



OEIG Investigation No.: 24-01140

**Subject(s) Name(s): Chicago Transit Authority, [CTA Employee 5],
[CTA Employee 2], and [CTA Employee 20]**

Investigative Summary Report Publication

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Office of Executive Inspector General for the Agencies of the Illinois Governor

Investigation Case No. 24-01140



[Redacted].

I. ALLEGATIONS

On May 8, 2024, the OEIG received a complaint alleging that [CTA Employee 1], Chicago Transit Authority (CTA) [Redacted] - Vault Operations, engaged in various conduct that violated CTA policies. According to the complaint, [CTA Employee 1]:

- allowed employees to leave the CTA's secure treasury facility during work;
- allowed former employees into the secure facility;
- allowed a non-managerial employee to open and access the money safe; and
- had the same non-managerial employee sign in [CTA Employee 1]'s name when the money was picked up by security.

The complaint also alleged that [CTA Employee 1]'s supervisor, [CTA Employee 2], was non-responsive to complaints about [CTA Employee 1]'s conduct.

Based on information learned during this investigation, the OEIG also investigated whether [CTA Employee 1] was engaged in time abuse by not being present at the Vault Operations facility during the workday and whether other Vault Operations employees were being paid for days "worked" at home when none of their work functions were able to be performed remotely.

The OEIG ultimately determined that from 2020 to present, non-managerial Vault Operations employees have been paid for at least two days a week of remote work even though no work duties can be performed remotely. Based on these employees' salaries and the OEIG's analysis, the CTA paid over a \$1,000,000 combined to these employees for days they conducted no CTA work over the past five years. The OEIG's investigation showed that CTA managers, including the [Redacted], were aware that these employees were unable to conduct any work remotely.

