



**OFFICE OF THE INSPECTOR GENERAL**  
*Illinois State Toll Highway Authority*

**NOTICE OF POSTING**  
**OIG Case # IG-18-006**  
**Respondent: John Andree**

Pursuant to 605 ILCS 10/8.5 (e)(3), the attached redacted summary report is being posted to the Illinois Toll Highway Authority's public website. As required by law, the Office of the Inspector General for the Illinois Toll Highway Authority (OIG) sent a copy of this report to the Respondent and gave him until October 16, 2019 to provide suggested redactions or a written response. Respondent provided no response.

The OIG completed an investigation that showed that Andree and his supervisor, Manager B, were assigned "operationally-assigned" Tollway vehicles and had been allowed to use these vehicles and adjust their workday routines to their advantage with little, if any, discernable benefit to the Tollway. Our investigation established reasonable cause to find that these arrangements were inconsistent with Tollway vehicle use and time/attendance policies and constituted waste of Tollway resources. We recommended appropriate disciplinary action for Andree, Manager B and their General Manager, as well as other administrative corrective action, including reassessment of vehicle assignments.

The Tollway responded by highlighting the employees' good work records and their need for Tollway vehicles to perform their duties but acknowledged that some of their actions violated Tollway policies. Consequently, the Tollway imposed a ten-day suspension on Andree for misuse of the operationally-assigned vehicle to drive to and from a Tollway location (not his assigned worksite) nearest his home. The Tollway further assigned him a permanently assigned vehicle and required him to sign in and out of his work site at M-02.

The Tollway imposed a one-day suspension on Manager B for failing to supervise Respondent respecting vehicle use, and for submitting illegible vehicle logs, taking an unauthorized trip home in a tollway vehicle and failing to adequately document work hours. The Tollway further required Manager B to park the operationally assigned vehicle at Central Administration building and to fully comply with vehicle log submissions.

The Tollway gave the General Manager a written disciplinary notice and will require additional management training for failing to adequately supervise Andree and Manager B.



## OFFICE OF THE INSPECTOR GENERAL SUMMARY REPORT OF INVESTIGATION

OIG Case # IG-18-006

June 5, 2019

This report provides a summary of evidence set out in the attached investigative materials, and the Office of the Inspector General's (OIG's) analysis of that evidence. An index of these investigative materials is attached.

### I. INTRODUCTION

The OIG initiated an investigation after receiving an allegation that Roadway Electric Manager John Andree (Andree) regularly leaves his assigned work site at M-02 at 1:30 p.m. in his Tollway vehicle and swipes out at M-07 (more than 70 miles away) at his regularly scheduled end time of 3:00 p.m. and then picks up his personal vehicle to drive the remaining two miles to his home. During our investigation, we learned that Andree and his supervisor, [REDACTED] currently drive "operationally-assigned" Tollway vehicles.<sup>1</sup> Over the course of their employment, Andree's and [REDACTED] use of these vehicles has been approved by their supervisors including [REDACTED] Managers who have overseen them, currently [REDACTED]. Our investigation established reasonable cause to find that these arrangements are inconsistent with Tollway vehicle use and time/attendance policies and constitute waste of Tollway resources.

Both Andree and [REDACTED] have been allowed to use Tollway vehicles and to adjust their workday routines to their advantage with little, if any, discernable benefit to the Tollway. Specifically, Andree is allowed a daily, paid 70-mile commute home, without transportation costs or tax consequences, and [REDACTED] is allowed to partially commute to and from [REDACTED] assigned work location and to go to lunch and run other personal errands using a Tollway vehicle.

As [REDACTED] Manager, [REDACTED] is responsible for Andree and [REDACTED]. While [REDACTED] may not have developed the original vehicle assignments, [REDACTED] has, at the very least, acquiesced to these arrangements and in so doing failed to ensure appropriate use of Tollway resources. In addition, [REDACTED] has not adequately supervised [REDACTED], in that [REDACTED] has approved inaccurate, illegible, and vague Vehicle Use Logs.

We recommend that the Tollway impose discipline up to and including discharge for these violations. We further recommend several additional administrative actions, including: Amending IRS Form W-2s to accurately reflect the commuting benefits enjoyed by Andree and [REDACTED]; Undertaking a system-wide review of Tollway assigned vehicles; and Reviewing and revising the Tollway Policies and Procedures Manual and Tollway Vehicle Policy Manual (Vehicle Manual) to better define appropriate operationally assigned vehicle use and provide additional guidance on working hours and timekeeping standards.

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<sup>1</sup> The only existing Tollway records reflect that in 1990 [REDACTED] was given a permanently assigned pool vehicle. At some point, a handwritten note "operationally assigned" was added.

## II. APPLICABLE RULES, REGULATIONS, LAW

### A. Tollway Employee Policies and Procedures Manual, effective September 2016:

1. Chapter 5: "Hours of Work," Section C: "Timekeeping," provides in relevant part:

Every employee is responsible for accurately recording time worked, via the electronic time clock. Employees must not record their time via the electronic timeclock prior to when they actually begin work or finish work each day. When employees leave the job either for personal, split shift or other purposes, they are responsible for recording their time via the electronic time clock accordingly. Time worked is the time actually spent on the job performing assigned duties.

2. Chapter 5: "Hours of Work," Section C: "Timekeeping," Part 1: "Supervisor's Responsibility," provides, in relevant part:

Each supervisor is expected to ensure that employees are present at their workstations during scheduled hours and that every absence is properly accounted for on the employee's time and attendance records accurately and approved timely.

3. Chapter 5: "Hours of Work," Section C: "Timekeeping," Part 2: "Employee Responsibility," provides, in relevant part:

It is the employees' responsibility to approve their time records and to certify the accuracy of all time recorded within 48 hours of the close of the time period or as soon as practical.

4. Chapter 7: "Employee Conduct and Discipline," Section A: "Employee Conduct," provides, in relevant part:

Violations of the rules of conduct may result in disciplinary action, up to an including discharge. The rules of conduct include, but are not limited to, the following:

- Failure to follow Tollway or Departmental policies or procedures . . . ;
- Falsification of any information contained on [a] document provided to the . . . Tollway;
- Falsification of timekeeping, attendance or employment records;
- Improper use of Tollway vehicle . . . ;
- Incompetency or inefficiency in the performance of a duty;
- Inattention or failure to perform a duty;
- Neglect of duties;
- Unauthorized personal use of . . . Tollway equipment; and
- Other conduct unbecoming a Tollway employee.

## **B. Illinois Tollway Vehicle Policy Manual (revised April 2012)**

1. “General Policy,” provides, in relevant part:

Department Chiefs shall be responsible for assuring all Tollway employees adhere to the Policies and Procedures outlined in this manual. Department Chiefs may choose to assign responsibilities under this policy to a designee. Department Chiefs or their designee are responsible for periodically reviewing the vehicle use of their employees to ensure employees are using Tollway vehicles in accordance with Policies and Procedures.

2. “Vehicle Use,” provides, in relevant part:

Tollway vehicles are to be used for Tollway business purposes only and in compliance with the Tollway’s vehicle use policies established herein, the Tollway Policy and Procedure Manual and all applicable laws and regulations related to vehicle operation. The following vehicle use policies apply: . . .

B) When a vehicle is in use on official business, the vehicle can be used for the following employee conveniences:

- Obtaining meals reasonably located to the operator’s work location.
- Obtaining medical assistance, including drug stores.
- Similar places required to sustain the health, welfare or continued efficient performance of the driver.

3. “Fuel Conservation,” provides, in relevant part:

Tollway vehicle users are expected to practice the following fuel conservation measures:

- Vehicles and equipment shall not idle unless performing emergency duties or where idling is necessary, such as, operating attachments (aerial lifts, cranes, etc.)
- Vehicles shall not idle to warm up after starting during cold weather months for more then [sic] 5 minutes if the vehicle is cold. Vehicles are not to be idled while an employee is eating lunch (unless the employee is not near a Tollway Building) ....
- Unnecessary vehicle operation is prohibited.

4. “Unauthorized Use of a Tollway Vehicle,” provides, in relevant part:

Unauthorized use of a Tollway vehicle may result in immediate disciplinary action up to and including termination. Unauthorized use may also result in suspension of all privileges to operate a Tollway vehicle and may result in an employee paying for . . . vehicle operating costs. Below is a list of infractions that may result in

suspension of privileges and disciplinary action up to and including termination (but are not limited to the following):

A) Use of a Tollway vehicle for personal reasons other than those approved in this policy.

...

E) Inaccurate, misleading or false statements made on Tollway required documents related to the vehicle usage (e.g., vehicle logs, accident report forms).

5. “Operationally Assigned Vehicles,” provides, in relevant part:

Operationally assigned vehicles are assigned to individuals for daily work related transportation and are not approved for commuting to and from an employee’s residence....

It is each Department[‘]s responsibility to ensure vehicle use is appropriate and follow the Vehicle Use Policies outline [sic] within the document and any other Tollway Policy.

6. “Permanently Assigned Vehicles,” provides, in relevant part:

The Executive Director may permanently assign vehicles to employees within the following guidelines:

Employees who by the nature of their job are:

- On call 24 x 7,
- Required to report directly to job sites or field locations on a regular basis,
- Called in during off-hours to handle emergencies where response directly from home is essential to the safe and efficient operation of the Tollway’s roadway system or,
- Supervisory/Management staff who have the responsibility and/or accountability over the above activities.

7. “Monthly Vehicle Usage Log,” provides, in relevant part:

For Permanently Assigned Vehicle operators, a minimum of two lines must be completed for each day the vehicle is used, one line for home to work and one for work to home. If the vehicle is used during a workday for routine duties, a minimum of three lines are required.

Fleet is responsible for maintaining the log files and submitting the Permanently Assigned Vehicle trip totals required for tax purposes to Finance. Fleet is not responsible for acquiring or verifying trip information. It is the vehicle operator’s responsibility to submit accurate vehicle logs in a timely manner to their supervisor for approval.

