



OFFICE OF THE INSPECTOR GENERAL
Illinois State Toll Highway Authority

NOTICE OF POSTING
OIG Case # IG-21-002
Respondent: John Hunter
Date: October 15, 2021

Pursuant to 605 ILCS 10/8.5 (e)(3), the attached redacted Summary Report of Investigation (SRI) 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 12, 2021 to provide suggested redactions or a written response. Respondent returned a signed Response form but provided no response or suggested redactions.

The OIG issued this SRI following an investigation that established reasonable cause to find that John Hunter, a Tollway Mechanic, completed part of his monthly Illinois National Guard (ING) reserve drill duty requirement by video while he was working on snow detail at the Illinois Tollway on December 12, 2020. This investigation found reasonable cause to find that Hunter violated Tollway policy by improperly performing outside employment while on Tollway duty, and by failing to cooperate with an official investigation when he falsely denied that he had performed outside work while working for the Tollway and fabricated a story that the ING had approved him to miss the drill.

The Tollway agreed with the OIG findings, placed Hunter on unpaid leave, and initiated the disciplinary process. On July 27, 2021, the OIG learned that the Tollway had determined final action that included considering Hunter's 35-day unpaid suspension as disciplinary and allowing Hunter to return to work with the understanding that subsequent similar misconduct would result in discharge.



**OFFICE OF THE INSPECTOR GENERAL
SUMMARY REPORT OF INVESTIGATION
OIG Case # IG-21-002
May 7, 2021**

I. INTRODUCTION

The Office of the Inspector General received an allegation that John Hunter (Hunter), Mechanic at M-7 Garage who is a member of the Illinois National Guard (ING) completed part of his monthly reserve drill duty requirement by video while assigned to snow detail at the Illinois Tollway on December 12, 2020.

OIG's investigation established that Hunter was a member of the ING, that the ING had reserve training scheduled for December 12, 2020, and that Hunter reported for Tollway snow duty on that same day. When interviewed by OIG investigators, Hunter denied participating in his reserve drill obligations while working for the Tollway. However, ING leadership confirmed that Hunter did in fact complete his reserve drill duty on December 12, 2020, which included Zoom meetings scheduled at the same time he was assigned to snow detail at the Illinois Tollway.

This investigation found reasonable cause to find that Hunter violated Tollway policy by improperly completing part of his required monthly ING drill while on snow duty, and by failing to cooperate with an official investigation when he falsely denied that he had performed outside work while working for the Tollway and fabricated a story that the ING had approved him to miss the drill.

Based on these findings, the OIG recommends that Hunter be disciplined up to and including discharge; most notably for his failure to provide truthful responses during an OIG interview.

II. APPLICABLE RULES

A. Illinois Tollway Policy and Procedure Manual Chapter V. Hours of Work: Section C: "Timekeeping" provides in relevant part:

Every employee is responsible for accurately recording time worked, via the electronic time clock.

Time worked is the time actually spent on the job performing assigned duties.

B. Illinois Tollway Policy and Procedure Manual Chapter VII. Employee Conduct and Discipline: Section A: "Employee Conduct" provides in relevant part:

To ensure orderly operations and provide the best possible work environment, the Tollway expects employees to follow rules of conduct that will protect the interest and safety of both the employees and the organization. Violations of the rules of conduct may result in disciplinary action, up to and including discharge. The rules of conduct include, but are not limited to, the following:

- Conducting outside employment during work hours
- Failure to cooperate or provide truthful, thorough or complete statements of any kind in any investigation, including Tollway, Police, OIG or EEO, to the extent required by law.
- Improper use of Tollway vehicle or personal vehicle for Tollway purposes
- Unsafe or improper use of equipment or vehicles

Section H: “Outside Employment” provides in relevant part:

When involved in outside employment employees shall not:

Use Tollway personnel or property in their outside work

Violation of these standards may be cause for disciplinary action up to and including discharge.

III. BACKGROUND

A. Subjects/Parties Involved

1. John Hunter, Mechanic

Hunter is a Mechanic in the Fleet & Facilities Department working at M-7 Garage located in Rockford, Illinois. Hunter has been a Tollway employee since December 16, 2014. According to the Tollway’s Kronos system, Hunter’s typical schedule is Monday through Friday from 7:00 a.m. until 3:00 p.m., although he is also subject to being called in for snow duty as needed. Hunter submitted an outside employment disclosure form reporting that that he is a member of the Illinois National Guard with certain scheduled training requirements, which was approved by Tollway management. Hunter’s annual evaluations reflect positive performance, and no discipline was found in his personnel file.