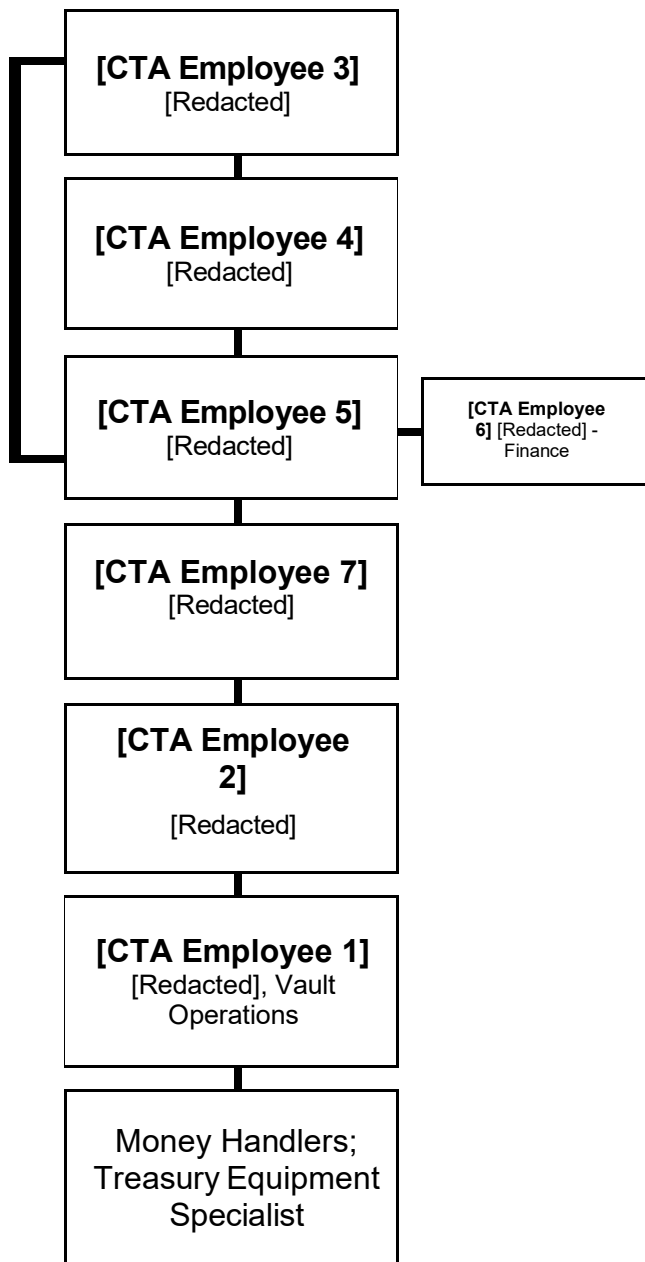
II. BACKGROUND

[Redacted]. The CTA's Vault Operations unit is responsible for packaging, shipping, and processing bulk currency that is obtained from CTA fareboxes.¹ Vault Operations is located at [Redacted] in [Redacted], which is a secure facility. As of December 2021, there were 10 employees working in Vault Operations, including nine Money Handlers, one Treasury Equipment Specialist, and a [Redacted]. Between January 2022 and March 2024, the number of employees working in Vault Operations reduced and as of June 2024, there were two Money Handlers, a Treasury Equipment Specialist, and a [Redacted].

According to personnel records, [CTA Employee 1] has been working at CTA since 1993 and has been the [Redacted] - Vault Operations since [Redacted]. According to CTA organizational charts, [CTA Employee 1] reported to [CTA Employee 2] from January 2022 until

¹ CTA Vault Operations Manual, SOP 02-E (eff. 06/10/16).

approximately October 2024.² The following organizational chart, created by the OEIG based on information learned during the investigation, illustrates the structure and hierarchy of the employees relevant to the investigation. It includes CTA personnel who were employed in those positions from 2020 through October 2024.³



² [CTA Employee 2] [redacted]. Due to a reorganization, in October 2024, [CTA Employee 1] began reporting to [CTA Employee 8].

³ [CTA Employee 7] was [Redacted] from 2020 to 2022 during this period and became [Redacted] in 2022.

III. CTA VAULT OPERATIONS

A. CTA Vault Operations Employees & Duties

The [Redacted] supervises the Vault Operations unit and subordinate Vault Operations positions, including the Treasury Equipment Specialist and Money Handlers. More specifically, according to CTA's Vault Operations Procedure Manual, the [Redacted] is responsible for [redacted].⁴ In addition, the [Redacted] is responsible for checking the Coin Reports for accuracy; signing the daily shipping and deposit log; checking the deposit ticket for accuracy before initialing it; and placing the deposit ticket on the coin bins along with the dollar and half dollar coin bags.⁵ The Vault Operations Procedure Manual did not indicate whether another employee outside of a [Redacted] may [redacted].

Money Handlers are responsible for verifying and processing money that comes in from different parts of the CTA's transportation system and each Money Handler is assigned to verify and process money in [redacted].

B. CTA Vault Operations Workspace & Timekeeping Procedures

[Redacted].⁶ Vault Operations employees are required to enter the [redacted] using their access card [redacted]. [Redacted].⁷ When employees leave for the day, they go through the same process of swiping their access cards [redacted]

According to CTA's Vault Operations Staff General Work Rules, "processing employees are not allowed to [redacted]."⁸ Rather, "all processing employees must report to the [redacted]."⁹

According to CTA's Administrative Office Employee Attendance/Timekeeping Policy, Administrative Office Personnel¹⁰ are required to record their daily attendance on a timesheet that is submitted weekly or bi-weekly.¹¹ Administrative Office Personnel must work an eight and one half hour period each day, including one half-hour unpaid lunch and two 15-minute paid breaks, working for a minimum of 37.5 hours per week.¹² Salaried employees, however, "may be required to work during nonscheduled hours or on a nonscheduled workweek day based on the nature of their responsibilities..."¹³ A Department Timekeeper must be designated as the timekeeper for the department and is "responsible for tracking and maintaining records of all hours worked, overtime and time off."¹⁴

⁴ [Redacted].

⁵ *Id.* and at SOP 02D, eff. 05/06/13

⁶ [Redacted].

⁷ [Redacted].

⁸ [Redacted].

⁹ [Redacted].

