACTED)

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

The 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, pursuant to 5 ILCS 430/20-52, 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 Tonya Loker at her last known address.

The Commission reviewed all suggestions received and makes this document available pursuant to 5 ILCS 430/20-52.

FINAL REPORT

I. INTRODUCTION AND ALLEGATIONS

On October 21, 2012, the Office of Executive Inspector General (OEIG) received a complaint alleging that Illinois Department of Transportation (IDOT) employee Tonya Loker was using a State-owned vehicle to commute to and from work. The complaint also alleges that Ms. Loker was habitually tardy to work.

After conducting its investigation, the OEIG discovered that Ms. Loker regularly used State-owned vehicles to commute to and from work and violated other policies regarding the use of State-owned vehicles. The OEIG also discovered instances when Ms. Loker did not show up to work, recorded arriving at work earlier than her actual arrival time, and recorded leaving work later than her actual departure time. Finally, the OEIG discovered that Ms. Loker failed to accurately record information on her Travel Invoices, Time Records, Leave Requests, and the Driver Logs belonging to the two State-owned vehicles she recorded driving, making it difficult for the OEIG to determine the extent of Ms. Loker’s unauthorized use of State-owned vehicles and abuse of State time.

II. BACKGROUND

A. IDOT Organizational Structure

IDOT's operations are divided into four Divisions, one of which is the Division of Highways.¹ The mission of the Division of Highways is "to plan, design, construct, operate, and maintain a safe highway system with a diverse and professional workforce, within available resources, and to the highest nationwide standards for all citizens of Illinois."² The Division of Highways is divided into nine Districts, with District 7 headquartered in Effingham, Illinois.³

B. Tonya Loker's Duties And Responsibilities

At all times relevant to this investigation, Tonya Loker was the IDOT Division of Highways District 7 Administrative Manager at the IDOT District 7 office located at 400 West Wabash, Effingham, Illinois. She has been a State employee since October 8, 2004, and at all times relevant to this investigation earned approximately \$76,000 per year.⁴ Ms. Loker was responsible for supervising approximately 15 employees and ensuring "proper compliance with all departmental administrative policies and procedures as set forth in *Departmental Orders*."⁵ Ms. Loker was not assigned a State-owned vehicle; rather, if needed for travel, she had access to two State-owned vehicles assigned to the IDOT District 7 office. Ms. Loker's work hours were 7:00 a.m. to 3:30 p.m. Monday through Friday.

C. Tonya Loker's Residence And Route To Work

At all times relevant to this investigation, Tonya Loker's home was located at [REDACTED], Wayne City, Illinois. The shortest driving route from Ms. Loker's home in Wayne City (reflected on the map below at Point A) to the District 7 office in Effingham (reflected on the map below at Point D) is approximately 68.7 miles, or 1 hour and 20 minutes of drive time.⁶ The shortest route between Wayne City and the District 7 office passes through, among other towns, Cisne (reflected on the map below at Point B) and Flora (reflected on the map below at Point C).⁷

¹ The other Divisions are Aeronautics, Public and Intermodal Transportation, and Traffic Safety.

² <http://www.idot.illinois.gov/about-idot/our-story/governance/organizational-structure/division-of-highways/index>

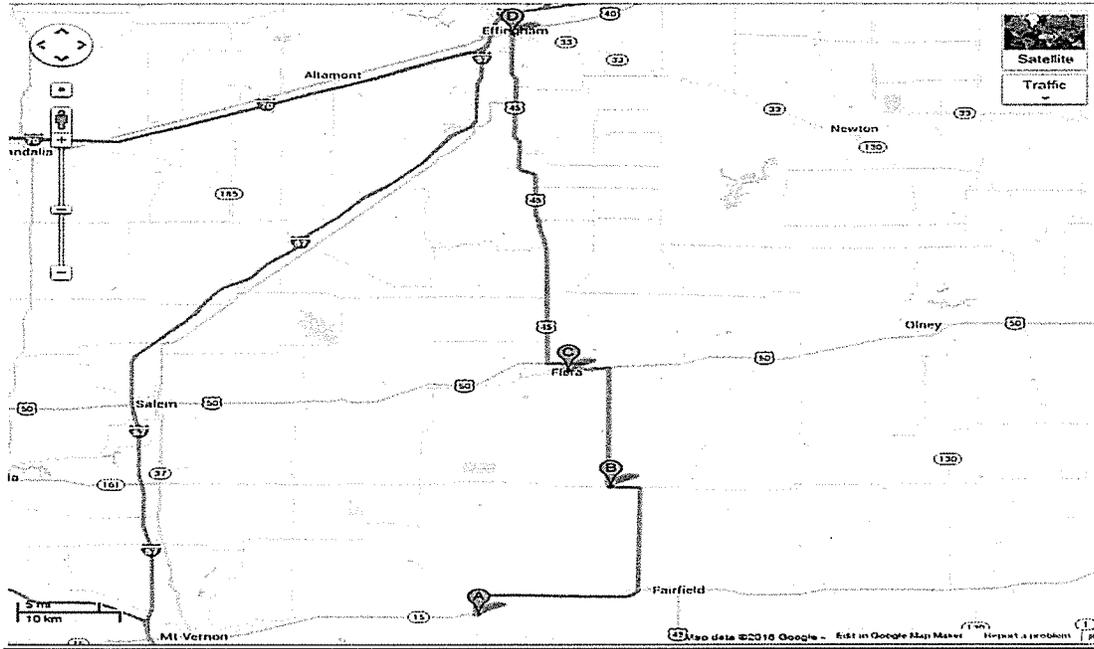
³ The other Districts are headquartered in Schaumburg, Dixon, Ottawa, Peoria, Paris, Springfield, Collinsville, and Carbondale.

⁴ Ms. Loker is now employed by the Illinois Secretary of State as an Executive 5.

⁵ Illinois Department of Transportation, Division of Highways/District Seven, Administrative Manager Position Description (May 1, 2003).

⁶ The distance and drive time between Ms. Loker's home and the District 7 office were determined using Google Maps.

⁷ In her March 21, 2014 interview, Ms. Loker confirmed that this is her regular route from her home to her office. The shortest route between Ms. Loker's home and the District 7 office was determined using Google Maps



D. IDOT Personnel Policies And Departmental Orders

The IDOT Personnel Policies Manual⁸ and Departmental Orders establish the standards of conduct to which all IDOT employees must adhere. These policies include requirements that employees:

- only use State-owned vehicles for official purposes;⁹
- not use State property for personal or private purposes;¹⁰
- obtain approval prior to travel;¹¹
- travel by the most direct route;¹² and
- accurately and truthfully report all information pertaining to employment.¹³

Additionally, IDOT prohibits employees from using State-owned vehicles to commute to or from home, specifically stating that, “[t]he use or assignment of a [S]tate vehicle does not include approval to drive the vehicle home. The [S]tate is not responsible for providing transportation to and from an employee’s home. . . .”¹⁴

⁸ All references to the IDOT Personnel Policies Manual refer to the Manual with an effective date of August 24, 2011.

⁹ IDOT Departmental Order 11-1(1); IDOT Personnel Policies Manual Chapter 10-3(T)(2)(a).

¹⁰ IDOT Vehicle Operator’s Manual, Appendix 1 to Departmental Order 11-2, Chapter 2-1(c); IDOT Personnel Policies Manual Chapter 10-3(T)(2)(a).

¹¹ IDOT Personnel Policies Manual Chapter 19-2(F)(1). Employees are required use Form BoBS 3405: Travel Pre-Approval or Form BoBS 3405b: Blanket Travel Pre-Approval prior to travel. The OEIG requested both forms related to Ms. Loker, but only received copies of Form BoBS 3405: Travel Pre-Approval for several trips she took. Therefore, Form BoBS 3405b: Blanket Travel Pre-Approval is not discussed below.

¹² IDOT Personnel Policies Manual Chapter 19-6(A).

¹³ IDOT Personnel Policies Manual Chapter 10-3(W).

¹⁴ IDOT Vehicle Operator’s Manual, Appendix 1 to Departmental Order 11-2, Chapter 2-4(a)(1).

Finally, IDOT employees are required to:

- be at their work stations and ready to work at the appointed starting time until the appointed quitting time;¹⁵
- accurately document their time worked on the appropriate form, including the time of arrival and time of departure for their shifts and lunch breaks;¹⁶ and
- contact their supervisor if they are going to be absent or late to work.¹⁷

E. IDOT Documents Related To Tonya Loker’s State-Owned Vehicle Use And Use Of State Time

Below is a description of IDOT documents relevant to this investigation.