IV. SUMMARY OF INVESTIGATION

A. Documents

1. Kronos Time Detail Report

The Kronos Time Detail Report shows that Hunter reported to the M-7 Garage for Snow and Ice Detail on Saturday, December 12, 2020 at 7:30 a.m. and he worked until 3:00 p.m.

2. Outside Employment Disclosure Form

OIG obtained an Outside Employment Disclosure Form dated June 29, 2020 submitted by Hunter and approved by management that reflects that he is also employed by the ING as a reservist and reporting certain training requirements. By signing the form, Hunter certified that this outside employment would not interfere with his Tollway duties.

3. Illinois National Guard Memorandum For Record Duty Status Verification

Commander [REDACTED] from the Illinois National Guard provided OIG with a Memorandum For Record dated January 14, 2021 stating that, according to ING records, Hunter was on duty and paid for the full day in the Illinois National Guard on December 12, 2020, and that he attended video calls via Zoom application to fulfill his Military obligation.

B. Interviews/Telephone Conversations

1. John Hunter, Mechanic,

On January 11, 2021, OIG investigators interviewed John Hunter via Webex providing him administrative advisements for union employees, orally and in writing, which he acknowledged understanding. Hunter was accompanied by his union representative and was asked, orally and in writing, for consent to audio and video record the interview. Hunter consented to have the interview audio and video recorded.

In summary, Hunter stated the following.

Hunter is a member of the Illinois National Guard (ING) as a Platoon Sergeant. He has been in the ING for approximately 18 years. He recalled working for the Tollway on December 12, 2020 for Snow and Ice Detail from 7:30 a.m. – 3:00 p.m. He acknowledged that he was assigned to drill in the ING that same weekend which included December 12, 2020. Hunter told the OIG that he obtained permission from his 1st Sergeant [REDACTED] not to drill on Saturday December 12, 2020 because he had to perform Snow and Ice Detail at the Tollway. Hunter identified the following ING personnel as being part of his Chain of Command at the ING: [REDACTED], 1st Sergeant, [REDACTED], Staff Sergeant, and [REDACTED], Commander.

Hunter told the OIG he did not feel any pressure from his Tollway supervisors to come in for Snow and Ice Detail on December 12, 2020, and said he came in willingly.

Hunter claimed that he made up for the missed ING drill by working at the reserve center for Staff Sergeant [REDACTED] the following week.

2. [REDACTED] 1st Sergeant, Illinois National Guard

On January 14, 2021 OIG Investigator Haxton contacted and spoke with 1st Sergeant [REDACTED] of the Illinois National Guard. [REDACTED] is Hunter's direct report in the ING and recalled receiving a phone call from Hunter about his drill duty on December 12, 2020. [REDACTED] recalled that Hunter asked him if he (Hunter) could do his drill duty via Zoom while working at the Tollway. [REDACTED] explained to Hunter that he could not do both and that drill duty came before work. [REDACTED] provided an additional contact, [REDACTED], Staff Sergeant, Illinois National Guard, as someone that could verify Hunter's attendance at the ING on December 12, 2020.

3. [REDACTED] Staff Sergeant, Illinois National Guard

On January 14, 2021 OIG Investigator Haxton contacted and spoke with Staff Sergeant [REDACTED] of the Illinois National Guard. [REDACTED] works full time for the Reserve component of the Illinois National Guard and is familiar with John Hunter who he identified as a Platoon Sergeant. [REDACTED] reviewed attendance documents from December 12, 2020 and confirmed that John Hunter was paid for drilling that day. [REDACTED] stated that the drill that day included Zoom calls at 7:00 a.m. and at 8:00 a.m. [REDACTED] agreed to email Investigator Haxton documentation supporting Hunter's December 12, 2020 drill attendance.

On January 15, 2021 [REDACTED] contacted Investigator Haxton and advised that he could not send the actual pay sheet which reflected Hunter's drill duty attendance on December 12, 2020 because it contained personal identifying information about other soldiers [REDACTED] instead said that he would provide an official memorandum on ING letterhead that documented Hunter's participation in ING's December 12, 2020 military drill including Zoom calls.