¹⁰ Administrative Office Personnel "are those employees whose [Online Database 1] and payroll records indicate that they receive pay on the Administrative Office payroll." Administrative Procedure 1027, Section 3.1 (eff. 04/04/2022). On February 3, 2025, the CTA indicated that Vault Operations employees "are paid as administration office personnel" with the exception of [CTA Employee 9], who is paid under "non-administrative office personnel."

¹¹ *Id.* at Section 4.3.

¹² *Id.* at Section 4.1

¹³ *Id.* at Section 4.2.

¹⁴ *Id.* at Section 4.4, G.

C. Interviews of Vault Employees Regarding Vault Access

On May 29, November 12, and November 13, 2024, respectively, OEIG investigators interviewed former Money Handlers [CTA Employee 10], [CTA Employee 11], and [CTA Employee 12] regarding the allegations. [CTA Employee 10] said she worked as a Money Handler I for CTA from [Redacted] until she retired in [Redacted]; [CTA Employee 11] said he worked as a Money Handler I for CTA for approximately 18 years before retiring in [Redacted]; and [CTA Employee 12] said she worked as a Money Handler I from [Redacted] until she retired in [Redacted].

During her interview, [CTA Employee 12] said that occasionally, Vault Operations employees would [redacted], but this did not happen often and they were required to go into the [redacted]. Similarly, [CTA Employee 10] said that employees were not allowed to [redacted], but they had to obtain permission from [CTA Employee 1] before doing so. However, [CTA Employee 10] said that [CTA Employee 1] [redacted]. [CTA Employee 10] said that otherwise, [CTA Employee 1] [redacted], and [CTA Employee 11] and [CTA Employee 12] said that [CTA Employee 1] would [redacted].

With respect to visitors, [CTA Employee 10] said that [CTA Employee 1] allowed [redacted]. [CTA Employee 11], meanwhile, said that people from CTA Headquarters would send people on tours a few times per year to inspect the [redacted]. According to [CTA Employee 12], CTA interns were brought to tour the Vault Operations facility, but they were not [redacted].

[CTA Employee 11] and [CTA Employee 12] both said that Money Handlers would sometimes [redacted]. [CTA Employee 12] said she did not know how to [redacted], but [CTA Employee 1] would have [CTA Employee 11] [redacted] if [CTA Employee 1] was running late because [CTA Employee 11] was the only one physically able to [redacted] and if [CTA Employee 1] did not authorize someone else to [redacted], Vault Operations employees were not able to perform any work until he arrived and [redacted] himself. [CTA Employee 12] said that [CTA Employee 1] had [CTA Employee 11] [redacted] once every three to four months. [CTA Employee 11], however, said that [CTA Employee 1] had Money Handlers [redacted] approximately once or twice a month. [CTA Employee 11] explained that [CTA Employee 1] was typically busy working and would instruct a Money Handler how to [redacted] instead. [CTA Employee 10] told investigators that [CTA Employee 9] [redacted] every day, which she said she assumed was authorized by [CTA Employee 1].

Finally, according to the Money Handlers interviewed, as part of their duties in processing the money brought in each day, they would [redacted]. Prior to the money being deposited with the armored security company, [Security Company 1],¹⁵ they [redacted]. [Redacted]. The interviewed Money Handlers had some variation with regard to who prepared and signed the receipts, however. For example, [CTA Employee 12] said that the Money Handlers would print out a receipt, sign the receipt, and then have [CTA Employee 1] and [Security Company 1] sign the receipt. [CTA Employee 12] said that [CTA Employee 1] did not allow others to sign the receipt on his behalf and that if [CTA Employee 1] was not available, [CTA Employee 1]'s name did not

¹⁵ [Redacted].

go on the receipt and only a Money Handler would review the receipt before [Security Company 1] received it. [CTA Employee 11] similarly said that it was the responsibility of whomever counted the money to sign the receipt and complete the transfer with the security company and that [CTA Employee 1] would review and verify the amount being transferred before the money was taken to [Security Company 1]. [CTA Employee 10], however, said that the receipts on [redacted] were supposed to be printed and signed by [CTA Employee 1], but [CTA Employee 1] previously allowed [CTA Employee 9] to print out and sign the receipt using [CTA Employee 1]’s initials.