For permanently assigned vehicles, the vehicle logs are used to calculate the gross income inclusion for vehicle use as required by the IRS. Each home to work and work to home trip (commuting trips) is subject to tax. The Tollway's Finance Department uses the vehicle logs for payroll generation and timely submission of vehicle logs is essential.

**C. United States Code, Title 26:**

1. Section 6051(a), "Requirement:"

Every person required to deduct and withhold from an employee a tax under . . . 3402 . . . shall furnish to each such employee in respect of the remuneration paid by such person to such employee during the calendar year, on or before January 31 of the succeeding year . . . a written statement showing the following:

- (1) the name of such person,
- (2) the name of the employee (and an identifying number for the employee if wages as defined in section 3121(a) have been paid),
- (3) the total amount of wages as defined in section 3401(a),
- (4) the total amount deducted and withheld as tax under section 3402,
- (5) the total amount of wages as defined in section 3121(a),
- (6) the total amount deducted and withheld as tax under section 3101. . . .

2. Section 3402(s)(2), "Employer must furnish W-2:"

Any vehicle fringe benefit shall be treated as wages from which amounts are required to be deducted and withheld under this chapter for purposes of section 6051.

3. Section 6722(a), "Imposition of Penalty:"

(1) General rule--In the case of each failure described in paragraph (2) by any person with respect to a payee statement, such person shall pay a penalty of \$250 for each statement with respect to which such a failure occurs, but the total amount imposed on such person for all such failures during any calendar year shall not exceed \$3,000,000.

(2) Failures subject to penalty.--For purposes of paragraph (1), the failures described in this paragraph are-- . . .

(B) any failure to include all of the information required to be shown on a payee statement or the inclusion of incorrect information.

### III. BACKGROUND

#### A. Subjects

##### 1. John Andree, Roadway Electric Manager

Andree was hired by the Tollway on January 16, 2014 by then-██████████ Manager ██████████ and he reports to ██████████. He is assigned to M-02, and is currently scheduled to work Mondays through Fridays from 7:00 a.m. until 3:00 p.m. He supervises 14 employees and provides general daily supervision and direction to the Tollway's Roadway Electric Unit. According to the Roadway Electric Manager position description, he must be "[a]vailable for emergency on call response 24 hour/day[, ] year round."

From March 1, 2016 to February 1, 2018, Andree also served as the Acting Fiber Optic System Manager. In that role he did not have any direct subordinates but was to provide direction and support for the Tollway's fiber optic vendor, as well as guidance to Tollway consultants on utility policies and procedures.

He is assigned to Tollway vehicle #RE1, a Dodge Caravan, which is classified as an operationally assigned vehicle. Tollway records reflect that Andree's annual salary is \$79,768.

##### 2. ██████████ ██████████ Manager for ██████████

██████████ was hired by the Tollway on September 24, 1990. On January 15, 2007, ██████████ became a ██████████ Manager. ██████████ is assigned to CA on Mondays through Fridays from 7:00 a.m. until 3:00 p.m. ██████████ supervises 4 employees, including Andree. ██████████ administers the permit process and supports the utility relocation process. ██████████ also provides for inspection of permitted installations and tracks Tollway utility installations.

In 1990, ██████████ was permanently assigned to a pool car. ██████████ is currently driving Tollway vehicle #0941, a Ford Explorer, which is classified as an operationally assigned vehicle. Tollway records reflect that ██████████ annual salary is \$120,000.

##### 3. ██████████ ██████████ Manager of ██████████

██████████ was originally hired by the Tollway on June 16, 1978. On September 1, 2016, ██████████ became the ██████████ Manager of ██████████ after ██████████ retired. ██████████ is assigned to CA, and ██████████ schedule is Mondays through Fridays from 7:00 a.m. until 3:00 p.m. In this role, ██████████ manages six divisions and directly supervises the division managers, including ██████████. ██████████ responsibilities include coordinating the Tollway fleet, snow removal operations, and other general maintenance operations. Tollway records reflect that ██████████ annual salary is \$146,746.

## **B. Tollway Vehicle Assignment**

The Tollway has three types of vehicle assignments: pool cars, operationally assigned vehicles, and permanently assigned vehicles. According to the Illinois Tollway Vehicle Manual, pool cars are for “employees who do not have an assigned Tollway vehicle or those whose assigned Tollway vehicle is temporarily out of service.” Operationally assigned vehicles “are assigned to individuals for daily work related [sic] transportation and are not approved for commuting to and from an employee’s residence.”

Permanently assigned vehicles are for employees “who have field responsibilities and report directly to job sites and incident locations” “to minimize the disruption of the safe, free flow of traffic on the Tollway System.” Permanently assigned vehicles may be assigned to employees whose job duties fall within the following guidelines:

- On call 24 x 7,
- Required to report directly to job sites or field locations on a regular basis,
- Called in during off-hours to handle emergencies where response directly from home is essential to the safe and efficient operation of the Tollway’s roadway system or,
- Supervisory/Management staff who have the responsibility and/or accountability over the above activities.

The key difference between operationally assigned vehicles and permanently assigned vehicles is that employees take permanently assigned vehicles home, but employees do not take operationally assigned vehicles home. Permanently assigned vehicles are assigned to an individual, but operationally assigned vehicles are assigned to an individual or a group of individuals.

Department chiefs determine whether an employee’s vehicle is operationally assigned or permanently assigned. A department chief must initiate the process for an employee to be provided with a permanently assigned vehicle, and the request must be approved by the Executive Director. The assignment of a permanently assigned vehicle is not reviewed after it is granted if the employee remains in the same position.

The department chooses how operationally assigned vehicles are used, but they must be used for Tollway tasks.

An operationally assigned vehicle can only be taken home by an employee if the employee receives prior permission from the department chief on each occasion or period that the vehicle is to be taken home.

Employees who operate Tollway vehicles must complete usage logs. These logs differ depending on the type of vehicle assignment. Because permanently assigned vehicles are taken home, the logs for these vehicles have columns for reporting commuting trips (i.e. trips between home and where they start or end their work day). These trips are tallied and reported to the IRS as a fringe benefit at the rate of \$1.50 per trip. Employees with permanently assigned vehicles are only responsible for tolls incurred on their commutes to and from work. Employees with operationally

assigned vehicles do not commute (except on rare occasions with Department Chief approval), so these logs do not have columns for tallying commuting trips, but their usage logs do require some basic information about trips taken.

#### **IV. SUMMARY OF INVESTIGATION**

##### **A. Documents - John Andree**

###### **1. Andree's time, tolling, and building access records**

OIG obtained copies of Andree's Kronos timekeeping records covering January 16, 2014 through March 21, 2018, his Velocity building access records covering January 1, 2017 through April 24, 2018, and his Tollway-provided transponder records from January 1, 2017 through April 11, 2018. Collectively this data reveals that Andree has had basically three commuting routines during his tenure:

Up to November 15, 2016, Andree worked a standard 7:00 am to 3:00 pm schedule. He would pick up his Tollway vehicle at M-07 and drive to M-02, where he would swipe in for work. In the afternoon he would leave M-02, travel to M-06 and swipe out before then travelling to M-07. Andree was on the clock on his drive from M-02 to M-06 every afternoon.

From November 16, 2016 to March 31, 2017, Andree worked a non-standard schedule of 6:00 am to 2:00 pm. During that period, he would drive from M-07 in the morning and swipe in at M-06 before travelling to his office at M-02, and he would leave M-02 in the afternoon and swipe out at M-06 on his way back to M-07 to clock in and out. Andree was on the clock between M-06 and M-02 both in the morning and in the afternoon.

Since April 2017, Andree worked a standard 7:00 am to 3:00 pm schedule. Typically, he picks up the Tollway vehicle at M-07 in the mornings and drives on the Tollway to M-02, where he swipes in for work; in the afternoon, he leaves M-02 and travels on the Tollway (although, as described below, he occasionally takes non-Tollway detours) using a Tollway-provided transponder and swipes out at M-07. Andree is on the clock from M-02 to M-07 every afternoon.

###### **2. Andree's vehicle usage data**

OIG obtained and reviewed automatic vehicle location (AVL) reports regarding Andree's Tollway vehicle for February 2018 and March 2018. These reports were summarized in a spreadsheet that details the routes Andree took to M-07 at the ends of his workdays and whether Andree stopped at M-06. OIG analysis of this data reveals that the majority of the time, Andree drove directly to M-07 at the ends of his workdays rather than stopping at M-06. It also reveals that Andree occasionally took I-88 and I-39 to get to M-07 rather than I-90.

###### **3. Andree's intermittent FMLA leave approval**

OIG obtained a copy of a letter indicating that Andree was approved to use intermittent Family and Medical Leave Act leave [REDACTED] from October 24, 2016 through

January 24, 2017. The leave was to be [REDACTED]

#### 4. Andree's Email Request to Change Work Location

<b>From:</b>	Andree, John
<b>Sent:</b>	Tuesday, November 15, 2016 9:09 AM
<b>To:</b>	[REDACTED]
<b>Subject:</b>	Reporting location change.

Good Morning,  
I would like to see if it would be possible to change my reporting location and start time to M-6 for the immediate future. Scheduling for my [REDACTED] requires me to be in Rockford at 2:45 in the afternoon. An advantage to this is.

If I were allowed to work 0600 to 1400 I would not have to schedule any time off.  
If I punch in at 0600 at M-6 I can be at M-2 to dispatch Road Electric crews at 0700  
The 0600 to 0700 time on the road to inspect current and new facilities along I-90, I-390, I-355 and I294 will be a plus. This will allow a Road Electric person to be present at the M-6 Road Electric facility.  
This will also get "eyes on the road" in sections that are now not covered due to the new toll regulations on operational vehicles.

