



September 19, 2018

Joe Mahr  
Chicago Tribune  
505 Northwest Ave.  
Northlake, Illinois 60164

**Re: FOIA 18-0252**

Dear Mr. Mahr:

The Illinois Tollway is in receipt of your FOIA request dated September 12, 2018. In that request, you asked for the following items:

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.
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

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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.
3. 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.

Under the Freedom of Information Act (FOIA), a public body may extend the time to respond to a FOIA request by up to five (5) business days for a limited number of reasons. 5 ILCS 140/3(e). With this letter, we are extending the time to respond to your request by five (5) business days for the following reason: "there is a need for consultation, which shall be conducted with all practicable speed, with another public body or among two or more components of a public body having a substantial interest in the determination or in the subject matter of the request." 5 ILCS 140/3(e)(vii).

We are working with the Tollway's Departments of Information Technology, Legal, and Administration to complete our review and respond to your request.

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As such, we will respond to your request on or before September 26, 2018.

Respectfully,

Gina Sabbia  
Freedom of Information Officer