Document	Description
<i>Tonya Loker’s Wright Express (WEX)¹⁸ card transactions</i>	Fuel purchases made using Ms. Loker’s assigned personal identification number (PIN) including the purchase date, time, location, and driver.
<i>Multiple Driver Log Sheet (Driver Log)</i>	IDOT form on which the employee checking out the State-owned vehicle must record the date, the employee’s name, destination, purpose of trip, time out, time in, starting mileage, and ending mileage. Each State-owned vehicle has a separate Driver Log for each month.
<i>Pay Period Time Record (Time Record)</i>	IDOT form that identifies the time a specific employee works, with spaces for the employee to record the “Time In,” “Lunch Out,” “Lunch In,” “Time Out,” a place to sign after “Time In” and “Time Out,” and “Utilizing Benefit Time/Comments,” where employees can designate whether they are using benefit time. The dates are preprinted on the form identifying the time period as either the 1 st – 15 th or 16 th – end of month. The employee signs this form each workday after the beginning and end times below the following statement: “My signature verifies that the time(s) documented on this record accurately reflect the time spent each day on official [S]tate business to the nearest quarter hour. . . .”

¹⁵ IDOT Personnel Policies Manual Chapter 7-2(A).

¹⁶ *Id.*

¹⁷ IDOT Personnel Policies Manual Chapter 7-6(A).

¹⁸ This is a fuel card. Each motor vehicle is assigned a specific fuel card and each authorized employee has a unique PIN required to use the fuel card.

Travel Invoice

IDOT form for an employee to request reimbursement for expenses incurred by official State business, including travel in a personal vehicle.

Leave Request

IDOT form that an employee fills out to record the number of hours he/she requests to be absent from work per day. It reflects the type of benefit time the employee is requesting to use.

Transaction Log (Building Access Log)

Access to the District 7 office is granted when an employee scans a proximity card¹⁹ near an electronic reader. Information such as the name of the employee gaining access, date, time, and location of access is recorded electronically and available in the Building Access Log.²⁰

Leave Entry Report (Leave Bank)

A report of monthly benefit time balances and use reflecting, among other things, the employee, the type of benefit time used, the date used, and the amount of benefit time used.

*Travel Pre-Approval Form BoBS 3405
(Travel Pre-Approval form)*

IDOT form that an employee fills out to request permission to travel for work reflecting the date of the request, the date of the travel, the reason for the travel, a box to check that states "The Employee has investigated and confirmed the most economical mode of travel..." and places for both the Section/Unit Head and Bureau Chief to sign and approve the form.

III. INVESTIGATION

In order to determine whether Tonya Loker was using State-owned vehicles to commute to and from work and whether she was abusing State time, the OEIG obtained and reviewed numerous IDOT documents and conducted surveillance at both Ms. Loker's home and the District 7 office.²¹ Additionally, the OEIG interviewed Ms. Loker and her supervisor, [supervisor], regarding Ms. Loker's State-owned vehicle use and timekeeping.

¹⁹ This is a smart card which can be read without inserting it into a reader device, as required by magnetic stripe cards such as credit cards.

²⁰ In order to verify that the Building Access Log for the District 7 office was functioning correctly, the OEIG obtained and reviewed the Building Access Log for three other IDOT employees who work at the District 7 office for the period of January 3, 2012 to March 29, 2013, and the Building Access Log for one other employee from January 3, 2012 to April 1, 2013. The analysis reflects that the Building Access Log functioned properly during that time period.

²¹ The multiple requests yielded approximately 850 pages of documents and approximately 29,000 emails, but only the relevant documents are discussed in this report.

A. OEIG Review Of The Driver Logs Of The State-Owned Vehicles Assigned To The District 7 Office And Other Records

Each State-owned vehicle has a separate Driver Log for each month. The Driver Logs have spaces for employees to enter the following information:

- the date the vehicle was used;
- the time the vehicle use started;
- the time the vehicle was returned;
- the destination;
- the reason for using a State-owned vehicle;
- the odometer reading prior to using the State-owned vehicle; and
- the odometer reading upon return of the State-owned vehicle.

The OEIG obtained and reviewed the Driver Logs for the two State-owned vehicles assigned to the District 7 office from the period of January 2012 to February 2013, Ms. Loker's State Email Archive, and her WEX card transactions. The Driver Logs reflect that Ms. Loker did not fully document her use of State-owned vehicles, she drove significantly more miles than necessary to reach her destinations, and she used a State-owned vehicle for personal use.

1. Driver Logs with Incomplete or Missing Entries

The Driver Logs reflect that from January 2, 2012, to February 28, 2013, Ms. Loker made entries in the monthly Driver Logs for the two State-owned vehicles she recorded driving. From January 2, 2012, to January 28, 2013, Ms. Loker recorded driving the blue Chevy Impala assigned to the District 7 office. From February 6 to 21, 2013, Ms. Loker recorded driving the black Chevy Impala assigned to the District 7 office. The Driver Logs reflect that no one else recorded driving these two State-owned vehicles during the months Ms. Loker was using them.

The OEIG reviewed the 14 Driver Logs for this time period and found that Ms. Loker failed to provide information for 236 of the 700 total required entries.²² Not only did Ms. Loker fail to complete numerous entries in the Driver Logs, the OEIG was able to determine there were five days that Ms. Loker drove a State-owned vehicle but never recorded using it in the Driver Logs. The following information details the date the State-owned vehicle was used but not recorded in the Driver Logs, and the evidence of the State-owned vehicle usage on that day:

Date of Missing Entry Other Evidence Showing Vehicle Usage

August 22, 2012	Ms. Loker's State Email Archive reflects that she drove a State-owned vehicle home on a day she did not record doing so on the August 2012 Driver Log.
August 31, 2012	Ms. Loker's WEX card transactions reflect that she purchased gas for a State-owned vehicle on a day she did not record driving a State-

²² For the 100 dates Ms. Loker recorded driving a State-owned vehicle on the Driver Logs, she failed to record the "Time Out" 100 times, "Time In" 95 times, "Destination" 13 times, "Purpose of Trip" 11 times, "Starting Mileage" 12 times, "Ending Mileage" four times, and "Date" one time, for a total of 236 missing entries.

	owned vehicle.
September 4, 2012	Ms. Loker's WEX card transactions reflect that she purchased gas for a State-owned vehicle on a day she did not record driving a State-owned vehicle.
November 26, 2012	The OEIG conducted surveillance at Ms. Loker's residence in Wayne City on this day and saw a State-owned vehicle at Ms. Loker's home in Wayne City. Ms. Loker was not working on this day and did not record driving a State-owned vehicle.
December 3, 2012	Ms. Loker's WEX card transactions reflect that she purchased gas for a State-owned vehicle on a day she did not record driving a State-owned vehicle.

As Ms. Loker did not record driving at all on these dates, there are 35 missing entries. In total, the Driver Logs reflect 271 missing entries from 735 that were required.

2. Driver Logs Reflecting Extra Miles Traveled

The Driver Logs also reflect that on at least 18 occasions, Ms. Loker drove a State-owned vehicle and recorded traveling significantly more miles than was necessary to travel from the District 7 office in Effingham to the destination recorded on the Driver Logs.²³ The chart below reflects the extra miles Ms. Loker traveled using the District 7 office as the starting point of the most direct route to each destination:

Date of Travel	Destination	Miles Driven as Recorded by Loker	Roundtrip from Effingham ²⁴	Extra Miles Driven By Loker
January 25, 2012	Decatur	303	130.2	172.8
March 1, 2012	Robinson	207	94.6	112.4
March 22, 2012	Springfield	336	176.4	159.6
April 24, 2012	Springfield	330	176.4	153.6
May 4, 2012	Robinson	141	94.6	46.4
May 17, 2012	Vandalia	150	69.2	80.8
June 6, 2012	Decatur	296	130.2	165.8
June 7, 2012	Lawrenceville	150	129.4	20.6
June 22, 2012	Springfield ²⁵	485	176.4	308.6
July 16, 2012	Marshall	247	108.6	138.4

²³ In order to accommodate for normal variances from the most direct route between Effingham and another location, such as stopping to eat, any trip for which Ms. Loker recorded mileage that was less than 15 miles over the roundtrip distance from Effingham to the recorded destination is not included. Additionally, there were multiple days when the documents did not contain sufficient information to determine where Ms. Loker traveled to and/or how many miles she traveled to get there, and those days are also not included.

²⁴ This is the distance between the District 7 office in Effingham and Ms. Loker's recorded destination, multiplied by two to reflect a roundtrip.

²⁵ Ms. Loker's Time Record reflects that she left work at 1:00 p.m. (and took lunch at 12:00 p.m.) that day for a doctor's appointment. When asked how she could drive 485 miles on a day she left work early, she said that she recorded the date on the Driver Log incorrectly. However, because Ms. Loker made this trip on some date, it is included in this section.

