

Chicago Tribune - FOIA/ Rutan-exempt employees

To : "foia@getipass.com" <foia@getipass.com> Date : 9/12/2018 1:51 PM
From : "Mahr, Joseph A." <jmahr@chicagotribune.com>
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Dear FOIA Officer:

Please consider this a request under the Illinois Freedom of Information Act.

This request is for the following:

- 1) Any records showing the identities, dates of hire, titles of position(s), and current (or last) rates of pay for anyone hired for, transferred into, or promoted into a Rutan-exempt position at your agency from Jan. 12, 2015, to present. This would include those later separated or terminated, if any.

Note that Illinois law does not require your agency to create a record to comply with the above request, but I would accept a record created by the tollway in lieu of the tollway pulling and providing all documents that may be responsive. (Creating a record may offer your agency an easier way to comply.)

- 2) *Regarding any of the above hires, above transfers, and above promotions*, this request also seeks the following records:
 - a) Any correspondence – including but not limited to memos, emails and/ or texts – sent or received by any tollway executive staff and/ or agency board members discussing any aspect of the qualifications of candidates and/ or justification for their hiring for the jobs for which candidates were hired, transferred into or promoted into. Note that this aspect of the request may be limited to such correspondence sent or received in the year-long period before the employee's start date in the position for which he or she was hired, transferred into or promoted to. Please note this aspect of the request defines tollway executive staff and board members as those holding such a position at any point since Jan. 12, 2015, including those who may no longer hold such positions. My expectation is that your agency will be able to provide, without any keyword search, basic correspondence that is standard for justifying the hiring, transfer or promotion of someone. If your agency seeks key words to search for additionally potentially responsive records (such as additional emails and texts), please use – within the timeframe specified above – the following key words: the last name of the candidate plus any of the following words: job, pay, salary, hire, start, qualify, promote, transfer, justify, justification. If, in using those key words, your agency produces a volume of potentially responsive records it deems too voluminous to review, please provide me a statistical breakdown of the number of potentially responsive records for each combination of key words to provide me the opportunity to cull the list of potentially responsive records to a level that can be reviewed by your agency.
 - b) If not included in the above, any resumes and/ or job applications filed by each of the candidates for the positions for which each was eventually hired, transferred into or promoted to. Note this aspect of the request may be limited to any such resumes received or job applications filed in the year-long period before the employee's start date in the position for which he or she was hired, transferred into or promoted to.

- c) If not included in the above, for each of the above positions that were filled, the job description for each position on the first day of the person's employment in that position, as well as – if different – the job description for the position on the day that any resume and/ or job application was received (whichever date is sooner), as well as – if different – the job description that existed 30 days before any resume and/ or job application was received for that position (whichever date occurred sooner). If there was no difference in the job description in the 30 days before a resume/ job application was received through the person's begin date, please denote that in your agency's response.

Regarding any Rutan-exempt employees who worked at the tollway at any point from Jan. 12, 2015, to present (regardless of hire date):

- a) Any records of any complaints filed against such employees, internal investigations commenced to review the actions of such employees, discipline imposed against such employees, and/ or termination of employment of such employees. This is limited to any such incidents or employment actions that occurred from Jan. 12, 2015, to present.
- b) Any records of any severance agreements, including but not limited to resignation letters, records of payments, confidentiality agreements, and/ or separation agreements. This is limited to any such agreements commenced from Jan. 12, 2015, to present.

Note that we are seeking any records responsive to the above requests, not just those labeled as being in a “personnel” file. Note that electronic records sent from or received on personal devices are considered public records if the content involves public business. (See AG Opinion 16 PAC 006.)

If you feel that any aspect of this request is unduly burdensome, please contact me immediately to discuss, while providing the rest of the information as quickly as possible and within the timeframe allowed under the law. I would also ask your agency to “promptly provide” records, per statute, requesting any extensions only for any subset of responsive records for which it will take longer than five business days to provide. If some aspects of this request are covered by other past FOIA requests, please provide those records to me as soon as possible because those records already have been gathered. If some aspects of this request are covered by pending requests filed by others, please provide those aspects to me at the same time as the records are provided to the other requestors.

As a member of the news media seeking these records in the public interest, I respectfully request fees be waived, per statute.

Thank you,

Joe Mahr

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