John Andree  
Illinois Tollway  
[REDACTED]  
Roadway Electric Manager  
[REDACTED]

#### 5. Andree's Operationally Assigned Vehicle Form

OIG obtained a copy of a 2014 form that indicates that Andree was assigned an operationally assigned vehicle that will be parked at M-07. This form further indicates Andree is on 24-hour call, and he is responsible for responding to all roadway lighting emergencies. In response to whether he will be required to respond after hours, this form indicates Andree "[w]ill be notified in the case of light poles being knocked down and power outages." The form further indicates that Andree may occasionally begin or leave work from different locations.

##### B. Documents - [REDACTED]

##### 1. [REDACTED] time and tolling records

OIG obtained copies of [REDACTED] Kronos timekeeping records covering January 1, 2016 through August 28, 2018 and [REDACTED] Tollway-provided transponder records from January 2017 through August 2018. These records reveal that [REDACTED] works a standard 7:00 am to 3:00 pm shift. [REDACTED] frequently clocks in or out at Plaza 51 or at M-02.



assignments because [REDACTED] is not familiar with each employee's respective job duties and commuting situation.

[REDACTED] a [REDACTED] runs a report of all transponder activity for each permanently assigned vehicle every month. [REDACTED] sends these reports to the respective drivers who then mark which tolls were incurred during commuting trips. The employee then pays back these tolls by check to the Tollway. [REDACTED] believes that the first toll incurred while on the clock and the last toll paid incurred on the clock are not the employee's responsibility to pay.

## 2. John Andree

On May 2, 2018, OIG investigators interviewed Andree, providing him with administrative advisements for non-union employees, orally and in writing, which Andree acknowledged understanding. Andree declined to consent to audio-recording of the interview.

In summary, Andree stated the following:

He has worked for the Roadway Lighting Unit since January 16, 2014 as a Roadway Electric Manager, and he reports to [REDACTED]. As the head of the Roadway Lighting Unit, he manages five Division Electricians, eight Equipment Operator Laborers, and one Section Clerk.

The Division Electricians are responsible for the Tollway lighting in the specific division to which each is assigned. The Division Electricians are given permanently assigned vehicles that they take home each day.

His workdays begin only upon reaching his assigned work location of M-02. M-02 houses the Roadway Lighting Unit's equipment, including its aerial trucks, the unit's storage yard, and the unit's stock room. It would be difficult to clock in at M-07 and begin running the Roadway Lighting Unit's operations when almost everything associated with the Roadway Lighting Unit is located at M-02, including 2/3s of the Roadway Lighting Unit's workforce and the Roadway Lighting Unit's equipment, storage yard, and stock room. He begins his days by handing out daily work assignments and by receiving reports of overnight incidents when he gets to M-02. He needs to go to M-02 to have eyes on his employees and complete the morning dispatch.

When he started at the Tollway, [REDACTED] the former [REDACTED] Manager instructed him to clock in and out at M-02. But after his [REDACTED] he approached [REDACTED] or [REDACTED] and requested to park and clock in at the Tollway location closest to [REDACTED] home because he thought employees in other units could do so. He wanted to minimize the amount of benefit time he used while [REDACTED]

He began clocking in at M-06 at 6:00 a.m. while on the way to M-02 in the mornings. This way, he still arrived at M-02 at his assigned start time of 7:00 a.m. He also left M-02 so he could clock out at M-06 at 2:00 p.m. while on his way home.

He does not remember whether there was paperwork documenting this request to change his clock in and clock out location. Either [REDACTED] or [REDACTED] granted him permission to do so. There

was paperwork involved with changing his work hours from 7:00 a.m. to 3:00 p.m. to 6:00 a.m. to 2:00 p.m. that [REDACTED] then the Chief of [REDACTED] approved.

Because his hours could not indefinitely remain from 6:00 a.m. to 2:00 p.m. and needed to switch back to 7:00 a.m. to 3:00 p.m., he told either [REDACTED] or [REDACTED] how other units commuted while on the clock. This statement was based upon unsubstantiated rumors. Either [REDACTED] or [REDACTED] told him that when he switched back to 7:00 a.m. to 3:00 p.m., he would continue to pick up the car at M-07 and clock in at M-02 in the mornings, but he could clock out at M-07.

Andree said that his duties often require him to be away from M-02 during the day. Regardless of where he is working, he leaves that site at whatever time it would take to drive to M-07 and clock out at 3:00 p.m. That means if he is at M-02, he leaves about 2:00 p.m.

His vehicle is operationally assigned because it is parked at M-07, which is ten minutes from his home in [REDACTED] Illinois. He has parked his assigned vehicle overnight at M-07 since he began working for the Tollway because he is always on call.

He assumes [REDACTED] assigned this vehicle to M-07 because [REDACTED] was aware that he (Andree) lived nearest M-07. He assumed, until [REDACTED] instructed him otherwise on his first day, that he would also be allowed to clock in and clock out at M-07. Instead he was directed to sign in and out at M-02.

He last used the vehicle during off hours a couple of months ago. In the past year, he estimated that he used the vehicle during off hours a total of three times, and one of these occasions, he went out just because he was near an accident that required the power to be turned off. He trusts the night crews to handle roadway electric matters, and he always carries a cellphone if he is needed. He considers this a retirement job.

There is plenty of room to park at M-02 overnight if needed. Generally, he goes to M-07 strictly to punch out and park.

He does not pay for any gasoline for the operationally assigned vehicle. He personally pays for the tolls he accrues while off the clock. He considers his commute to be when he is off the clock in the operationally assigned vehicle. He does not pay for the tolls he accrues while on the clock. Because he is on the clock when he drives to M-07 to clock out and park, he does not pay the tolls he accrues during this trip. If he were to clock out somewhere other than M-07, such as at CA, he would pay the tolls he accrued while on the way to M-07 after clocking out.

It was only in about the last 18 months he began paying for tolls he accrued on his commute because the Tollway took away all transponders. He personally pays for the tolls he accrues driving from M-07 and M-02 in the mornings because he has not yet clocked in.

Normally, he clocks out at 3:00 p.m. He would not clock out if a task would take him longer than 3:00 p.m. to complete because he would still be working on such an occasion. He would amend his time records on a PTE Approval form if he had to work before 7:00 a.m. or after 3:00 p.m.

Every month, he receives a report listing all the toll plazas he drove through in the vehicle, and he pays for the instances where he drove through a toll plaza before 7:00 a.m. or after 3:00 p.m. unless he has documentation saying that one of these tolls was work related.

He records each trip in the vehicle on a vehicle log, which [REDACTED] signs as his supervisor.

He is not taxed for any of his use of the operationally assigned vehicle.

3. [REDACTED]

a. May 24, 2018

On May 24, 2018, OIG investigators interviewed [REDACTED] providing [REDACTED] with administrative advisements for non-union employees, orally and in writing, which [REDACTED] acknowledged understanding. [REDACTED] declined to consent to audio-record the interview.

In summary, [REDACTED] stated the following:

Since about 1994, [REDACTED] has been the [REDACTED] Manager for [REDACTED]. In this role, [REDACTED] processes overweight truck permit requests. [REDACTED] also oversees utility relocations and the required permitting for outside agencies working with the Tollway. Since 2006, [REDACTED] has overseen the [REDACTED] Unit.

[REDACTED] supervised Andree since Andree was hired. During Andree's interview, [REDACTED] and [REDACTED] told Andree that Andree would get an operationally assigned car and that he (Andree) would not have to pay tolls on the way to work, but that benefit was recently taken away from all Tollway employees. Also, at this time, they told Andree he was expected to clock in and out at M-02.

[REDACTED] feels they did not give Andree special treatment by allowing him to use an operationally assigned vehicle because [REDACTED] the previous [REDACTED] Manager, used an operationally assigned vehicle. But unlike Andree, [REDACTED] left the vehicle at M-02 overnights and not at the M-site nearest [REDACTED] home.

Andree parks the operationally assigned vehicle at M-07 overnights. Andree picks the vehicle up from M-07 around 6:00 a.m. and drives about an hour to get to M-02 at 7:00 a.m.

Andree must show up at M-02 every day because he dispatches the Roadway Lighting Unit crews from M-02 and plans his daily work activities there.

[REDACTED] allowed Andree to clock in and out at M-06 for about three months so he could take [REDACTED] after work. [REDACTED] thought that Andree's work hours remained 7:00 a.m. until 3:00 p.m. during these three months. Documented approvals must be obtained before an employee's working hours are changed, and [REDACTED] does not think they got these approvals.

█ expected Andree to show up at M-02 every day after clocking in at M-06. After Andree no longer took █, they agreed that Andree could begin clocking out at M-07 because the problems with the lighting began at that same time.

For about the past year, Andree clocked in at M-02 and clocked out at M-07. █ has no documentation establishing this arrangement.

By allowing Andree to clock out at M-07, █ is having Andree keep an eye on a problematic stretch of roadway lighting. It is a daily necessity that Andree drive by this section of roadway lighting to check upon it, and as such, █ thinks it is most efficient if Andree does so while en route to clock out. █ thinks it would be inefficient if Andree were to drive this section of the roadway during some other portion of his workday and then return to M-02 to clock out.

█ decided that Andree could drive this portion of the roadway while on the clock in either the morning or the evening but not both. Besides, the sun is not out when Andree drives this portion of the roadway in the morning, so Andree cannot check the roadway lighting then. According to █, Andree will not monitor roadway lighting on his commute if he is not on the clock and getting paid. Thus, █ allowed Andree to be on the clock while driving this portion of the roadway for at least one portion of his (Andree's) commute. █ made it clear to Andree that when clocking out at M-07, the morning drive from M-07 to M-02 is a commute.

While Andree initially identified this problem with the roadway lighting, █ admitted that Andree is not the only individual working on monitoring and correcting this problem.

Division █ is a union employee assigned to M-06. This portion of the roadway is part of the M-06 division. When █ first started, █ was incapable of monitoring this problem, but by now █ has probably acquired enough experience. Nevertheless, █ said █ would not want to distract █ from other duties within █ district by having █ monitor this portion of roadway lighting when █ can have Andree do so because Andree goes past those lights on his way home anyways.