On November 21, 2024, OEIG investigators also interviewed [CTA Employee 1]. [CTA Employee 1] explained that he is allowed to [redacted]. [CTA Employee 1] said that the Money Handlers are not typically allowed to [redacted], however, because they handle money, but he could not recall if they have ever [redacted] assuming someone else gave them permission to do so. [CTA Employee 1] further stated that no personal family or friends are allowed into the Vault Operations facility, though he has given a few tours to interns, CTA department chiefs, auditors, and various vendors. With respect to the [redacted], [CTA Employee 1] explained that [CTA Employee 9] [redacted] each day because that is part of his job description. [CTA Employee 1] noted that he [redacted] if [CTA Employee 9] is not at work, and if neither he or [CTA Employee 9] are available, he arranges for a Money Handler or another CTA manager to [redacted] and will make sure his supervisor is aware of this. [CTA Employee 1] noted, however, that the Money Handlers only [redacted] every “once in a while.” Finally, [CTA Employee 1] stated that the Money Handlers are responsible for filling out and signing the daily money deposit sheets after the coins are processed. [CTA Employee 1] said once they have signed the sheets, he also signs them and they are then [redacted].

On December 17 and 19, 2024, OEIG investigators interviewed [CTA Employee 2]. [CTA Employee 2] said that Vault Operations employees are “absolutely” allowed to [redacted], as long as they ask [CTA Employee 1] for permission. [CTA Employee 2] similarly said that the only visitors at the Vault Operations facility are vendors to see their current setup. With respect to daily operations, [CTA Employee 2] said that [CTA Employee 1] is responsible for [redacted] every day and a unionized employee should not be doing so. [CTA Employee 2] added that in [CTA Employee 1]’s absence, [CTA Employee 9] would [redacted], though she was not 100% sure of this. In addition, [CTA Employee 2] said that [CTA Employee 1] is responsible for [redacted] and ensuring the process is seamless. [CTA Employee 2] explained that the process includes [CTA Employee 1] [redacted], and then both parties signing off on something to ensure the transfer was completed. [CTA Employee 2] said that when [CTA Employee 1] is not present, he will again put [CTA Employee 9] in charge of completing the transfers and he notifies her in advance when this is going to happen. [CTA Employee 2] stated that she would be “shocked” to learn that [CTA Employee 1] allows Money Handlers to complete the transfers. Finally, [CTA Employee 2] said she visited the Vault Operations facility two to three times a year, mainly to check in. However, [CTA Employee 2] said she talked to [CTA Employee 1] every week over the phone and through email and was reachable to the employees.

D. Review of [CTA Employee 1]’s Timekeeping Records

OEIG investigators requested attendance records and payroll records from January 2020 to July 2024 for Vault Operations employees. The attendance records provided by the CTA for [CTA

Employee 1], on CTA Form 5511, titled “Chicago Transit Authority Employee Attendance,” were for the period of December 29, 2019 to August 10, 2024. The attendance records include the days of the week; his workday start and end times; his total lunch time; his total hours worked each day and for the week; and a comment section, where there was a notation any time [CTA Employee 1] took vacation time or was teleworking. [CTA Employee 1]’s attendance records also include his signature at the bottom of the page.

The attendance records reflected that [CTA Employee 1]’s start time throughout this period was at 5:00 a.m. and his end time was at 1:30 p.m. The attendance records also show the following work schedule for [CTA Employee 1] after the start of the Covid pandemic:

- March 23, 2020 through July 3, 2020: in the office Mondays and Thursdays and teleworking on Tuesdays, Wednesdays, and Fridays;
- July 7, 2020 through January 6, 2023: in the office Mondays, Wednesdays, and Fridays, and teleworking on Tuesdays and Thursdays;
- January 9, 2023 through February 24, 2024: in the office Mondays, Tuesdays, Wednesdays, and Fridays, and teleworking on Thursdays; and
- February 25, 2024 through August 10, 2024: in the office Monday through Friday and no teleworking.