July 18, 2012	Marshall	258	108.6	149.4
July 24, 2012	Cisne	198	91.2	106.8
August 27, 2012	DuQuoin	305	204	101
August 29, 2012	Mattoon	148	57.8	90.2
September 11, 2012	Springfield	369	176.4	192.6
September 25, 2012	Springfield	400	176.4	223.6
October 19, 2012	Lawrenceville	254	129.4	124.6
November 1, 2012	Wayne County ²⁶	198	118.8	79.2

TOTAL: 2,426.4

3. Driver Log Reflecting Personal Use of a State-Owned Vehicle

While reviewing the Driver Logs, the OEIG discovered that Ms. Loker used a State-owned vehicle to travel to a funeral. The March 2012 Driver Log reflects that on March 28, 2012, Ms. Loker listed “Employee Spouse Funeral” as the “Purpose of Trip,” but did not include the “Destination,” “Time out,” “Time in,” “Starting Mileage,” or “Ending Mileage.” The Driver Log also reflects that on March 29, 2012, Ms. Loker listed “Funeral/Yard” as the “Purpose of Trip,” and she recorded that she traveled 95 total miles.²⁷

B. Travel Invoice Reflecting Personal Vehicle Use On The Same Day As Driver Log Reflects State-Owned Vehicle Use

The OEIG obtained and reviewed Ms. Loker’s Travel Invoices for the period of January 2012 to February 2013²⁸ and discovered that she had submitted a Travel Invoice for February 8, 2012, which reflects that she drove her personal vehicle from Wayne City, departing at 7:00 a.m., to Springfield, arriving at 9:45 a.m., for a total of 340 miles. On the “Purpose of Travel” section on the Travel Invoice, Ms. Loker recorded, “Meetings @ Central, Personnel, Labor Relations, Legal . . . drove private vehicle.” The Travel Invoice reflected that a total of \$173.40 was due to Ms. Loker.

The OEIG reviewed the Driver Logs and discovered that on the February 2012 Driver Log, she recorded that she drove a State-owned vehicle on February 8, 2012, beginning at 6:30 a.m., for a total of 259 miles on this day, the same day for which she submitted the Travel Invoice mentioned above. However, the “Destination” was left blank.

C. OEIG Review Of Tonya Loker’s Travel Pre-Approval Forms And State Email Archive

²⁶ Ms. Loker did not specify where in Wayne County she was traveling to. For purposes of this analysis, the OEIG used the Wayne County seat, which is located in Fairfield, IL. Fairfield is home to an IDOT maintenance yard.

²⁷ This entry did not include a “Destination,” “Time in,” or “Time out.”

²⁸ The OEIG had requested Ms. Loker’s Travel Invoices through March 2013, but the latest Travel Invoice obtained was from February 2013.

In order to determine whether Ms. Loker ever obtained permission to use either of the State-owned vehicles she recorded driving between January 1, 2012, and February 28, 2013, the OEIG obtained and analyzed Ms. Loker's Travel Pre-Approval forms and approximately 29,000 emails from Ms. Loker's State Email Archive.²⁹ The OEIG compared them to the Driver Logs for the two State-owned vehicles Ms. Loker recorded driving and discovered that Ms. Loker did not obtain authorization to use State-owned vehicles using Travel Pre-Approval Forms or email for 92 out of 100 trips she recorded taking.³⁰

D. OEIG Review Of Tonya Loker's WEX Card Transactions

When a State employee uses a State-owned vehicle, the employee is provided a WEX card in order to purchase fuel. In order to purchase fuel, the State employee uses the WEX card and their PIN to complete the transaction. The WEX transaction records show the purchase date, time, location, and driver. The OEIG identified 48 total WEX card transactions that were made with Ms. Loker's PIN between January 2012 and February 2013, or an average of approximately 3.4 WEX card transactions per month.³¹

During the review of Ms. Loker's 48 WEX card transactions, the OEIG discovered that 22 of these fuel purchases were at a time and place consistent with Ms. Loker's commute to and from work. These purchases include:

- 5 purchases made in Wayne City or Effingham after Ms. Loker recorded ending her work day;³²
- 5 purchases made in Flora³³ or Wayne City before Ms. Loker recorded that she began her work day on her Time Record;³⁴
- 9 purchases made in Flora after Ms. Loker recorded ending her work day on her Time Record;³⁵ and
- 3 purchases made in Flora after Ms. Loker recorded that she began her work day on her Time Record but before the Building Access Log shows she entered the building.³⁶

All 22 of these purchases were made on days that Ms. Loker did not have permission to use a State-owned vehicle. In addition, Ms. Loker also did not have permission to use a State-owned vehicle to commute to work.

²⁹ The OEIG also requested any Blanket Travel Pre-Approval forms Ms. Loker might have had, but did not receive any in response.

³⁰ Ms. Loker had Travel Pre-Approval forms for January 27, February 8, September 25, October 2 - 3, 2012, as well as January 9 and February 6 - 7, 2013.

³¹ The OEIG obtained the WEX card transactions from the blue Chevy Impala for January 5, 2012 – January 28, 2013 and from the black Chevy Impala for February 6-21, 2013.

³² The dates of those purchases are January 31, February 3, February 22, and June 22, 2012, as well as January 2, 2013.

³³ Flora is a town located between Effingham and Ms. Loker's home in Wayne City.

³⁴ The dates of those purchases are January 11, February 10, March 22, May 22, and July 6, 2012.

³⁵ The dates of those purchases are February 27, March 5, March 12, March 28, April 5, May 15, and October 26, 2012, as well as January 7 and February 15, 2013.

³⁶ The dates of those purchases are March 26, May 30, and December 3, 2012.

E. OEIG Review Of Tonya Loker's Time Records And Other Records

As part of its investigation, the OEIG also obtained and reviewed Ms. Loker's Time Records, Leave Requests, Leave Bank, and the Building Access Log for IDOT's District 7 office. The OEIG also conducted surveillance on Ms. Loker at her home in Wayne City and at the District 7 office. The documents revealed that Ms. Loker, on at least 23 occasions, did not work the entire time she recorded working and did not take benefit time for the time she did not work. These 23 instances are separated into three categories that are further explained below.

1. Ms. Loker's Time Records Compared to the Building Access Log

The OEIG discovered that, on 15 occasions, the Building Access Log reflects that Ms. Loker arrived at the District 7 office later than she recorded on her Time Records. The chart below does not include days on which documents reflect that Ms. Loker entered the District 7 office 7 minutes or less after her recorded start time.³⁷

During her interview with the OEIG, Ms. Loker explained that, on days the Building Access Log showed her arriving late, she may have walked into the office with a coworker, but later left to get a snack and then reentered using her own proximity card, thus the reason the Building Access Log reflects a later time. Therefore, the OEIG did not include in the chart any dates that the Building Access Log reflects Ms. Loker entering the office 30 minutes or more after her recorded start time except the three instances explained in Section 2.

Date	Time In As Recorded By Loker On Time Records	Time In As Recorded By The Building Access Log	Difference (minutes)
June 6, 2012	7:00 a.m.	7:23 a.m.	23
June 14, 2012	7:08 a.m.	7:21 a.m.	13
June 15, 2012	7:00 a.m.	7:20 a.m.	20
June 18, 2012	7:00 a.m.	7:11 a.m.	11
August 30, 2012	7:00 a.m.	7:23 a.m.	23
August 31, 2012	7:00 a.m.	7:20 a.m.	20
September 4, 2012	6:56 a.m.	7:17 a.m.	21
October 26, 2012	6:49 a.m.	6:58 a.m.	9
October 30, 2012	6:50 a.m.	7:02 a.m.	12
November 30, 2012	6:35 a.m.	6:43 a.m.	8
February 21, 2013	7:00 a.m.	7:23 a.m.	23
February 25, 2013	7:00 a.m.	7:18 a.m.	18
February 28, 2013	7:00 a.m.	7:11 a.m.	11
March 1, 2013	7:00 a.m.	7:16 a.m.	16
March 12, 2013	6:49 a.m.	7:16 a.m.	27

³⁷ The State Officials and Employee Ethics Act requires employees to document time spent on State business to the nearest quarter hour. 5 ILCS 430/5-5(c). Therefore anything 7 minutes or less would be rounded down to the nearest quarter hour.

TOTAL: 4 hours and 15 minutes

2. Ms. Loker’s Time Records Compared with WEX Card Transaction

The OEIG found three dates on which the Building Access Log reflects that Ms. Loker entered the building after she recorded starting work on her Time Records, and her WEX card shows she purchased fuel in Flora after her recorded start time. On each of these days, the Building Access Log reflects that Ms. Loker entered the building at times that are consistent with the amount of time it would take her to travel between Flora and the District 7 office. The difference between Ms. Loker’s recorded start times and her actual arrival at the District 7 office is calculated using her Time Records and the Building Access Log, and is reflected in the chart below.