There was a period when Andree also was the acting Fiber Optics Manager, and he received a salary increase for these duties. These fiber optics duties are another reason it made sense to have Andree clock out at M-07.

Andree knows that he is allowed to clock out at M-07 so that he can monitor the roadway lighting and that the arrangement is not designed to shorten his off-the-clock personal commute. █ and Andree discussed how a consequence of these arrangements would be that Andree's workdays would be shortened and the poor perceptions that would be caused, but they decided to go forward with these arrangements.

█ signs off on Andree's time in Kronos and on Andree's vehicle logs. █ believes that these accurately represent Andree's working hours and vehicle usage.

Sometime this month, Andree told █ that he (Andree) met with the OIG. Andree did not tell █ what was discussed in the meeting because Andree told █ that he was not supposed to talk

about the meeting's contents. However, [REDACTED] surmised that this is what the OIG would have spoken to Andree about because [REDACTED] was not comfortable with the arrangements since making them.

[REDACTED] was uncomfortable with these arrangements because they create a bad perception, and it appears as if they are allowing Andree to "get away with something." It also appears as if they are trying to allow Andree to evade paying tolls out of his pocket. Nevertheless, [REDACTED] decided it was "OK" because these arrangements were only intended to be temporary.

[REDACTED] said that [REDACTED] was aware of Andree's vehicle usage and clock out location because they discussed the proposed arrangements beforehand. [REDACTED] was uncomfortable at first with the proposed arrangements, but [REDACTED] said [REDACTED] "convinced" [REDACTED] that they should go forward with the arrangements.

[REDACTED] was not aware of a Tollway employee who has an arrangement like Andree's with respect to Tollway vehicle usage or clocking out.

b. September 21, 2018

On September 21, 2018, OIG investigators interviewed [REDACTED] once again, providing [REDACTED] with administrative advisements for non-union employees, orally and in writing, which [REDACTED] acknowledged understanding. [REDACTED] declined to consent to audio-record the interview.

In summary, [REDACTED] stated the following:

[REDACTED] is currently in the [REDACTED] Engineering Department. [REDACTED] has always been assigned to CA. [REDACTED] clocks in and out at CA 90% of the time. [REDACTED] hours are 7:00 a.m. until 3:00 p.m.

About once a month, [REDACTED] clocks in at M-02 in the morning when [REDACTED] needs to pick up paperwork or speak with Andree.

Sometimes when [REDACTED] has a late meeting, [REDACTED] drives past CA and clocks out at Plaza 51 or at M-02. [REDACTED] clocks out at these locations because if [REDACTED] is on the Tri-State Tollway at the end of [REDACTED] workday, it does not make sense for [REDACTED] to get off the Tri-State Tollway to clock out at CA only to get back on the Tollway to return to Plaza 51.

[REDACTED] has an operationally assigned vehicle, which [REDACTED] parks overnight at Plaza 51 because [REDACTED] lives in [REDACTED] Illinois, and Plaza 51 is the closest Tollway facility to [REDACTED] residence other than M-02. However, [REDACTED] does not like parking this vehicle at M-02 because there are a lot of cars parked at M-02. Plaza 51 is about six miles from [REDACTED] home.

[REDACTED] is aware that [REDACTED] parks the vehicle at Plaza 51.

[REDACTED] never takes the Tollway roads on the way to or from Plaza 51.

From 1990 to 2003, [REDACTED] had a permanently assigned vehicle that [REDACTED] took home, but in 2003, all vehicles were ordered to be returned to the Tollway. Since that date in 2003, [REDACTED] has had an operationally assigned vehicle that [REDACTED] parked at either M-02 or Plaza 51. [REDACTED] was told at that time [REDACTED] could park this vehicle at the Tollway facility nearest to [REDACTED] home. [REDACTED] thinks [REDACTED] would have been the person who told [REDACTED] that [REDACTED] could park this vehicle at the Tollway facility nearest to [REDACTED] home, but [REDACTED] does not specifically remember [REDACTED] telling [REDACTED] this.

[REDACTED] does not use a pool car. [REDACTED] might possibly be called out, but [REDACTED] could only recall maybe one time since 2017 when [REDACTED] was called out during [REDACTED] off hours.

Other than Andree, all the individuals [REDACTED] supervises use pool cars. [REDACTED] thought it would be a hassle if [REDACTED] used a pool car, but it would be "do-able."

One of these individuals, [REDACTED], also works on the permitting process. [REDACTED] might use a vehicle once or twice a week for a couple of hours. There are many weeks when [REDACTED] does not use a vehicle. [REDACTED] said that [REDACTED] goes out in conjunction with the permitting process "much more" than [REDACTED]. [REDACTED] also uses a Tollway vehicle to go to lunch, but [REDACTED] does not use a Tollway vehicle to go to lunch.

[REDACTED] is assigned vehicle number 941, which is a Ford Explorer. The vehicle's contents consist of a cone, a hook for lifting manholes, a hard hat, a vest, and a flag. Sometimes, [REDACTED] places a ladder in the vehicle.

[REDACTED] uses the vehicle every day to go to and from work. Plus [REDACTED] uses the vehicle an additional time during every workday. Sometimes [REDACTED] uses the vehicle to go to permit job sites, go to meetings with those requesting permits, to check whether potholes developed from a permit job, and to inspect drainage installations at sites.

[REDACTED] gets an hour break every day. Occasionally, [REDACTED] spends more than an hour on break.

Once [REDACTED] gets [REDACTED] food, [REDACTED] prefers to eat in the vehicle; there is no work-related purpose to do so. [REDACTED] leaves the vehicle running while eating so [REDACTED] can have the air conditioning and radio running. Sometimes the only time [REDACTED] uses the vehicle is to go to lunch from CA, or [REDACTED] goes to lunch in combination with some other work-related activity. Usually [REDACTED] gets lunch at the Subway Restaurants on Roosevelt Road in Lombard, Illinois. Lately during [REDACTED] workdays, [REDACTED] admitted that [REDACTED] used the vehicle only to go to lunch.

[REDACTED] said that [REDACTED] truthfully completes [REDACTED] vehicle logs, and never enters destinations or routes on [REDACTED] vehicle logs that [REDACTED] did not actually visit. However, [REDACTED] does not write "lunch" or where [REDACTED] went for lunch on [REDACTED] vehicle logs. [REDACTED] writes "I-355" or "Roosevelt" when [REDACTED] uses the vehicle solely to go to Subway. Sometimes [REDACTED] indicates [REDACTED] went to a Tollway field location on [REDACTED] vehicle logs when [REDACTED] goes to lunch.

When visiting sites, [REDACTED] includes a description of the site or the site's permit number on [REDACTED] vehicle log. If visiting multiple sites on a trip, [REDACTED] puts all the information about the trip on the same entry line. [REDACTED] solely logs "trips" on [REDACTED] vehicle logs. [REDACTED] does not keep an accounting of [REDACTED]

site visits anywhere. [REDACTED] does not document issues discovered during site visits other than by contacting the site project foreman.

[REDACTED] also lists meetings [REDACTED] attends on [REDACTED] vehicle logs, but [REDACTED] does not list the permit job sites [REDACTED] drove past on [REDACTED] vehicle logs. Instead, [REDACTED] lists a segment of the trip or another destination [REDACTED] visited on the trip.

[REDACTED] acknowledged that neither [REDACTED] nor anyone else would be able to look at [REDACTED] Vehicle Logs and tell what work functions [REDACTED] may have performed during any given trip. [REDACTED] might be able to remember what [REDACTED] actually did on a past trip by looking at one of [REDACTED] vehicle logs and thinking of what projects may have been going on at the time.

[REDACTED] described various trips [REDACTED] took in recent days.

[REDACTED] said that [REDACTED] has stopped at [REDACTED] home during [REDACTED] workdays. Usually, [REDACTED] does so to pick something up. In the past three to four months, [REDACTED] stopped at home on three or four occasions. One of the times [REDACTED] did so, it was to pick up [REDACTED] personal cordless drill for [REDACTED] Unit work. [REDACTED] was pretty sure [REDACTED] documented on [REDACTED] vehicle log that [REDACTED] took the vehicle to [REDACTED] home.

Sometimes, [REDACTED] uses the vehicle to go to Panera Bread in Westchester and then to a Walgreens in Hillside. [REDACTED] typically does so in conjunction with a trip to M-02. It may look as if [REDACTED] is making trips solely to this Panera Bread and Walgreens, but [REDACTED] claimed that [REDACTED] also goes to check a nearby permit site at the I-88 Spring Road exit.

[REDACTED] has used the vehicle to attend eye doctor appointments while off the clock on [REDACTED] way to Plaza 51.

4. [REDACTED]
  - a. May 31, 2018

On May 31, 2018, OIG investigators interviewed [REDACTED] providing [REDACTED] with administrative advisements for non-union employees, orally and in writing, which [REDACTED] acknowledged understanding. [REDACTED] consented to audio-record the interview.

In summary, [REDACTED] stated the following:

[REDACTED] became [REDACTED] Manager of [REDACTED] about two years ago, after [REDACTED] left the Tollway, and [REDACTED] oversees six units.

Prior to [REDACTED] OIG interview, [REDACTED] told [REDACTED] that the OIG interviewed [REDACTED] about Andree and where Andree parks [REDACTED] Tollway vehicle.

[REDACTED] thought that [REDACTED] arranged for Andree to clock in and out and park at M-06 or M-07. [REDACTED] knew that Andree lives in [REDACTED] Illinois, about 70 or 80 miles from M-02, Andree's assigned worksite in Hillside, Illinois.

In November 2016, Andree emailed ██████████ asking to begin his workdays an hour earlier, and clock in at M-06 to ██████████. ██████████ said that this request eventually came to ██████████ attention. ██████████ did not have a conversation with Andree or ██████████ in which they discussed the bad perception Andree's arrangements would create, or if they did, ██████████ forgot it. ██████████ does not think Andree or ██████████ said the arrangement might look bad, but ██████████ decided to approve the arrangement anyways. ██████████ does not know why ██████████ might say they had such a discussion when it did not happen.