The OEIG also obtained swipe records for Vault Operations employees from August 2023 to June 2024.¹⁶ The records showed the date and time; the facility address; the location of each swipe; the employee’s name; and whether the employee’s card was admitted. The records showed swipe activity at the following different swipe locations:

- | | |
|---------------|-------------------|
| • [Redacted]; | • [Redacted]; |
| • [Redacted]; | • [Redacted]; |
| • [Redacted]; | • [Redacted]; |
| • [Redacted]; | • [Redacted]; |
| • [Redacted]; | • [Redacted]; |
| • [Redacted]; | • [Redacted]; |
| • [Redacted]; | • [Redacted]; |
| • [Redacted]; | • [Redacted]; |
| • [Redacted]; | • [Redacted]; and |
| • [Redacted]; | • [Redacted]; |

¹⁶ On August 16, 2024, the CTA indicated it does not have swipe records for Vault Operations employees prior to August 21, 2023. [Redacted].

The swipe records for [CTA Employee 1] showed that his first and last swipes at the [Redacted] facility were generally not at the [redacted] of the building¹⁷ and instead appear to be locations within the [redacted].¹⁸ The records also show that primarily on Tuesdays and Thursdays, the amount of time between [CTA Employee 1]’s first and last swipe for the day was less than the full eight hours recorded on his attendance records, as further described below.

CTA Swipe Records for August 2023 through June 2024

- Tuesday and Thursday¹⁹
 - On 60 days (out of 87 paid workdays), [CTA Employee 1]’s first swipe at the Vault Operations facility was an hour and twenty-three minutes, or more, after his scheduled start time of 5:00 a.m. Specifically, his first swipes on these days were between 6:23 a.m. and 12:06 p.m.
 - On these 60 days, [CTA Employee 1]’s last swipes were between 9:47 a.m. and 3:18 p.m. On 52 of these days, there were less than five hours between his first and last swipe; for the remaining eight days, there were less than seven hours between his first and last swipe.
- Monday, Wednesday, and Friday
 - On 51 days (out of 116 paid workdays), [CTA Employee 1]’s swipe records show his first swipe at the Vault Operations facility around 5:00 a.m. and his last swipe was more than 30 minutes prior to his end-time of 1:30 p.m.

The following is a sample of a three-week period of [CTA Employee 1]’s first and last swipes at the Vault Operations facility:

Week of March 11 through March 15, 2024

Date	Day	Swipe In	Location	Swipe Out	Location
3/11/2024 ²⁰	Monday	None	None	None	None
3/12/2024	Tuesday	10:41 a.m.	[Redacted]	2:16 p.m.	[Redacted]
3/13/2024	Wednesday	5:20 a.m.	[Redacted]	1:08 p.m.	[Redacted]
3/14/2024	Thursday	10:03 a.m.	[Redacted]	2:14 p.m.	[Redacted]
3/15/2024	Friday	5:18 a.m.	[Redacted]	1:54 p.m.	[Redacted]

¹⁷ According to the swipe records, [Redacted].

¹⁸ [CTA Employee 1]’s records show first swipes at such locations as “[Redacted],” “[Redacted],” or “[Redacted]” doors whereas the Money Handlers’ swipe records for the same period show their first swipe of the day on Mondays, Wednesdays, and Fridays are at “[Redacted].”

¹⁹ According to CTA records, [CTA Employee 1] was in-office on two Thursdays during this period despite Thursday being his remote work day.

²⁰ [CTA Employee 1]’s attendance records indicate he used vacation time for a full eight hours on this day.