Date	Time In Recorded On Time Records	Time WEX Card Used in Flora	Time In On Building Access Log	Difference Between Time In Records(minutes)
March 26, 2012	7:00 a.m.	7:16 a.m.	8:01 a.m.	61
May 30, 2012	6:52 a.m.	6:58 a.m.	7:37 a.m.	45
Dec. 3, 2012	7:00 a.m.	7:29 a.m.	8:05 a.m.	66

TOTAL: 2 hours and 52 minutes

3. Other Instances of Ms. Loker Missing Work Without Filing a Leave Request

The OEIG discovered that on five other occasions Ms. Loker did not attend work, arrived at work late, or left work early, but did not submit a Leave Request to use benefit time.

Date of Absence	Discrepancy	Time That Should Have Been Covered By Benefit Time
May 29, 2012	Ms. Loker’s Time Record reflects that she was sick and did not work on this day, and her State Email Archive reflects an email from Ms. Loker to her supervisor, dated May 28, 2012, stating that she was sick. However, Ms. Loker’s Leave Bank reflects that no benefit time was deducted for this day.	7 hours and 30 minutes
August 22, 2012	Ms. Loker’s Time Record reflects that she left work an hour early on this day. However, her Leave Bank reflects that no	1 hour

benefit time was deducted for this day.³⁸

September 20, 2012	Ms. Loker's Time Record reflects that she did not work on this day, and her State Email Archive reflects an email from Ms. Loker to her supervisor dated September 20, 2012, stating she was "not going to make it in today" due to personal illness. However, Ms. Loker's Leave Bank reflects that no benefit time was deducted for this day.	7 hours and 30 minutes
March 18, 2013	The OEIG saw Ms. Loker at her home in Wayne City all day with the exception of a trip she took to a Dollar General store and Greenfield Discount Grocery. However, her Time Record reflects that she was at work for a full day and her Leave Bank reflects that no benefit time was deducted for this day. ³⁹	7 hours and 30 minutes
March 19, 2013	The OEIG saw Ms. Loker leave her home in Wayne City at 6:10 a.m., enter the District 7 office at 7:21 a.m., and leave the District 7 office at 3:51 p.m. Her Time Record reflects that she began her work day at 7:00 a.m. and ended it at 3:55 p.m.	25 minutes

TOTAL: 23 hours and 55 minutes

Ms. Loker did not fill out and submit a Leave Request for any of these days and only informed her supervisor about her absences on May 29, August 22, and September 20, 2012. In fact, on March 18, 2013, when surveillance saw Ms. Loker at her home for the day, Ms. Loker sent an email at 7:41 a.m. to three IDOT employees, writing "I have meetings today outside of the district. I can be reached by bb if needed."

F. Interview Of [Supervisor]

³⁸ Ms. Loker sent a series of emails on August 22, 2012 informing other IDOT employees that she was not feeling well and that she would be going home early. In one of the emails, Ms. Loker wrote, "...Can't wait for the calls to come in, state [sic] car on the side of the road with driver throwing up...."

³⁹ The OEIG spoke to [Supervisor], Ms. Loker's supervisor, who stated that he was unaware of any changes in Ms. Loker's regular work schedule for the week of March 18. The OEIG called the District 7 office and asked to speak with Ms. Loker, and were informed that she was not in the office and would return March 19, 2013. In addition, Ms. Loker sent an email to three different IDOT employees at 7:41 a.m. on that day stating, "I have meetings today outside of the district. I can be reached by bb [sic] if needed."

On January 23, 2013, the OEIG interviewed [supervisor]. [Supervisor] said that he supervises 11 direct reports, including Tonya Loker. [Supervisor] said that he splits his time between the IDOT District 6 office in Springfield and the District 7 office in Effingham, and that he tries to be at the District 7 office once per week.

When asked, [Supervisor] said that Ms. Loker takes a State-owned vehicle home overnight approximately once per month when she has been required to attend meetings at the IDOT Central Office in Springfield and that she must first obtain approval to do so. [Supervisor] said that, for overnight use of a State-owned vehicle, a supervisor must decide in advance if the overnight use is economical, factoring in the requesting employee's residence, as well as the route of travel. He added that Ms. Loker had sought his approval to take a vehicle home overnight two or three times within the last year.

According to [Supervisor], Ms. Loker did not have duties that would normally require her to take a State-owned vehicle home. [Supervisor] said that the duties of Administrative Managers, like Ms. Loker, include involvement in hiring, discipline, payroll, billing, budgeting, and District inventory. He said that Administrative Managers might "occasionally" have to travel during the work day to investigate grievances, which would include interviewing employees or witnesses involved in the grievance allegations. [Supervisor] estimated that an Administrative Manager might be required to travel for investigative purposes, on average, once per month. [Supervisor] added that once per year Ms. Loker may travel to IDOT maintenance yards during Capital Development Board (CDB) budget preparation.

[Supervisor] said that IDOT has contracts for the maintenance of its electronic equipment, such as printers and copiers. He said, for example, if a copier was malfunctioning at an IDOT maintenance yard, a copy machine technician would be dispatched to address the issue. When asked, [Supervisor] said that Administrative Managers do not typically set up printers or address equipment issues, such as copier repair.

The OEIG presented [Supervisor] with the February 2012 Driver Log of the State-owned vehicle Ms. Loker had used. The February 2012 Driver Log reflects that Ms. Loker recorded use of the State-owned vehicle nine days within that month, and logged a total of 1,629 miles. Of the nine days Ms. Loker recorded driving the State-owned vehicle, she recorded driving more than 160 miles on four occasions. On February 1, 2012, and February 8, 2012, she recorded driving over 250 miles each day. After [Supervisor] reviewed the February 2012 Driver Log, he said that it was a concern because he does not see the need for Ms. Loker's extensive vehicle use.

G. Interview Of Former IDOT District 7 Administrative Manager Tonya Loker

On March 21, 2014, the OEIG interviewed former IDOT District 7 Administrative Manager Tonya Loker regarding her use of State-owned vehicles, the Driver Logs of the State-owned vehicles assigned to the District 7 office that she recorded driving, her WEX card transactions, her Time Records, her Leave Requests, and the conflicts between the various documents the OEIG obtained and reviewed.

1. Tonya Loker's Use of State-Owned Vehicles

Ms. Loker stated that she understood that employees were to use State-owned vehicles for State work only. With regard to when she used a State-owned vehicle, Ms. Loker said that if she had State business the following day she would use the State-owned vehicle. If she had personal business to attend to the next day, she would use her personal vehicle.

According to Ms. Loker, some weeks she took a State-owned vehicle home frequently and other weeks not as frequently. Ms. Loker said that she took a State-owned vehicle home overnight “probably more times than not” and that she “used the State vehicle more than [she] used [her] personal car.” Ms. Loker estimated that she took a State-owned vehicle home 3-4 days per week. Ms. Loker confirmed that she “almost always” took a State-owned vehicle home over the weekend but denied ever using a State-owned vehicle for personal business.

2. Failure to Properly Record Use of State-Owned Vehicles on Driver Logs

The OEIG presented Ms. Loker the Driver Logs of the two State-owned vehicles that she used. Regarding the multiple discrepancies with those documents, Ms. Loker initially gave the following explanations as to why:

- the dates on the documents are incorrect;
- it was an error on her part; or
- she completed the documents to the best of her memory on a later date.

For example, with regard to March 1, 2012, the March 2012 Driver Log shows she drove 207 miles to “Robinson” for the purpose of a “CDB Project” but her Time Record reflects she was off on this date. Ms. Loker stated that she assumes that the date she recorded on the March 2012 Driver Log was incorrect. Ms. Loker stated that she was not sure of the accuracy of her entries in the Driver Logs. Ms. Loker said that it was common for her to record the “Ending Mileage” and attempt to complete the remaining information on the Driver Log at a later date.

After reviewing documents, Ms. Loker confirmed that she had kept the State-owned vehicle at her residence from November 20, 2012, through the Thanksgiving holiday and weekend to Tuesday, November 27, 2012. Ms. Loker stated that the reason this was not documented in the Driver Log was because of poor record keeping. When asked why the car was at her home over Thanksgiving, Ms. Loker did not offer a work related reason for the car’s presence at her home.

3. Failure to Take the Most Direct and Economical Route to Destinations

During a review of the Driver Logs, the OEIG discovered 18 instances in which the Driver Logs reflect that Ms. Loker traveled significantly more miles than was necessary to reach the recorded destination. When asked about the policy requiring travel to be done by the most direct and economical route, Ms. Loker said she was familiar with the policy.

For example, the March 2012 Driver Log reflects that on March 1, 2012, Ms. Loker drove 207 miles to “Robinson” for the purpose of a “CDB Project.” Ms. Loker confirmed that driving from the District 7 office in Effingham to Robinson is the most economical route for the State, and she acknowledged that the mileage recorded was consistent with the mileage between Robinson and her home in Wayne City. Ms. Loker admitted that driving a State-owned vehicle between Robinson and her home in Wayne City violated IDOT policy.