██████████ also decided to let Andree park at the Tollway facility nearest Andree's residence because Andree might need to use the vehicle in off hours. ██████████ decided not to give Andree a permanently assigned vehicle to take home because the ██████████ in the ██████████ Unit already have permanently assigned vehicles that they take home, and these employees are required to respond on 24/7 basis, not Andree. ██████████ is unsure whether Andree needs 24/7 access to a Tollway vehicle. Andree was also allowed to park the vehicle in this manner before ██████████ became the ██████████ Manager of ██████████ so ██████████ decided to carry on the practice. ██████████ also allowed the arrangement because ██████████ believed other departments let their employees park Tollway vehicles at the Tollway location nearest their respective residences and commute in a Tollway vehicle to their respective work sites from there.

██████████ might have sent an email to ██████████ or to ██████████ to document Andree's change in working hours. ██████████ might have changed Andree's working hours in Kronos to 6:00 a.m. to 2:00 p.m.

██████████ decided Andree should report to M-02 and give instructions to the employees whom ██████████ supervises to start their days and then complete ██████████ daily routine. At the end of the day, ██████████ expected Andree to drive to M-06 and have some "face to face time" with ██████████ employees there. ██████████ considered this would be more than "just hello" and that Andree would do some workday planning at M-06 every day. Andree might not see employees whom he supervises that are assigned to sites other than M-02 or M-06 every day.

After the original couple months' arrangement, ██████████ thought Andree should continue driving to M-06 at the end of his workdays because it was beneficial to the Tollway and Andree. This was because of the problems with the light poles along I-90. However, Andree's hours were switched back to 7:00 a.m. to 3:00 p.m.

Andree reasoned to ██████████ that the arrangement, other than the earlier working hours, should continue because ██████████ always clocked out at M-06 or M-07 and because others at the Tollway had similar arrangements.

Andree gets paid on his way home from his work site, but Andree does not get paid on his way to his work site in the mornings. Under the arrangement, Andree is supposed to interact in-person with the employees whom he supervises at M-06 before finishing his day and parking the operationally assigned vehicle at M-07.

The light poles along I-90 are spaced 200 feet apart from one another, and the speed limit is 70 miles per hour. Andree should be monitoring each light pole as he drives and determine whether any are falling. Andree can "absolutely" accomplish this task safely at 70 miles per hour.

However, [REDACTED] admitted that monitoring lighting in his division is within [REDACTED] job description, and there is no reason that [REDACTED] could not monitor the light poles on I-90 rather than Andree. Furthermore, a Tollway contractor is responsible for correcting the problematic light poles along I-90.

According to [REDACTED] miles driven from an assigned work location to the location where the Tollway employee parks the operationally assigned vehicle overnight should not be marked as commuting miles on vehicle logs. These miles are driven on the Tollway's behalf. Commuting miles are only for permanently assigned vehicles.

[REDACTED] thinks that operationally assigned vehicles benefit the Tollway and the employee and does not amount to "getting around" commuting restrictions by allowing [REDACTED] employees to park an operationally assigned vehicle near their homes rather than use a permanently assigned vehicle. The Tollway benefits in Andree's case because he can stop at M-06 and talk to his employees there or see incidents on his way home. If Andree were off the clock on his way home, Andree would "not be able to stop for incidents" he observed on his way home without being paid overtime once he stopped for an incident. [REDACTED] does not know if allowing Andree to use the vehicle in this manner ever prevented the Tollway from needing to pay Andree overtime. [REDACTED] could not say how many commuting trips Andree would need to take in a Tollway vehicle while never stopping to respond to an incident would need to occur before paying Andree overtime for such occasions outweighed the benefit of paying Andree to commute.

[REDACTED] recommended where Andree parks his Tollway vehicle and where Andree clocks in and out, but [REDACTED] made the ultimate determination regarding this matter. [REDACTED] does not think there is any documentation regarding allowing Andree to clock out at M-06 or M-07 after the period immediately following Andree's [REDACTED]

Most employees in [REDACTED] department have operationally assigned vehicles they park at a Tollway facility closest to their residences because they probably do not need 24/7 access to a Tollway vehicle; they have subordinates with permanently assigned vehicles who handle the 24/7 duties. [REDACTED] immediate subordinates primarily need the vehicles from 7:00 a.m. to 3:00 p.m. These subordinates should be able to park operationally assigned vehicles close to their residences rather than at their assigned work locations, and nothing in the Vehicle Manual prevents such parking arrangements.

[REDACTED] believes [REDACTED] employees begin their workdays after picking up a car in the mornings because the employees can call in about things on the Tollway or stop for accidents while driving to their respective worksites, even though these duties are not in their respective job descriptions.

Andree does not get paid on the way to his assigned work site, but he gets paid on his way home because he stops at M-06 to interact with the employees. [REDACTED] thinks Andree parked at M-06 until

M-06 was under construction, but Andree now parks at M-07. Even if Andree were not to stop at M-06, Andree should still get paid on his way to park at M-07 at the end of his day.

When asked whether Andree should still get paid if Andree left M-02 to go directly to M-07, without stopping at M-06 as directed, to park the vehicle there, ██████ responded that Andree should get paid under such circumstances because Andree would still be on the clock as he drove to M-07. Andree would be getting paid to commute, but ██████ said it is "common practice" at the Tollway to get paid for commuting time.

When asked why Andree gets paid on his way to park the car but not in the mornings when he picks the car up, ██████ responded that Andree does not get paid on his way from M-07 to M-02, and he would get overtime if he "called in" something he sees on his way to M-02 in the mornings. But ██████ admitted that ██████ does not know whether Andree ever "called in" something while driving to or from work.

██████ advised that ██████ also parks an operationally assigned vehicle at the Tollway facility nearest ██████ residence and uses it to commute to ██████ work site.

b. October 3, 2018

On October 3, 2018, OIG investigators interviewed ██████ once again, providing ██████ with administrative advisements for non-union employees, orally and in writing, which ██████ acknowledged understanding. ██████ consented to having the interview audio-recorded.

In summary, ██████ stated the following:

██████ has supervised ██████ since ██████ became the ██████ Manager of ██████

██████ is assigned to CA and ██████ responsibilities include: managing the Roadway Electric Unit, managing the Tollway's permitting processes, overseeing oversize and overweight truck permitting, and managing the Tollway's fiber optics systems. To perform these duties, ██████ attends meetings with utility companies, reviews utilities locate plans, and manages the employees under ██████

██████ has an operationally assigned vehicle, which ██████ thinks ██████ has had ever since ██████ became a ██████ Manager for ██████. ██████ has never reviewed the propriety of ██████ vehicle assignment.

██████ parks the vehicle at Plaza 51, which is the Tollway facility nearest ██████ home. Every day, ██████ drives ██████ personal vehicle to Plaza 51 and then drives the Tollway vehicle to CA.

██████ knows that ██████ uses the Tollway vehicle every day, but ██████ does not supervise the propriety of ██████ Tollway vehicle usage.

Other than Andree, all ██████ subordinates use pool cars when necessary. ██████ could probably use a pool car rather than an operationally assigned vehicle. ██████ has an

operationally assigned vehicle rather than a pool car because [REDACTED] never questioned the propriety of the vehicle assignment. Also, there is the possibility that [REDACTED] may need to use a vehicle in [REDACTED] off hours, but [REDACTED] does not know whether [REDACTED] has ever done so.

[REDACTED] is on the road more often than [REDACTED] subordinates. [REDACTED] cited [REDACTED] need to attend meetings and to negotiate permits with utility companies. The employees [REDACTED] supervises have more CA-based duties.

The only documentation tracking [REDACTED] site visits are [REDACTED] vehicle logs. [REDACTED] said that on the logs, one is expected to put the start and end times of each trip, the reason they used the vehicle, and the ending mileage for that trip. [REDACTED] said that [REDACTED] expects [REDACTED] to put all sites [REDACTED] visited on [REDACTED] vehicle logs.

[REDACTED] stated that [REDACTED] never found any issues with [REDACTED] vehicle logs, but [REDACTED] admitted that [REDACTED] never checked their accuracy. [REDACTED] has access to the AVL system, but [REDACTED] never used it to check [REDACTED] vehicle usage.

[REDACTED] "assumes" that [REDACTED] and someone who managed [REDACTED] previously decided to allow [REDACTED] to park at Plaza 51 because it is the closest Tollway facility to [REDACTED] home. However, [REDACTED] has never questioned whether [REDACTED] should continue parking at Plaza 51.

[REDACTED] characterizes [REDACTED] daily drive between Plaza 51 to CA as "travel rather than a commute" because [REDACTED] has no duties at Plaza 51, and [REDACTED] workday begins at CA. [REDACTED] thinks that a commute is only when someone drives a permanently assigned vehicle from their home to their assigned work location, not when someone drives an operationally assigned vehicle from the Tollway location nearest their residence to their assigned work location. [REDACTED] stated that [REDACTED] "did not set the program up," so [REDACTED] does not know why [REDACTED] does not get paid to travel to and from Plaza 51.

[REDACTED] believes that [REDACTED] can use the Tollway vehicle to go to lunch, to go to a doctor's appointment, and to pick up prescriptions. If a doctor's appointment is on an employee's way home, [REDACTED] thinks it is okay for the employee to use a Tollway vehicle to go to that appointment rather than go home first and switch vehicles. [REDACTED] does not know whether [REDACTED] ever used the Tollway vehicle to go to a doctor's appointment, but [REDACTED] would expect to see a doctor's appointment listed on [REDACTED] vehicle log if [REDACTED] used it to do so.