Week of March 18 through March 22, 2024

Date	Day	Swipe In	Location	Swipe Out	Location
3/18/2024	Monday	5:17 a.m.	[Redacted]	2:00 p.m.	[Redacted]
3/19/2024	Tuesday	11:24 a.m.	[Redacted]	3:10 p.m.	[Redacted]
3/20/2024	Wednesday	5:07 a.m.	[Redacted]	11:45 a.m.	[Redacted]
3/21/2024	Thursday	10:22 a.m.	[Redacted]	1:47 p.m.	[Redacted]
3/22/2024	Friday	5:28 a.m.	[Redacted]	12:48 p.m.	[Redacted]

Week of March 25 through March 29, 2024

Date	Day	Swipe In	Location	Swipe Out	Location
3/25/2024	Monday	5:04 a.m.	[Redacted]	1:57 p.m.	[Redacted]
3/26/2024	Tuesday	8:21 a.m.	[Redacted]	12:43 p.m.	[Redacted]
3/27/2024	Wednesday	5:15 a.m.	[Redacted]	2:13 p.m.	[Redacted]
3/28/2024	Thursday	8:37 a.m.	[Redacted]	2:14 p.m.	[Redacted]
3/29/2024	Friday	5:42 a.m.	[Redacted]	12:04 p.m.	[Redacted]

[CTA Employee 1]’s payroll records show that he was paid in full for eight hours per working day from August 2023 through the end of March 2024, even on days when his first swipe record is significantly after 5:00 a.m. and the time between his first and last swipe record is significantly less than 8 hours.

During his interview, [CTA Employee 1] confirmed that his work schedule is 5:00 a.m. to 1:30 p.m. [CTA Employee 1] said that sometimes, he stays later than 1:30 p.m. but he denied that he arrives later than 5:00 a.m. [CTA Employee 1] then said the latest he arrives is 5:15 a.m., but denied that he arrives to work at 8:00 a.m. When shown his March 2024 swipe records, [CTA Employee 1] explained that he believes his swipe records show that he did not swipe into the building until after 8:00 a.m. because he enters the facility through [Redacted] and security will open that [redacted] for him. [CTA Employee 1] also asserted that one of the doors he would have to swipe to get into is [redacted] and it is also a way for employees to get to the bathroom. Similarly, [CTA Employee 1] claimed that the swipe records show his last swipe prior to 1:30 p.m. because he does not have to swipe to [redacted]. OEIG investigators also reviews current Vault Operations employees swipe records which generally showed the first and last swipes at “[Redacted]”.

During her interview, [CTA Employee 2] said that [CTA Employee 1] uses his CTA-issued badge to swipe into the [redacted]. [CTA Employee 2] said that she is not 100% sure if Vault Operations employees are supposed to use a specific entrance or door, but Vault Operations employees must go through [redacted] as well. [CTA Employee 2] said that if [CTA Employee 1] entered the Vault Operations building from an entrance other than the [redacted], it would be improper. [CTA Employee 2] said there may be situations where he may have to enter the building through the [redacted] area where he could be parking, but even if that were the case, [CTA Employee 1] should still be going through the [redacted]. [CTA Employee 2] said [CTA Employee 1] being [redacted] and not signing in or swiping in “shouldn’t happen,” and if this was happening regularly, she would question it.

However, [CTA Employee 2] said that she trusts [CTA Employee 1] because he has gone “above and beyond.” [CTA Employee 2] noted that [CTA Employee 1] needs to be in the office on days his employees are in so he can monitor them, and he often performs their jobs himself because they “call in so much anyway.” [CTA Employee 2] further said that if [CTA Employee 1] is going to be out of the office, he lets her know. [CTA Employee 2] said that [CTA Employee 1]’s timesheets were approved by a payroll manager and while she looked at them, she did not review them. [CTA Employee 2] said she otherwise did not have a process for ensuring that [CTA Employee 1]’s attendance sheets were accurate, but he has never given her a reason to doubt him.

IV. REMOTE WORK BY CTA VAULT OPERATIONS EMPLOYEES

A. CTA’s Work Policies in Response to Covid-19

The OEIG requested communications and documentation from the CTA regarding remote work, hybrid schedules and operations, and facility changes related to the coronavirus pandemic for the [Redacted]/Vault Operations unit, including but not limited to emails and memos, from March 2020 to the present.²¹ In its response, the CTA provided a Telework Policy for Covid-19 Outbreak (Telework Policy) and a Telework Agreement Pursuant to Telework Policy for Covid-19 Outbreak (Telework Agreement) that was sent to all CTA employees on March 16, 2020.²²

According to the CTA’s Telework Policy, an employee could work from home if they received advance written approval from their Department Chief and they had to sign a Telework Agreement.²³ The Telework Policy also states that the policy was “intended to provide a telework option for certain employees who are able to work from home...”²⁴ The Telework Policy explained that when “determining whether or not telework is appropriate, managers must consider whether or not it is operationally feasible for the employee to perform the core duties of their job away from the worksite.”²⁵ The Telework Policy also stated that managers should consider whether the work performed could be “adequately assessed to ensure that work is being performed...” and posed the following relevant questions for managers to consider: (1) Is the job

²¹ OEIG investigators made this request on June 3, 2024.