4. Driver Log Reflecting Personal Use of a State-Owned Vehicle

The OEIG directed Ms. Loker to documents related to March 28, 2012, on which Ms. Loker recorded that she drove a State-owned vehicle for the purpose of “Employee Spouse Funeral.”⁴⁰ Ms. Loker stated that, while she does not consider just any funeral State business, this was the funeral of a former coworker, and she had personnel matters to conduct afterwards. However, Ms. Loker acknowledged that she should not have driven a State-owned vehicle to a funeral, but at the time, she considered it a proper thing to do.

5. Claiming Travel Reimbursement for Personal Vehicle Use on the same day as State-Owned Vehicle Use

The OEIG presented Ms. Loker with the February 2012 Driver Log reflecting that on February 8, 2012, she drove a State-owned vehicle for 259 miles to an unspecified destination. The OEIG then presented Ms. Loker with a Travel Invoice for February 8, 2012, which reflects that Ms. Loker drove from Wayne City to Springfield and returned to Wayne City for a total of 340 miles. The Travel Invoice reflects that a total of \$173.40 was due to Ms. Loker. The OEIG asked Ms. Loker why she documented driving a State-owned vehicle on February 8, 2012, on the same day she requested reimbursement for driving her personal vehicle to Springfield. Ms. Loker stated that she assumed that the date on the February 2012 Driver Log was incorrect and that she did not knowingly submit a Travel Invoice for February 8, 2012, seeking reimbursement for travel on a day she utilized a State-owned vehicle.

6. Using a State-Owned Vehicle to Commute to Work

Ms. Loker acknowledged that using a State-owned vehicle to commute home was a violation of State policy. The OEIG presented Ms. Loker with her WEX card transactions showing that her purchases were consistent with her using a State-owned vehicle to commute to and from work. After viewing documents from February 27, and March 28, 2012, Ms. Loker admitted that she was probably commuting home to Wayne City with the State-owned vehicle and that it was a violation of State policy.

Ms. Loker was asked if she used a State-owned vehicle to commute between her home and the District 7 office, to which she replied “I guess I didn’t consider it commuting but the way this is going I’m going to have to say yes.” Ms. Loker said that she did not hide her State-owned

⁴⁰ On her March 2012 Driver Log, Ms. Loker recorded driving a State-owned vehicle with the purpose of “Funeral/Yard.” Ms. Loker said she did not recall if the funerals on March 28 and March 29, 2012 were two separate funerals. When asked why there was missing information on the March 2012 Driver Log, Ms. Loker said that she “totally forgot” to complete those entries.

vehicle use from her supervisor, [Supervisor], and that he knew how frequently she used a State-owned vehicle. When asked why she thought that [Supervisor] knew she was taking the State-owned vehicle home, or using it as often as she did, Ms. Loker said “I should say I assumed he knew.”

7. Time Abuse and Failure to Submit Leave Slips for Missing Work

Ms. Loker confirmed that she worked 7:00 a.m. to 3:30 p.m. Monday through Friday. When asked what time she usually arrived at the District 7 office, she said that if she was going straight to the District 7 office in the morning, she would arrive around 7:00 a.m. She said that there were days that she needed to make stops, such as dropping off an IDOT badge to an employee at an IDOT maintenance yard, and on those days she would arrive around 7:30 a.m. Ms. Loker said that on those days she would record 7:00 a.m. as her start time on her Time Record, and that this occurred about once per month. Ms. Loker said that she did not count her commute from Wayne City to Effingham as time worked.

The OEIG directed Ms. Loker to documents related to dates with discrepancies between the Building Access Log and her Time Records, and asked Ms. Loker to explain them. Ms. Loker initially gave the following as possible explanations:

- she may have stopped at an IDOT yard to meet with or give something to the workers, purchased gas after the meeting, and then traveled to the District 7 office;
- she may have walked into the District 7 office with a coworker who used his/her proximity card to gain entry at the time she recorded on her Time Record, but later left to get a snack and reentered using her own proximity card at the time recorded on the Building Access Log;⁴¹
- she stopped in Flora because of her work with CDB projects; or
- she may have pulled over on her commute to work to answer an email or telephone call. Ms. Loker said that when she pulled over to answer emails or telephone calls she counted that as her “Time In,” which would include the remainder of her commute as time worked.

Ms. Loker was asked if there were any other reasons for the discrepancies in her records, and she said no. The OEIG directed Ms. Loker to March 19 on her March 16-31, 2013 Time Record where she recorded a “Time In” of 7:00 a.m., and two images of her arriving at her office on March 19, 2013, at 7:21 a.m. The OEIG also informed Ms. Loker that she was under surveillance on that day and that she did not stop at any maintenance yards on her commute and she did not pull over on the side of the road. When asked if she could explain the discrepancy between her arrival time and the “Time In” she had recorded on her Time Record, she said “I don’t have an answer” and that she was simply late that day. Ms. Loker confirmed that “being late” could be added to her list of explanations when there were time discrepancies.

Ms. Loker said that when requesting to use benefit time, she would send a Leave Request to [Supervisor]. She said that there were times that she would call or email [Supervisor]

⁴¹ Ms. Loker said it was common to enter the building with other IDOT employees, as several IDOT employees began their workdays at 7:00 a.m.

requesting time off but that she would submit a Leave Request afterwards. According to Ms. Loker, she was not aware of taking time off without submitting a leave request. When specifically asked about May 29, 2012, when she recorded “sick” on her Time Record but no Leave Request was submitted and no benefit time was deducted, Ms. Loker said that she could not explain the discrepancy and that she must have forgotten to submit a Leave Request. With regard to September 20, 2012, Ms. Loker admitted she did not work and should have used benefit time, and said it must have been an oversight on both her and [Supervisor’s] assistant’s part.⁴² With regard to March 18, 2013, when the OEIG observed her at her home but she told employees she had meetings outside the district, Ms. Loker said that she did not know what she was doing a year ago, that she has not intentionally falsified documents, and that she is very surprised by the information that the OEIG presented to her.

8. Explanation of Conflicts Between Documents

After reviewing the documents containing conflicting information about her State-owned vehicle use, and her leave time, Ms. Loker said, “At no point in time did I try to mislead or deceive,” and “poor record keeping, that’s the only explanation I have.” Ms. Loker added, “I admit, I took a [State-owned] vehicle home” without authorization. Ms. Loker also said “in my defense, no one told me that I couldn’t.”

IV. ANALYSIS

A. Tonya Loker’s Failure To Accurately Report Information On State-Owned Vehicle Driver Logs

IDOT employees must accurately and truthfully report all information pertaining to employment.⁴³ The OEIG reviewed 14 of the Driver Logs for the two State-owned vehicles that Ms. Loker recorded driving and discovered hundreds of instances of missing information.⁴⁴ For the 100 dates Ms. Loker recorded driving a State-owned vehicle on the Driver Logs, she failed to record the “Time Out” 100 times, “Time In” 95 times, “Destination” 13 times, “Purpose of Trip” 11 times, “Starting Mileage” 12 times, “Ending Mileage” four times, and “Date” one time, for a total of 236 missing entries. In addition, the OEIG discovered 5 days on which Ms. Loker used a State-owned vehicle but did not record doing so for an additional 35 missing entries. In total, there were 271 missing entries from the Driver Logs.

Regardless of whether the multiple missing entries on the Driver Logs and the inconsistencies within them were intentional, they make it impossible for the OEIG to determine the full extent of Ms. Loker’s unauthorized use of State-owned vehicles. Therefore, the allegation that Ms. Loker failed to accurately and truthfully report information pertaining to her

⁴² According to Ms. Loker, [Supervisor’s] assistant was tasked with verifying that Ms. Loker’s Time Records and Leave Requests were in order. Ms. Loker said that [Supervisor’s] assistant was very quick to catch discrepancies.

⁴³ IDOT Personnel Policies Manual Chapter 10-3(W).

⁴⁴ The Driver Logs are for: January 2012, February 2012, March 2012, April 2012, May 2012, June 2012, July 2012, August 2012, September 2012, October 2012, November 2012, December 2012, January 2013, and February 2013.

employment for 271 missing entries on 14 Multiple Driver Log Sheets from the two State-owned vehicles assigned to the IDOT District 7 office is **FOUNDED**.⁴⁵

B. Tonya Loker's Failure To Travel Using The Most Direct Route In State-Owned Vehicles

When traveling in a State-owned vehicle, IDOT employees must travel by the most direct route.⁴⁶ The OEIG's review of IDOT documents revealed that, on 18 occasions, Tonya Loker failed to travel using the most direct route as reflected in the table on page 7. On each of these 18 occasions, the distances Ms. Loker recorded traveling are more than 20 miles greater than the distance between her destinations and the District 7 office. There are a number of other occasions on which Ms. Loker does not list what destination she traveled to by either leaving the "Destination" field blank or by recording that she went to a "Yard" or another non-descript location. Because the OEIG cannot determine whether Ms. Loker failed to take the most direct route when traveling to those locations, those occasions are not considered.