[REDACTED] does not expect a trip to pick up prescription medications to be listed on [REDACTED] vehicle log as such because [REDACTED] expects such a trip would be made coming to or from Plaza 51 or done while traveling to a work-related location. However, [REDACTED] then said that [REDACTED] thinks it would be "absolutely acceptable" for [REDACTED] to use the Tollway vehicle solely to take a trip to pick up prescription medications. In such an instance, [REDACTED] would expect such a trip to be listed on [REDACTED] vehicle log as a trip to pick up prescription medications.

[REDACTED] thinks that [REDACTED] could use the Tollway vehicle to get lunch during [REDACTED] daily work-related travels. [REDACTED] would not expect picking up lunch to be on [REDACTED] vehicle log in such an instance.

██████ also opined that ██████ could also use the Tollway vehicle to go on trips solely to get lunch because ██████ personal vehicle is not parked at ██████ work location. Using the Tollway vehicle to get lunch is one of the "perks" of having an assigned Tollway vehicle. ██████ asserted that ██████ should not have to walk somewhere for lunch if ██████ wants to eat lunch outside of CA.

Trips solely for lunch should be documented on vehicle logs. A trip from CA to lunch and a trip returning to CA from lunch should be on ██████ vehicle logs in such instances. The trip should be coded as "MLO," or miscellaneous location off site, on the vehicle log. ██████ should write "lunch" in the comment's column, but ██████ need not designate where ██████ went to lunch.

██████ is not aware of any problems ██████ may have with adhering to only an hour lunch break. ██████ does not micromanage ██████ employees. ██████ does not violate Tollway policy by eating in the Tollway vehicle in restaurants' parking lots while idling.

██████ never gave ██████ instructions on clocking in and out. ██████ expects ██████ to clock in before 7:00 a.m. and clock out at 3:00 p.m., with both punches at CA. The lone exception would be if ██████ were to finish ██████ workday in the field, ██████ should clock out at ██████ last work site, or send ██████ an email so the time keeper can edit Kronos. ██████ said ██████ sees ██████ clock in at CA, and ██████ could not think of a situation where ██████ would clock in at Plaza 51, unless there was some situation on the road on ██████ way to CA that ██████ needed to deal with.

According to ██████ there is no specific written policy for how employees should punch out if they end their day in the field. ██████ said that it is a "unique situation" because ██████ has operationally assigned vehicle. Given a hypothetical that ██████ ended ██████ day at 3:00 pm at Plaza 60, ██████ said that that ██████ could drive ██████ car to Plaza 51 and clock out even if it took ██████ 30-40 minutes to drive to Plaza 51. ██████ also said ██████ could email the timekeeper when ██████ day ended but there is no specific rule.

If ██████ completed ██████ duties at 3:00 p.m. on the road and passed CA on ██████ way to Plaza 51, ██████ can choose whether to clock out at Plaza 51. Tollway policies do not address this.

██████ should not be responsible for any tolls incurred in the Tollway vehicle, irrespective of how ██████ incurred these tolls. Only those driving permanently assigned vehicles should be responsible for commuting tolls. It has never been addressed whether ██████ is responsible for paying tolls incurred while off the clock.

██████ said ██████ pays taxes on ██████ vehicle use, but ██████ does not because ██████ does not have a permanently assigned vehicle.

██████ was shown AVL replay records from various dates on which ██████ clocked in or out at Plaza 51. In some instances, ██████ felt ██████ should not have used the timeclock at Plaza 51. In other instances, ██████ felt ██████ could clock out at Plaza 51 rather than sending an email documenting when ██████ finished ██████ duties.

██████████ does not put in for personal time earned (PTE) time. Anytime ██████████ spends after 3:00 p.m. while unnecessarily on the clock is inconsequential because ██████████ does not submit for PTE time.

██████████ is responsible for signing off on ██████████ vehicle logs. When doing so, ██████████ simply looks to see whether ██████████ made an entry for every date in the month. ██████████ does not attempt any verification of the information on the vehicle logs. ██████████ admitted that ██████████ can only read some of the entries on ██████████ vehicle logs.

██████████ said ██████████ trusts ██████████ employees to do what they need to do to complete their duties, so ██████████ does not ask ██████████ and ██████████ does not tell ██████████ what ██████████ did on any given day. Furthermore, ██████████ said that ██████████ does not brief ██████████ on ██████████ activities. ██████████ stated that no guidelines exist regarding site visits, and ██████████ has sole discretion about whether to and when ██████████ should conduct them. ██████████ thought that ██████████ might perform site visits to address something that broke, meet contractors on sites, view utilities, and inspect whether the terms of an issued permit are followed.

The only tracking of ██████████ site visits that exist are the vehicle logs, and each site ██████████ visits should be listed on ██████████ vehicle logs.

██████████ "guesses it is a possibility" that ██████████ could conduct some site visits without stopping while driving by. ██████████ opined that ██████████ could possibly check whether the lighting is working in an area by driving by or see whether a crew is at a site by driving by.

██████████ was shown various trips ██████████ took on AVL and given the corresponding vehicle log entries ██████████ made, ██████████ admitted that ██████████ could not read many of the entries, nor could ██████████ determine what ██████████ might have been doing on the trips.

██████████ cannot tell what ██████████ did at any given time based on ██████████ vehicle logs or whether any given trip had a work-related component or was purely personal. After reviewing the records, ██████████ said that ██████████ does not think that each of ██████████ vehicle log entries accurately reflect the nature of ██████████ trips.

5. ██████████

On June 4, 2018, OIG investigators interviewed ██████████ providing ██████████ with administrative advisements for non-union employees, orally and in writing, which ██████████ acknowledged understanding. ██████████ consented to having the interview audio-recorded.

In summary, ██████████ stated the following:

██████████ cannot say there is a need for Andree to drive past the problematic light poles on an everyday basis. The Tollway has maintenance crews covering the whole Tollway system, including crews based out of sites near these light poles like M-06 and M-07, and these crews monitor the

Tollway 24/7. Roadway Electric Unit employees other than Andree are expected to respond to downed poles and are assigned to specific territories within the Tollway system.

Andree would not need to be on the clock to drive past the problematic light poles and call in any problems he sees in regarding those poles. [REDACTED] often calls in problems [REDACTED] sees on the Tollway while driving off the clock.

The [REDACTED] Managers and Supervisors' work days begin upon reaching their assigned work locations. Usually, these employees start their work days at their assigned work locations because this is where morning briefings take place and where daily work assignments are given.

6. [REDACTED]

On August 15, 2018, OIG investigators interviewed [REDACTED] a [REDACTED] providing [REDACTED] with administrative advisements for union employees, orally and in writing, which [REDACTED] acknowledged understanding. [REDACTED] declined Union representation. [REDACTED] consented to having the interview audio-recorded.

In summary, [REDACTED] stated the following:

[REDACTED] has served as a [REDACTED] in the [REDACTED] of Engineering since January 21, 2014, and [REDACTED] reports to [REDACTED] the [REDACTED] [REDACTED] duties include maintaining the ISTHA's vehicle usage logs for permanently and operationally assigned vehicles.

The difference between the two monthly usage log sheets is that Permanently Assigned Vehicle Monthly Usage Log Sheets have spots to input the number of commuting trips and the Operationally Assigned Vehicle Log Sheets have a field to indicate where a vehicle is parked.

[REDACTED] provides Permanently Assigned Vehicle Monthly Usage Log Sheets to those with permanently assigned vehicles. The users place a mark in the IRS column for every commuting trip they take in the vehicle. Each commuting trip is valued at \$1.50 for taxation purposes.

[REDACTED] compiles a monthly commute recap spreadsheet using the data from the Permanently Assigned Vehicle Monthly Usage Log Sheets. [REDACTED] inputs the total number of commuting trips each user indicated on their respective Permanently Assigned Vehicle Monthly Usage Log Sheets onto a single spreadsheet that [REDACTED] then provides to the Finance department. When [REDACTED] does this, [REDACTED] ensures that the individual users correctly totaled the number of commuting trips they took during the month.

[REDACTED] provides those with operationally assigned vehicles with Operationally Assigned Vehicle Monthly Usage Log Sheets. These users do not take their vehicles home with them. If those with an operationally assigned vehicle take their vehicles home, they must get permission on a different form to do so. [REDACTED] also maintains these forms.

Every month ██████ sends toll usage reports to vehicle users based on a list ██████ receives from ██████. This list consists primarily of those with permanently assigned vehicles, but there are some who use operationally assigned vehicles on this list. John Andree and ██████ are two employees with operationally assigned vehicles who are on the monthly toll usage list.

The toll usage reports list the date, time, location, and amount of each toll associated with a transponder. The user then marks which tolls were commuting tolls and submits this report, along with a check for the corresponding amount, to ██████ and ██████.

## V. ANALYSIS

As more fully described below, this investigation has identified conduct and practices that constitute waste of Tollway resources and violations of Tollway time and attendance and vehicle use policies by John Andree and ██████. These findings support imposition of discipline against Andree and ██████ as employees, as well as against ██████ as Andree's supervisor, and against ██████ for his role in approving Andree's and ██████ vehicle use.

### A. John Andree

#### 1. Time and Attendance

Andree's primary responsibility is heading up the Tollway's Roadway Lighting Unit, and his assigned work location is M-02, but he lives in ██████ which is approximately 70 miles away. Andree acknowledged during his interview that nearly everything associated with the Roadway Lighting Unit is located at M-02, including most of his subordinates and his office. Yet, at various times throughout his tenure, Andree has been allowed to clock in and/or out at M-06 and M-07, which are significantly closer to his residence.

██████ and ██████ official endorsement of Andree's commuting while on the clock appears to have begun in the latter half of 2016. Beginning then, three different periods of Andree's timekeeping abuse ensued.