4. [REDACTED], Staff Sergeant, Illinois National Guard

On January 15, 2021 OIG Investigator Haxton contacted Staff Sergeant [REDACTED] via telephone. In summary [REDACTED] provided the following information:

[REDACTED] is familiar with John Hunter. [REDACTED] confirmed that during the week of December 13-19, 2020 Hunter came into the reserve center and helped her out a couple of different days. [REDACTED] did not know if Hunter came into the reserve center to make up for any missed weekend drills specifically December 12, 2020.

[REDACTED] said that she hoped Hunter would not get into any trouble because she said he is a "great soldier" and has been very helpful to her.

5. [REDACTED] Fleet Manager

On January 19, 2021 OIG Investigator Haxton telephoned Tollway Fleet Manager [REDACTED]. In summary [REDACTED] provided the following information:

Mechanics are called in for snow duty depending on how large the call in is. If they are called in it is done by the amount of overtime they have on the books already similar to seniority. They are called in typically by the Garage Supervisor or Manager, and typically there is a log sheet that lists who was called, who made the call, and whether or not the employee accepted the call in.

[REDACTED] knew that Hunter was an ING reservist and said that Hunter usually let his supervisor know when he had ING duty, so he would be excused from being called in.

On January 19, 2021 [REDACTED] called Haxton to report that [REDACTED] M-7 Supervisor told him that he had called Hunter but there was no log sheet reflecting call ins for that day, because [REDACTED] had made them while driving to M-7.

[REDACTED] reported to the OIG that he had not received notification of Hunter's ING duty dates since August of 2020, so [REDACTED] would not have known that Hunter was excused on that day from being called in and scheduled for ING duty.

6. [REDACTED], M-7 Supervisor, January 19, 2021, Phone Call

On January 19, 2021 OIG Investigator Haxton telephoned M-7 Supervisor [REDACTED]. In summary [REDACTED] provided the following information:

[REDACTED] called John Hunter (Hunter) in for snow duty on December 12, 2020. During the call in Hunter did not mention anything to [REDACTED] about having to attend Illinois National Guard (ING) duty on that same day. [REDACTED] said he would not have called Hunter on a day that he knew Hunter was scheduled for duty with the ING. [REDACTED] was not aware that Hunter was in fact scheduled for ING duty on December 12, 2020.

V. ANALYSIS

The OIG investigation established the following relevant facts: On December 12, 2020, Hunter was called in for Snow and Ice Detail by his supervisor, he reported to the M-7 garage at 7:30 a.m. and worked until 3:00 p.m. Tollway records reflect that he was paid for this work. Hunter was also scheduled to report for reserve military duty on December 12, 2020 which included Zoom calls at 7 and 8 a.m., and ING records reflect that Hunter completed his reserve training responsibilities. Given the timing of these calls, Hunter would have had to participate in at least one of these Zoom calls during his Tollway shift while he was driving a snowplow. Hunter's Tollway supervisors said they were not aware of his ING training schedule, and did not approve his participation in Zoom calls during his shift. Hunter's ING supervisor said that he expressly denied Hunter's request to participate in the reserve training while on Tollway's snow duty, and said he reminded Hunter of his obligation to attend the ING training. ING Staff Sergeant [REDACTED] provided documentation, signed by Commander [REDACTED], that Hunter satisfied the training requirements on December 12, 2020 and was paid for this training.

Hunter acknowledged that he had worked for the Tollway on the same day he was scheduled for ING reserve training, but he told the OIG that he received permission from 1st Sergeant [REDACTED] at the ING to miss drill duty and instead work for the Tollway. ING officials refuted Hunter's claim, denied that he had been given permission to "make-up" the training, and provided documentation that Hunter satisfied the ING training requirements on the same day.

The facts established by this investigation provide reasonable cause to find that Hunter violated Tollway policy in two respects. First, he worked his second job at the same time he was working for the Tollway, in violation of Illinois Tollway Policy and Procedure Manual Chapter V. Hours of Work: Section C: "Timekeeping" and did so while operating a snow plow; a safety violation. Second, Hunter falsely denied taking part in ING training while also on snow duty in violation of

his duty to cooperate truthfully with the OIG in violation of Illinois Tollway Policy and Procedure Manual Chapter VII. Employee Conduct and Discipline: Section A.

VI. RECOMMENDATION

The OIG recommends that the Tollway take corrective action including discipline up to and including discharge for these violations of Tollway Policies.