On June 22, 2012, Ms. Loker recorded driving 485 miles on a trip to Springfield. However, a round trip from the District 7 office to Springfield is only 177 miles. Ms. Loker recorded driving an additional 308 miles on that date. When asked about this discrepancy, Ms. Loker claimed she had incorrectly recorded the date of that particular trip on the June 2012 Driver Log; however, regardless of the date, she actually made the trip, and the miles she recorded driving in a State-owned vehicle were significantly greater than the most direct route from the District 7 office.

As Ms. Loker drove significantly more miles to reach each destination than was necessary, she violated IDOT policy. In total, for these 18 occasions, Ms. Loker traveled 2,462.4 more miles than she needed to at a cost of \$1,326.63 to the State.⁴⁷ Therefore, the allegation that Ms. Loker did not travel by the most direct route in a State-owned vehicle on 18 occasions is **FOUNDED**.

C. Tonya Loker's Failure To Obtain Authorization To Use State-Owned Vehicles

IDOT policy states that employees must obtain approval to use a State-owned vehicle prior to doing so.⁴⁸ During its investigation, the OEIG reviewed Ms. Loker's Travel Pre-Approval forms as well as approximately 29,000 emails from her State Email Archive and discovered that she failed to obtain approval to travel in a State-owned vehicle for 92 out of the

⁴⁵ The OEIG concludes that an allegation is "founded" when it has determined that there is reasonable cause to believe that a violation of law or policy has occurred, or that there has been fraud, waste, mismanagement, misconduct, nonfeasance, misfeasance, or malfeasance.

⁴⁶ IDOT Personnel Policies Manuel Chapter 19-6(A).

⁴⁷ The mileage was calculated by subtracting the distance between the District 7 office and Ms. Loker's destination from the total distance Ms. Loker recorded driving. The cost was reached by multiplying the total number of miles Ms. Loker drove before April 17, 2012 by the State of Illinois rate of mileage reimbursement during the time Ms. Loker was utilizing a State-owned vehicle (\$.51 per mile). For dates after April 17, 2012, the calculation is the same except the product is multiplied by \$.555 per mile. Illinois Department of Central Management Services, Travel Update 12-05 (April 16, 2012).

⁴⁸ IDOT Personnel Policies Manuel Chapter 19-2(F)(1).

100 trips she recorded taking on the Driver Logs of the two State-owned vehicles she recorded driving.

Ms. Loker told the OEIG that she took State-owned vehicles home 3-4 nights per week, almost always took them home over weekends, and that she used them more than she used her personal car. Ms. Loker also said she did not hide her use of State-owned vehicles from her supervisor, [Supervisor], and that she assumed he knew about it. However, when the OEIG asked [Supervisor] about Ms. Loker taking State-owned vehicles home overnight, he said that she does so approximately once per month, and that she had sought his permission to do so two or three times in the year prior to his interview. After being presented with an example of how much Ms. Loker used a State-owned vehicle during one month, [Supervisor] said it was a concern because he does not see the need for Ms. Loker's extensive vehicle use.

The OEIG's investigation did not find any evidence that Ms. Loker obtained approval to use a State-owned vehicle for 92 out of 100 trips she recorded taking, either by Travel Pre-Approval forms or by e-mail. Additionally, given that Ms. Loker's supervisor said Ms. Loker's travel was a concern because she should not be traveling as much as she was, it is clear she was not asking for [Supervisor's] permission to travel in State-owned vehicles. Therefore, the OEIG concludes that the allegation that Ms. Loker failed to obtain approval prior to travel on 92 separate occasions is **FOUNDED**.

D. Tonya Loker's Failure To Accurately Report Information On Travel Invoices

The OEIG reviewed Ms. Loker's Travel Invoices and compared them to the Driver Logs for the two State-owned vehicles that she recorded driving. The documents reflect that Ms. Loker requested and was reimbursed \$173.40 for driving her personal vehicle on February 8, 2012, the same day she recorded driving a State-owned vehicle. Ms. Loker said that she believed the date on the February 2012 Driver Log to be incorrect, and that she would not intentionally submit a request for reimbursement for driving her personal vehicle on a day she drove a State-owned vehicle.

Regardless of whether it was intentional, Ms. Loker reported inconsistent information regarding February 8, 2012, on the February Driver Log, in addition to the incomplete and inconsistent information on the other Driver Logs. The inconsistency of the Travel Invoice Ms. Loker submitted for travel on February 8, 2012, and the February Driver Log for the State-owned vehicle she was driving, makes it impossible to know what actually occurred on that day. Therefore, the allegation that Ms. Loker failed to accurately and truthfully report information pertaining to her employment on her February 8, 2012 Travel Invoice by inaccurately recording the date of her travel is **FOUNDED**.

E. Tonya Loker's Personal Use Of State-Owned Vehicles

IDOT policy states that the State is not responsible for providing transportation to and from an employee's home.⁴⁹ IDOT employees are required to only use State-owned vehicles for

⁴⁹ IDOT Departmental Order 11 Chapter 2-4(a)(1).

official purposes and not for personal or private purposes.⁵⁰ During her interview, Ms. Loker denied using State-owned vehicles for personal business, and told the OEIG that employees were to use them for only business purposes. However, the OEIG's investigation revealed that Tonya Loker regularly used State-owned vehicles to commute between her home in Wayne City and the District 7 office. The OEIG's review of Ms. Loker's WEX card transactions and Time Records as well as the Driver Logs for the two State-owned vehicles that she recorded driving revealed 19 instances in which Ms. Loker purchased gas before she recorded beginning her work day or after she recorded ending it at locations along her route between her home in Wayne City and the District 7 office when she did not have permission to drive a State-owned vehicle. The OEIG found three other instances on which Ms. Loker's WEX card transactions reflect that she purchased gas in Flora after her work day started, but the Building Access Log reflects that she arrived at the District 7 office at times that are consistent with the amount of time it would take her to travel from the location of the gas purchase to the District 7 office. This indicates that Ms. Loker used State-owned vehicles to commute between her home and the District 7 office.

The OEIG also saw a State-owned vehicle at Ms. Loker's home on November 26, 2012; however, Ms. Loker's Time Record reflects that she was off from Tuesday, November 20, until Tuesday, November 27, 2012. Because she was off for a whole week, there was no apparent reason for Ms. Loker to have a State-owned vehicle at her home, and Ms. Loker did not offer one, but its presence there indicates that she drove the vehicle to her home and drove it back at some later date. The OEIG asked Ms. Loker if she had kept the State-owned vehicle at her residence from November 20, 2012 through the Thanksgiving holiday and weekend to Tuesday, November 27, 2012, and she confirmed she did.

When asked, Ms. Loker said she was not personally assigned a State-owned vehicle. Ms. Loker told the OEIG that she spent, on average, four days per week in the District 7 office, and that she took a State-owned vehicle home 3-4 days a week. According to Ms. Loker, she took a State-owned vehicle home overnight "probably more times than not" and she "used the State vehicle more than [she] used [her] personal car." The OEIG asked Ms. Loker whether she used a State-owned vehicle to commute to work from her home in Wayne City, and she said yes, although she did not consider it commuting.

In total, the OEIG discovered 23 days⁵¹ on which Ms. Loker improperly drove a State-owned vehicle between her home and the District 7 office, for a total of 3,160.2 miles and a total cost of \$1,679.71 to the State.⁵²

In addition, Ms. Loker's March 2012 Driver Log reflects an instance on March 28, 2012, in which she used a State-owned vehicle to travel for the purpose of "Employee Spouse

⁵⁰ IDOT Personnel Policies Manuel Chapter 10-3(T)(2)(a); IDOT Departmental Order 11 Chapter 2-1(c); IDOT Departmental Order 11-1(1); IDOT Personnel Policies Manuel Chapter 10-3(T)(2)(a).

⁵¹ This includes 22 instances in which Ms. Loker purchased gas using the WEX card on the route between her home and the District 7 office and 1 occasion on which OEIG investigators saw a State-owned vehicle at her home.

⁵² For dates prior to April 17, 2012, the cost was calculated by multiplying the distance between Ms. Loker's home and the District 7 office by two. The total number of miles was then multiplied by the State of Illinois rate of mileage reimbursement during the time Ms. Loker was utilizing a State-owned vehicle (\$.51 per mile). For dates after April 17, 2012, the calculation is the same except the product is multiplied by \$.555 per mile. Illinois Department of Central Management Services, Travel Update 12-05 (April 16, 2012).