The table below details these three periods.<sup>2</sup>

Andree's Timekeeping Issues								
Period Begin	Period End	Work Hours	Andree Workdays	Clock In	Clock Out	Paid Commute Route	Paid Commute Length (Minutes)	Paid Commute Total (Hrs:mins)
8/19/2016	11/15/2016	7:00 AM-3:00 PM	51	M-02	M-06	M-02 to M-06 (PM)	40-65	34:00-55:15
11/16/2016	3/31/2017	6:00 AM-2:00 PM	88	M-06	M-06	M-06 to M-02 (AM) M-02 to M-06 (PM)	40-65 (AM) 40-65 (PM)	117:20-190:40
4/3/2017	12/29/2017	7:00 AM-3:00 PM	166	M-02	M-07	M-02 to M-07 (PM)	65-80	179:50-221:20

During the first period, Andree clocked in at M-02, but he never clocked out at M-02. Instead, he clocked out at M-06 most of the time.

The second period spanned from November 16, 2016 until March 31, 2017. Andree was permitted to work a non-standard schedule from 6:00 a.m. to 2:00 p.m. Tollway policy only permits such schedule changes with approval and on a temporary basis of no more than six months.<sup>3</sup> However, no such documentation was provided to the OIG. Andree typically commuted from M-06 to M-02 while on the clock and vice versa during the second period.

According to Google Maps, M-06 and M-02 are 45 miles apart, and it typically takes 40-65 minutes to commute between one of the sites to the other at the times of day Andree traveled. Consequently, Andree got paid for a 90-mile, 80-130-minute commute each day during the second period.

With the number of workdays Andree had between August 19, 2016 and March 31, 2017, it is estimated Andree commuted while on the clock for 151 hours and 20 minutes to 245 hours and 55 minutes during the first and second periods combined. Using 8-hour workdays, this equates to somewhere around 18 to 30 full workdays' worth of time that Andree got paid to commute.

The third period, which is currently running, began April 3, 2017. This period began once Andree consistently began clocking out at M-07. Nothing associated with the Roadway Lighting Unit is located at M-07. Andree simply parks the Tollway vehicle there.

<sup>2</sup> These calculations are meant to serve as an estimate of Andree's paid commuting time and unpaid tolls because occasionally, Andree may have taken different routes or had a work-related reason to be on the Tollway for a portion of what would otherwise be considered a commute. The best way to track this matter would have been for Andree to keep accurate time and tolling records contemporaneously.

<sup>3</sup> The Tollway requires an Employee Flextime Form be filed when an employee requests "a schedule outside of normal work hours . . ." The Employee Flextime Form is valid for a maximum of six months. This form requires signatures from: 1) the employee; 2) the division manager; 3) the department chief; and 4) the chief of administration.

According to Google Maps, it typically takes 65 to 80 minutes to arrive at M-07 at 3:00 p.m. when driving from M-02. Consequently, Andree is paid for 65 to 80 minutes of commuting each day during the third period.

According to Andree, when he, [REDACTED] and [REDACTED] agreed to this arrangement, he explained how it was previously agreed upon that he could have a similar arrangement regarding M-06, and he did not want to forgo the M-06 arrangement's timesaving benefits when the M-06 arrangement expired. He further argued that he thought that others at the Tollway commuted while on the clock, and he wished to have a similar arrangement.

However, according to [REDACTED] this arrangement began at the same time problems arose with the lighting on I-90, and Andree needed to monitor this lighting on his way home while on the clock. [REDACTED] concurred with [REDACTED] justification and further said that Andree has this arrangement so he can meet with Roadway Electric employees assigned to M-06.

Neither reason is justifiable. First, records show that, most of the time, Andree did not and does not stop at M-06 while en route to M-07. Second, even assuming this light pole monitoring can be done by someone driving 60-70 miles per hour, several other means of checking these light poles already exist. Tollway and Illinois State Police personnel are constantly on the roadways, monitoring and reporting any problems that may arise, and a Roadway Electric Unit Division [REDACTED] is specifically assigned to the area that Andree is supposedly monitoring. These individuals are just as capable as Andree of spotting whether a mast arm may have broken off a light pole. Moreover, if on the very rare occasion that Andree might spot a problem with the Tollway's lighting on his commute home that he needed to respond to, there is nothing stopping him from calling that in, and he if felt the need to get credit for that time, he could amend his timekeeping records to reflect that additional time spent working, as any other Tollway employee would be expected to do. [REDACTED] claim that Andree could not stop or report a Tollway issue on his way home from work when clocked out defies logic as well as [REDACTED] own experience and expectations.

In addition, records show that Andree has been clocking out at M-06 and M-07 even before [REDACTED] and [REDACTED] officially endorsed Andree's plan sometime in 2016 and before the problems with the lighting on I-90 arose. Since 2014, despite clocking in and out at M-02 most of the time, Andree frequently clocked out at M-06 and M-07 on days before breaks, such as Fridays and the days before holidays and vacations.<sup>4</sup> Andree's consistent use of these sites as a job perk further erodes any credibility in [REDACTED] and [REDACTED] claim that Andree now clocks out at these sites for monitoring purposes.

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<sup>4</sup> Examples of clocking out at M-06 in this manner in 2014 include the following: Friday, April 11th; Friday, April 25th; Friday, May 30th; Friday; June 10th; Friday, June 27th; Friday, September 19th; Friday, December 19th; December 24th; and December 31st.

Examples of clocking out at M-07 in this manner in 2014 include the following: Friday, May 23rd; July 3rd; Friday, July 18th; Friday, August 8th; Friday, August 15th; Friday, October 10th; October 22nd (the day before a 5-day vacation); November 21st (the day before Thanksgiving); Friday, December 12th.

## 2. Vehicle Use

Andree's use of a Tollway vehicle to commute while both on and off the clock and using a Tollway transponder during these commutes constitute violations of the Vehicle Manual. In addition, his approved commutes between M-02 and M-07 (or M-06) using a Tollway vehicle constitute a taxable fringe benefit, that cannot simply be ignored by labelling the vehicle operationally assigned rather than permanently assigned.

Andree is allowed to park his Tollway vehicle at M-07 – less than 2 miles from his home and approximately 70 miles from his assigned work location. By classifying the vehicle as operationally assigned, Andree does not bring the vehicle home, and thus, he does not record trips between his home and his work site. This artificial arrangement does not benefit the Tollway – as discussed above [REDACTED] and [REDACTED] all agreed that there are others who are responsible for and capable of monitoring the light poles, and it is notable that even Andree could not identify a single instance where he called in a report on his afternoon drive home (aka commute). Plus, Tollway records reflect he rarely stops at M-06 on his way home. Even more egregious, AVL records show that Andree sometimes takes non-Tollway routes on this drive, presumably to avoid traffic. These facts show that Andree's drive to M-07 is more like a drive home than an operationally-required work trip.

Simply parking a Tollway vehicle at a Tollway location should not transform what would be considered a commute in a permanently assigned vehicle into a work-related drive in an operationally assigned vehicle, especially when that location is less than 2 miles from the employee's residence. If Andree needs 24-hour access to a Tollway vehicle, he should be given a permanently assigned vehicle that he takes home and be required to complete a Vehicle Use Log that records commuting trips. Otherwise, he should be given an operationally assigned vehicle that is parked at M-02. The latter appears most consistent with Andree's actual vehicular needs as Andree rarely responds to off-hours matters, and the previous [REDACTED] also parked his vehicle at M-02.

Tollway records reflect that Andree worked 227 days in 2017, 222 days in 2016, 229 in 2015, and 224 in 2014. At two commuting trips a day, Andree had 1,804 commuting trips in 2014 through 2017. The Tollway uses the valuation rule of imputing \$1.50 to an employee's gross income for every commuting trip. This equates to \$2,706 in commuting benefits that were not imputed to Andree's income.

This arrangement also allows Andree to avoid paying tolls on his drive home, under Andree and [REDACTED] reasoning, because he is on the clock. The Administration Department declared in a June 8, 2015 memorandum that all non-revenue transponders would be deactivated on July 31, 2015, meaning that employees were liable for tolls they incurred while not performing Tollway duties.

The chart below illustrates the estimated toll costs.

Andree's Toll Liabilities					
Period Begin	Period End	Andree Workdays	Typical Plazas Passed on Commute	Tolls on Paid Commute	Total Tolls on Paid Commute
8/19/2016	11/15/2016	51	35, 9, 17	\$4.50	\$229.50
11/16/2016	3/31/2017	88	35&9(x2), 17, 33	\$9.00	\$792
4/3/2017	12/29/2017	166	35, 17, 9, 6	\$7.50	\$1,245

During Andree's typical commute to work, he passes through Plazas 7, 9, 33, and 35. Passing through these plazas equates to a total of \$7.50 in tolls. On the reverse route from M-02 to M-07, one passes through Plazas 35, 17, 9, and 6 for a total of \$7.50 in tolls.

During the first period, when Andre began clocking in at M-02 but clocking out primarily at M-06 (i.e. from August 19, 2016 through November 15, 2016), Andree worked 51 days. His typical commute while on the clock during this period took him past Plazas 35, 9, and 17 for a total of \$4.50 each day. At 51 days, this equates to \$229.50 in tolls.

During the second period, when Andree began clocking in and out at M-06 (i.e. November 16, 2016 through March 31, 2017), Andree worked 88 days. His typical commute between M-02 and M-06 while on the clock took him through Plazas 35 and 9 twice daily and through Plazas 17 and 33 for a total of \$9.00 each day. At 88 days, this equates to \$792 in tolls.

Andree began commuting to M-07 while on the clock on April 4, 2017 and continues to do so. This takes him through Plazas 35, 17, 9, and 6 for a total of \$7.50 in tolls each day.

While [REDACTED] and [REDACTED] apparently permitted Andree to use the Tollway vehicle in this fashion, that does not excuse Andree from his own duty (heightened as a supervisor himself) to adhere to the Tollway Policies and Procedures Manual and the Vehicle Manual. For this reason, we recommend appropriate discipline.

[REDACTED] signed off on Andree's inaccurate time records and Operational Vehicle Monthly Usage Log Sheets throughout his tenure as Andree's supervisor. Additionally, contrary to the Vehicle Manual's commuting rules, [REDACTED] approved Andree's usage of an operationally assigned vehicle that would be parked at M-07, which is the root cause of the taxation and toll liabilities here.