Funeral.”⁵³ Ms. Loker did not record the destination. When asked about the “Employee Spouse Funeral” on March 28, 2012, Ms. Loker said that she does not consider just any funeral State business, but that this was the funeral of a former coworker. Ms. Loker then said that she realizes she should not have driven a State-owned vehicle to a funeral. As the funeral was not State business, Ms. Loker should not have travelled to it using a State-owned vehicle.

Therefore, the OEIG concludes that:

The allegation that Ms. Loker used State-owned vehicles to travel to and from her home and her work on 23 separate occasions in violation of IDOT Departmental Order 11 Chapter 2-4(a)(1) is **FOUNDED**; and

Based on evidence regarding the above mentioned occasions, the allegation that she used State-owned vehicles for personal purposes is **FOUNDED**.

F. Tonya Loker’s Failure To Accurately Report Information On Time Records

The OEIG reviewed 33 of Ms. Loker’s Time Records and discovered 20 days on which Ms. Loker did not work the time recorded.⁵⁴ On each of these forms, Ms. Loker certified that she had accurately recorded the amount of time she had spent on State business. However, by reviewing Ms. Loker’s WEX card transactions, her State Email Archive, the Building Access Log for the District 7 office, and by conducting surveillance on Ms. Loker at her home and the District 7 office, the OEIG discovered that Ms. Loker arrived at work after she recorded she had done so, left work before she recorded she had done so, or did not attend work at all, on 20 separate occasions.

The OEIG asked Ms. Loker about several of the days on which the Building Access Log reflects that she arrived after her Time Records reflect she started her day. Ms. Loker gave a variety of explanations for them, as detailed above. The OEIG then presented Ms. Loker with the surveillance it conducted on March 19, 2013, which revealed that Ms. Loker had arrived after the time she recorded beginning work without making any stops on that day. The OEIG asked Ms. Loker if the other dates on which she arrived late to work could be explained by her simply being late, and she acknowledged that her being late was a possible explanation.

The OEIG also presented Ms. Loker with the surveillance it had conducted on March 18, 2013, which revealed that she spent all day at her home and at two different stores in Wayne City. Ms. Loker’s Time Record for that day reflects that she was working all day, and she sent an email to three IDOT employees saying, “I have meetings today outside of the district. I can be reached by bb if needed.” When the OEIG asked her about this day, Ms. Loker said she was surprised by the information and did not intentionally falsify documents.

⁵³ Ms. Loker also recorded “Funeral/Yard” as the purpose for traveling in a State-owned vehicle on March 29, 2012. When asked about this, Ms. Loker could not recall if the funerals on March 28 and March 29 were two separate funerals.

⁵⁴ These dates are March 26, May 30, June 6, June 14, June 15, June 18, August 30, August 31, September 4, October 26, October 30, November 30, and December 3, 2012, as well as February 21, February 25, February 28, March 1, March 12, March 18, and March 19, 2013. This does not include May 29, August 22, or September 20, 2012, days on which Ms. Loker recorded that she did not work, but did not take benefit time.

Regardless of whether Ms. Loker had excuses for each of these discrepancies, she had a duty to accurately and truthfully report all information pertaining to her employment, including her Time Records. The documents generated by Ms. Loker, when compared to the Building Access Log and WEX card transactions, reflect that she did not work the entire time she recorded doing so on her Time Records. Additionally, on each of the two days on which she was surveilled, she did not work the entire time she recorded on her Time Records. In total, for these 20 occasions, Ms. Loker was paid for 15 hours for which she did not work or submit a Leave Request, at a total cost of \$592.46 to the State.⁵⁵

Therefore, the allegation that Ms. Loker failed to accurately and truthfully report information pertaining to her employment on her Time Records by recording that she worked during time she had not on 20 occasions is **FOUNDED**.

G. Tonya Loker's Failure To Be At Her Work Station From Her Appointed Starting Time To Her Appointed Quitting Time

IDOT employees are required to be at their work stations and ready to work at the appointed starting time until the appointed quitting time.⁵⁶ In addition to the 20 days mentioned in Section F, the OEIG discovered three days on which Ms. Loker reported in her Time Records that she was not working all or part of the day but did not submit a Leave Request.⁵⁷ In total, for all 23 occasions, Ms. Loker did not use benefit time for 31 hours and 2 minutes, at a total cost of \$1,223.03 to the State.⁵⁸

Therefore, the OEIG concludes that the allegation that Ms. Loker failed to be at her work station and ready to work at the appointed starting time until the appointed quitting time on 23 occasions on which she did not submit a leave slip or use benefit time is **FOUNDED**.

H. Tonya Loker's Failure To Inform Her Supervisor Of Both Her Tardiness And Absences

IDOT employees must contact their supervisor if the employee is going to be absent from or late to work.⁵⁹ As mentioned above, while reviewing IDOT documents relevant to the allegation that Ms. Loker abused State time, including her State Email Archive, the OEIG found 23 dates on which Ms. Loker arrived at work after she recorded she had done so, left work before she recorded she had done so, or did not attend work at all, and on 20 of those dates failed to inform her supervisor that she would be late, leave early, or not attend work.⁶⁰ The OEIG found

⁵⁵ Ms. Loker's hourly wage was calculated to be approximately \$39.41 based upon the Central Management Services' formula of converting base salary to daily or hourly equivalents, pursuant to 80 Ill. Admin. Code 310.70. Specifically, per this formula, Ms. Loker's base salary of \$6,405.00 was multiplied by 12 months and then divided by 1950, or the number of hours State employees usually work in a year.

⁵⁶ IDOT Personnel Policies Manual Chapter 7-2(A).

⁵⁷ These dates are May 29, August 22, or September 20, 2012.

⁵⁸ See footnote 54.

⁵⁹ IDOT Personnel Policies Manual Chapter 7-6(A).

⁶⁰ As mentioned above, the OEIG discovered emails on May 29, August 22, and September 20, 2012, which reflect that Ms. Loker informed her supervisor that she would not be attending work on either day.

no correspondence from Ms. Loker to [Supervisor] reporting to him that she was going to be tardy. The review of her State Email Archive only revealed three dates on which Ms. Loker notified her supervisor that she was going to be absent from work.⁶¹ Therefore, the allegation that Tonya Loker failed to report anticipated tardiness and absences to her supervisor on 20 occasions is **FOUNDED**.

V. LOSS TO THE STATE

The OEIG suggests that the potential total loss to the State is \$4,402.77.

The OEIG reached this total by adding the loss incurred through Ms. Loker's absences from work and the loss incurred through Ms. Loker's State-owned vehicle use to travel between her home in Wayne City and various locations.

The loss incurred through Ms. Loker's State-owned vehicle use was calculated by taking the total number of unauthorized miles Ms. Loker was found to have traveled in a State-owned vehicle (5,622.6) and multiplying it by the State of Illinois rate of mileage reimbursement during the time Ms. Loker was utilizing a State-owned vehicle (\$.51 per mile for dates prior to April 17, 2012, and \$.555 per mile for dates after April 17, 2012), which equals \$3,006.34.⁶²

The loss incurred through Ms. Loker's absences from work was calculated by taking the number of hours and minutes (31 hours and 2 minutes) Ms. Loker was found to be absent from work and multiplying it by Ms. Loker's hourly wage (\$39.41), which equals \$1,223.03.⁶³

Finally, the total also includes the \$173.40 that Ms. Loker was reimbursed for driving her personal vehicle on a day she recorded to have driven a State-owned vehicle.

VI. FINDINGS AND RECOMMENDATION

After due investigation, the OEIG issues the following findings:

- **FOUNDED** – Tonya Loker failed to accurately and truthfully report all information pertaining to her employment by not completing 271 entries of the 14 Multiple Driver Log Sheets from the two State-owned vehicles assigned to the IDOT District 7 office.
- **FOUNDED** – Tonya Loker did not use the most direct route while using a State-owned vehicle on 18 occasions.

⁶¹ See footnote 58.

⁶² Illinois Department of Central Management Services, Travel Update 12-05 (April 16, 2012). Prior to April 17, 2012, the reimbursement rate for use of a privately owned vehicle was \$.51 per mile. For dates after April 17, 2012, the calculation is the same except the product is multiplied by \$.555.

⁶³ See footnote 54.

- **FOUNDED** – Tonya Loker failed to request permission to travel prior to traveling on 92 separate occasions.
- **FOUNDED** – Tonya Loker failed to accurately and truthfully report all information pertaining to her employment by inaccurately recording the date of her travel on her February 8, 2012, Travel Invoice.
- **FOUNDED** – Tonya Loker used a State-owned vehicle to travel between her home and work on 23 separate occasions in violation of IDOT Departmental Order 11 Chapter 2-4(a)(1).
- **FOUNDED** – Tonya Loker used State-owned vehicles for personal purposes by using it to travel between her home and work on 23 separate occasions and to a funeral.
- **FOUNDED** – Tonya Loker failed to accurately and truthfully report all information pertaining to her employment by recording that she worked during time she had not on 20 occasions.
- **FOUNDED** – Tonya Loker failed to be at her work station and ready to work at the appointed starting time until the appointed quitting time by arriving late to work, leaving work early, and by not being at work without using benefit time on 23 occasions.
- **FOUNDED** – Tonya Loker failed to report anticipated tardiness or absences to her supervisor by failing to submit Leave Requests for 20 separate occasions on which she did not work but did not take benefit time.

As Ms. Loker is no longer employed by an Agency under the jurisdiction of the OEIG, the OEIG recommends that IDOT place a copy of this report in her personnel file and that she not be rehired. The OEIG recommends that IDOT consider taking steps to recover the \$4,402.77 loss Ms. Loker has caused the State.

No further investigation is required and this matter is considered closed.

Date: **September 28, 2015**

Office of Executive Inspector General
 for the Agencies of the Illinois Governor
 607 East Adams, 14th Floor
 Springfield, IL 62701

Grant Anderson
 Assistant Inspector General

Melissa Brandenburg
Investigator #160



Illinois Department of Transportation

Office of Quality Compliance & Review
2300 South Dirksen Parkway / Springfield, Illinois 62764

October 14, 2015

Mr. Thomas Klein
Deputy Inspector General
Office of Executive Inspector General
for the Agencies of the Illinois Governor
607 East Adams, 14th Floor
Springfield, IL 62764

Subject: OEIG Complaint # 12-02148

Dear Mr. Klein:

This letter is in response to your September 28, 2015 letter regarding case number 12-02148 in which you requested that we report to your office the actions that have been taken to address the recommendations made relative to your investigation. As recommended a copy of the report has been placed in Ms. Loker's file and it has been noted that she is not to be rehired. Additionally IDOT has sent a letter demanding restitution in the amount of \$4,402.77 for the financial loss suffered as a result of her misconduct.

If you have any questions, or if I can be of further assistance to you or your staff, please do not hesitate to contact me at 217-558-4617.

Respectfully,

A handwritten signature in black ink, appearing to read 'Jeff Heck'.

Jeff Heck
Director

December 18, 2015

Chad D. Fornoff
Executive Director
Executive Ethics Commission
401 S. Spring Street
Springfield, IL 62706

Re: OEIG Report

Dear Mr. Fornoff,

I am writing to provide a response to the OEIG report dated September 28, 2015 which you forwarded to me on December 3, 2015. The process used by the OEIG office is largely focused on finding evidence of alleged violations of ethics obligations. Unfortunately, that process does not include an opportunity for someone like me to see all of the evidence relied on and an opportunity to interview witnesses or gather evidence of my faithful work on behalf of the Department of Transportation and the taxpayers and public at large.

One of the most unfair practices is the publication of such a report when the OEIG uses a standard of "reasonable cause" as the basis for the report. In other words, the standard does not even rise to the level of proof that any of the findings are more probably true than not. (Section 20—50 of the Ethics Act). This results in a great injustice when the reputation of someone like me can be so tarnished with evidence that is not even likely to be true.

Since the filing of this response is the only option provided to me under the law, let me comment on the true facts and background concerning this report.

As the Administrative Manager of District 7 IDOT for 8 years, I was responsible for Personnel Services, Business Services and Financial Services. Unfortunately, for several years all Bureau Chiefs, except for myself, were all in an "acting roll" which created additional work for me. The Bureau Chief of Operations changed 3 times in 2 years, which complicated operational needs and budget. At most, the District Engineer was in the District 7 office 1½ days per week. During this time I traveled to all 16 maintenance yards conducting investigations, Highway Maintainer and snowbird interviews, grievances and pre-disciplinary meetings, attended winter snow meetings, over seen CDB projects, meetings to discuss equipment and repair needs and drop off personnel paperwork. It's unfortunate that my supervisor wasn't aware of what my job duties consisted of when interviewed by the OEIG. I worked hard everyday to do what was best for the Agency and the taxpayers of the state of Illinois.

This report alleges that in 2012, I abused a state vehicle use and time. There was never any intent to cheat or steal from the state. When I was interviewed in 2014, I admitted driving a vehicle, but it was with my supervisor's knowledge and approval. My mistake was not getting that approval in writing, but suggested the OEIG check with the previous Business Service Manager who could verify what I was saying. To my knowledge, that person was never contacted by the OEIG. Unfortunately, he passed away a few months ago.

Before I was aware there was an OEIG investigation, IDOT was conducting a statewide fleet audit due to several employees throughout the state "commuting" to work. During the internal fleet audit (2013), several employees, including myself, were cited for lack of documentation and "commuting" miles. So without much thought, I tried to fill in missing documentation to the best of my ability. Hindsight, I should have left it blank and just took the audit findings. I was not trying to hide anything because I had nothing to hide. I had approval to drive the vehicle. To be in compliance with the audit findings and the IDOT criteria for a take home vehicle, I immediately parked the state vehicle and recommended the survey crew follow the same action. The district changed the process for vehicle usage and documentation to be in compliance with IDOT vehicle policy.

As for all the alleged tardiness - I was the only Bureau Chief for about 3 years. I was handling the personnel, budget and procurement issues for all areas due to the constant turnover of "acting" Bureau Chiefs. Most of the Field Techs in Operations began their workday at 6:00 or 6:30. They knew I had a long commute and would call or email early in the morning about budget, personnel/discipline or staffing issues before their staff arrived at 7:00. Depending on the issue I would pull over & take their calls or text them back. I don't have proof of the calls and text because I don't have email access. But to my knowledge not one field tech, union rep or high way maintainer was questioned to verify my statement. Since several of the maintenance yards were between my home and the district office, I would drop off ID badges, paperwork for an employee or supplies they requested. Also one of the Lead Worker conducted interviews with me and I would drop off interview packets for his signatures since it was on my way. Again, to my knowledge, this Lead worker was never interviewed by the OEIG to verify my statement. As I mentioned in my interview, I carried a state issued blackberry/phone with me 24/7 including vacations. I made every attempt to answer any issues in a timely manner. If any follow up had been done on the daily commitment to my job, I think this report would look have a different outcome.

During the interview I admitted driving a state vehicle to an employee's funeral and then leaving and going directly to a maintenance yard where I conducted an investigation. As I stated during my interview, I didn't realize that was an issue because I was on state business and the fact there were several other state vehicles at the same funeral. I have ridden to funerals with the District Engineer in a state vehicle on more than one occasion. When I attended the District Engineer's mother visitation, I drove my personal car because I wasn't conducting business afterwards

and I went as a friend, not to fulfill a work obligation. But I did witness several state vehicles at the visitation. I'm confused when and who is allowed to drive a state vehicle to a funeral.

As for the sick days that were documented on my sign in sheet and my supervisor had prior notice, I can only say it was an over-site on my part. If I were trying to "steal" time from the state, I would not have documented sick time on my sign in sheet or informed my supervisor. I do question why this was not discovered during a statewide IDOT timekeeping audit in 2012 & 2013, where every employee that had time discrepancies, were allowed to submit leave slips for any time missed.

This OEIG investigation has been ongoing for almost 4 years and appears incomplete. There was never an attempt to verify any of the information I gave during my interview with the OEIG. This implies that a determination had been made before I was interviewed.

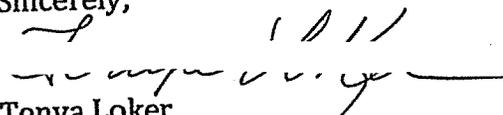
This OEIG investigation began in 2012 and it's almost 2016. I hate to think of the amount of resources and taxpayers dollars that were wasted to determine that I was driving a vehicle when an IDOT audit already made the same determination. There was never nor has been any intent to cheat or steal from the state.

The possibility of this OEIG report being made public has caused great pain and turmoil to me emotionally, personally and professionally. I strived daily to do what was in the best interest for IDOT and the State of Illinois. I took pride in my job and thought I demonstrated good ethics along the way. When fault was found in the audit, I immediately changed my actions to be ethically correct. I'm requesting this report not to be published or redaction due to the inaccuracy of the allegations that aren't warranted.

The recommended recovery from IDOT was calculated incorrect so I've attempted to make payment for a negotiated amount but have not received a response from IDOT. Agreeing to make payment does not imply I admit to any wrong doings, only that I want to put this 4-year mess behind me.

Given the lack of a completely fair process, I ask that the entire report be redacted or not published. This is important because under the standard that is being applied, this report is authorized for publication even if it has only a 10% chance of being correct in its conclusions. I appreciate the opportunity to respond to the OEIG findings and ask that it be included in the report if published.

Sincerely,


Tonya Loker