Andree said either [REDACTED] or [REDACTED] gave him permission to begin clocking in and out at M-06, and the same for when he was granted permission to use M-07's timeclock on one leg of his commute. [REDACTED] last day of employment was August 31, 2016. Andree began clocking in and out at M-06 in November 2016, and the M-07 arrangement followed that, so [REDACTED] not [REDACTED] had to have been the person who greenlighted these arrangements. Additionally, [REDACTED] backed [REDACTED] actions with respect to signing off on Andree's inaccurate time records and

Operational Vehicle Monthly Usage Log Sheets. As such, it is recommended that [REDACTED] be issued appropriate discipline with respect to Andree's vehicle usage.

All three individuals' actions here came at great expense to the Tollway and resulted in misuse of Tollway equipment, unearned wages, wrongfully provided complimentary tolls, and potential tax liability for untaxed fringe benefits.

**B. [REDACTED]**

**1. Time and Attendance**

[REDACTED] is assigned to CA on Mondays through Fridays from 7:00 a.m. until 3:00 p.m., and [REDACTED] lives in [REDACTED]. Plaza 51 is 5.5 miles from [REDACTED] residence and about 8 miles from CA. [REDACTED] has no duties at Plaza 51, yet [REDACTED] is permitted to park [REDACTED] operationally assigned vehicle there. [REDACTED] frequently clocks in and out there, which, by consequence, means [REDACTED] oftentimes commutes on the clock. The way [REDACTED] is allowed to use [REDACTED] Tollway vehicle results in violations of Tollway time and attendance policies.

The table below illustrates [REDACTED] Kronos timekeeping records for 2017:

[REDACTED] Timekeeping Issues					
Period Begin	Period End	CA Clock In/Clock Out	Plaza 51 Clock In/Clock Out	M-02 Clock In/Clock Out	Other Clock In/Clock Out
1/3/2017	12/28/2017	312	64	19	21

As the chart shows, approximately 25% of the time in 2017, [REDACTED] clocked in or out at locations other than [REDACTED] assigned work location. Most often, these locations are at the two Tollway facilities nearest [REDACTED] residence. Of the 83 instances where [REDACTED] clocked in or out at Plaza 51 or M-02, only 6 instances involved a time that extended 10 minutes beyond [REDACTED] scheduled working hours for the day. This indicates that [REDACTED] clocked in or out at these locations to commute during [REDACTED] scheduled working hours, rather than in response to an event or required field work.

Contrary to [REDACTED] assertions, while there may be instances where [REDACTED] ended [REDACTED] duties in the field, [REDACTED] was not permitted to commute to Plaza 51 on the clock in such instances. [REDACTED] is expected to contact [REDACTED] timekeeper when [REDACTED] finishes [REDACTED] work duties so that [REDACTED] working hours are accurately reflected in [REDACTED] Kronos records, regardless of whether [REDACTED] claims PTE time.

In addition, as discussed more fully in the next section, [REDACTED] routinely used [REDACTED] Tollway vehicle to take personal excursions during the day that often exceeded allowable break and meal time.

## 2. Vehicle use

██████████ and ██████████ both assert that ██████████ has an operationally assigned Tollway vehicle. However, the only documentation is a form dated October 1990, which indicates that ██████████ should have a pool vehicle assigned “for use on construction projects by coordinator.” A box indicating that this assignment is permanent is checked, and the words “operationally assigned” are handwritten on the bottom of the form. In practice, ██████████ has exclusive use of a Tollway vehicle that Fleet treats as operationally assigned.

Throughout ██████████ tenure and at least since 2003, ██████████ has been assigned to CA but has parked ██████████ Tollway vehicle at either M-02 or Plaza 51, which, as noted above, are both near ██████████ ██████████ Illinois, residence. Effectively, ██████████ is able to use a Tollway vehicle for a large portion of ██████████ morning and evening commute. However, the value of these commuting trips over these past 15 years has not been imputed to ██████████ income and taxed accordingly. The chart below illustrates the value of these trips for just 2017.

██████████ Taxation Liabilities				
Period Begin	Period End	Workdays	Taxable Benefit per Day	Total
1/3/2017	12/28/2017	208	\$3.00	\$624

In addition, Tollway records and OIG surveillance confirm that ██████████ habitually uses a Tollway vehicle for non-Tollway work and submits inaccurate and false Vehicle Usage Logs regarding these trips. In the course of official business, Tollway vehicles can be used to obtain meals or other brief personal errands necessary to sustain the driver’s health and welfare. However, this investigation revealed that ██████████ frequently uses a Tollway vehicle to go on trips solely to eat, go shopping, go to ██████████ home, and for non-emergency medical appointments. And ██████████ admitted that ██████████ prefers to eat ██████████ lunch in ██████████ dling Tollway vehicle.

Records also show that ██████████ exceeds many of ██████████ allotted break/meal times during these trips but does not amend ██████████ timekeeping records appropriately to account for these prolonged breaks, and as such, ██████████ approves inaccurate Kronos records of ██████████ time.

██████████ contends that using a Tollway vehicle solely for personal errands is a “perk” of having an assigned Tollway vehicle, but such perks appear to be directly prohibited by Tollway policy. ██████████ opined that ██████████ should not have to walk to lunch because ██████████ does not have ██████████ personal vehicle at CA. However, this is a false argument because ██████████ could simply park ██████████ operationally assigned vehicle at CA rather than Plaza 51 or use a pool vehicle. Then ██████████ could use ██████████ own vehicle to go on personal errands during the day. This would also seem to be a more appropriate arrangement since no one articulated an operational need for ██████████ to park at Plaza 51.

AVL records reflect that ██████████ often takes circuitous routes during the day that appear only linked together by personal errands such as lunch, Starbucks, drug stores, etc. In fact, ██████████ admits ██████████ Vehicle Usage Logs are essentially useless in identifying what ██████████ actually did on any given day. Many of ██████████ Vehicle Usage Log entries are illegible. Sometimes, ██████████ omits personal trips entirely from ██████████ Vehicle Usage Logs. On other occasions, ██████████

omits details regarding the true nature of a trip. Rather, [REDACTED] marks these trips as trips to "miscellaneous Tollway locations," and in the comments, [REDACTED] indicates some location [REDACTED] may have passed en route to [REDACTED] true destination, or [REDACTED] lists some other random roadway point.<sup>5</sup> In doing so, [REDACTED] submits false, inaccurate, or incomplete Vehicle Usage Logs.

Where, as here, the Vehicle Usage Log entries provide little, if any, guide to actual work performed, the user's supervisor cannot adequately monitor the user's work performance or whether the vehicle use conformed with the Tollway's vehicle policies. Here, [REDACTED] claimed some of [REDACTED] usage was to monitor sites, but both [REDACTED] and [REDACTED] admitted that there are no records of such monitoring. If no documentation is required, there is a legitimate question as to the need for monitoring in the first place.

C. [REDACTED]

[REDACTED] has not provided adequate supervision of [REDACTED] or Andree respecting their vehicle use. Despite signing [REDACTED] Vehicle Usage Logs with the attestation that [REDACTED] "reviewed [REDACTED] vehicle use and [REDACTED] vehicle use [w]as in compliance with ISTHA Vehicle Use Policies," [REDACTED] admitted many entries were illegible, and [REDACTED] could not tell what purpose [REDACTED] used a vehicle for on any given instance. In fact, many of [REDACTED] entries were false or misleading, and much of [REDACTED] use did not conform with the Tollway Vehicle Manual.

[REDACTED] said [REDACTED] did not check [REDACTED] timekeeping because [REDACTED] does not micromanage [REDACTED] employees. However, [REDACTED] duties as [REDACTED] supervisor include ensuring that [REDACTED] submits timekeeping records that reflect time actually spent performing assigned duties, that [REDACTED] is present at [REDACTED] workstation during [REDACTED] scheduled hours, and that [REDACTED] adheres to appropriate meal and break periods. [REDACTED] neglected these duties, which allowed [REDACTED] to submit false, inaccurate or incomplete records of [REDACTED] vehicle use and work.

Furthermore, [REDACTED] claimed [REDACTED] was simply approving Andree's and [REDACTED] work schedule and commuting arrangement that had been set up by previous [REDACTED] Managers. But records show that many of Andree's work adjustments came since [REDACTED] has been [REDACTED] Manager. Even if there had been a prior arrangement, [REDACTED] certainly could have and should have periodically checked to ensure that the arrangement furthered efficient and effective Tollway operation.

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<sup>5</sup> Furthermore, although [REDACTED] does not perform Tollway duties on these trips, [REDACTED] oftentimes uses [REDACTED] Tollway transponder on these trips. However, [REDACTED] does not reimburse the Tollway for use of the transponder in these instances.

## **VI. RECOMMENDATIONS**

Based upon the findings described above, the OIG recommends that:

1. Appropriate disciplinary action be taken, up to and including discharge, with respect to Andree, [REDACTED] and [REDACTED]
2. Appropriate remedial action be taken regarding the matter of Andree being paid to commute, his failure to pay tolls on his evening commute, and the failure to have the fringe benefit of his commute in a Tollway vehicle imputed to his income. Recoupment and amended IRS Form W2s should be considered.
3. Appropriate remedial action be taken regarding the matter of [REDACTED] being paid to commute, [REDACTED] failure to pay tolls during trips made for personal errands, and the failure to have the fringe benefit of [REDACTED] commute in a Tollway vehicle imputed to [REDACTED] income. Recoupment and amended IRS Form W2s should be considered.
4. The Tollway review assignments to determine if they further operational needs.
5. The Tollway review the Vehicle Policy Manual and make revisions as appropriate to address situations where the assignment of operationally assigned vehicles is used to effectively avoid commuting restrictions.
6. The Tollway review the Employee Policies and Procedures Manual to determine if working hours and timekeeping procedures can be further defined, especially for employees who work in the field.