²² In an October 11, 2024 email to OEIG investigators, the CTA stated that its February 24, 2020 Telework Policy “is no longer in effect at CTA” and the Telework Agreement is no longer used.

²³ Telework Policy for Covid-19 Outbreak, Section IV (eff. 2/24/20).

²⁴ *Id.* at Section I.

²⁵ *Id.* at Section III.

characterized by clearly defined tasks and deliverables; and (2) is there sufficient work for the employee to perform away from the worksite?²⁶ According to the Telework Policy, if it was determined that an employee could work from home, the employee had to sign a Telework Agreement, which was then to be maintained by Human Resources.²⁷ Finally, the Telework Policy provided that the employee's Department Chief was able to terminate any telework arrangement or agreement or modify any telework arrangement or agreement at any time.²⁸

The CTA also produced an April 4, 2022 letter from [CTA Employee 3], sent to all CTA employees. The letter stated that the CTA's Return to Office date was May 9, 2022 and that telework employees would "return to the office for at least two full days per week." As of April 4, 2022, CTA Administrative Procedure (AP) 1029 allowed "eligible" non-bargained-for employees to work remotely subject to department management approval and completion of Request for Participation in the Telework Program - Form 702.08 where the employee is to request their preferred remote and onsite work schedule and provide a justification for their telework schedule.²⁹ Administrative Procedure 1029 and Form 702.08 also state that "the decision whether to approve telework will be made on a case-by-case basis." Further, AP 1029 states that "Department management has the sole discretion to decide whether an employee may participate in the Telework Program, as well as to decide the terms of each work arrangement."³⁰

In its response, the CTA stated that they conducted a search and did not have any Telework Agreements completed for Vault Operations employees. The CTA also did not provide any 702.08 forms for any Vault Operations employees.³¹

B. Interviews of CTA Money Handlers Regarding Remote Work

As part of their interviews, investigators asked former CTA Money Handlers [CTA Employee 10], [CTA Employee 11], and [CTA Employee 12], what work were they able to do remotely.

During her interview, [CTA Employee 10] stated that as of the time of her retirement in [Redacted], employees in the [Redacted] and Vault Operations Departments were working a hybrid schedule and she was at home on Tuesdays and Thursdays. [CTA Employee 10] stated that [Redacted] and Vault Operations employees did nothing on the days they were at home.

[CTA Employee 11], meanwhile, explained that at the beginning of the Covid-19 pandemic, the six Money Handlers were divided into three groups of two and his group would be in-office once a month to process money. [CTA Employee 11] stated that eventually, their schedule changed to two or three in office days a month, but he does not remember when that was. [CTA Employee 11] said that the Money Handlers were still working in office on Mondays, Wednesdays, and Fridays when he retired in [Redacted].³² [CTA Employee 11] stated that he had no communication with [CTA Employee 1] on the days that he was out of the office, besides when

²⁶ *Id.* at Section IV.

²⁷ *Id.*

²⁸ *Id.* at Section V.

²⁹ Administrative Procedure 1019, Sections 1 and 4.3 (eff. 4/4/22).

³⁰ *Id.* at Section 4.2.

³¹ In the Vault Operations unit, the [Redacted] ([CTA Employee 1]) is the only non-bargained-for position.

³² [CTA Employee 11] said he did not recall if he ever completed a telework agreement.

[CTA Employee 1] would call to let [CTA Employee 11] know when he needed to be in the office. [CTA Employee 11] said that while Money Handlers were not coming into the Vault Operations facility five days a week, they continued to be paid for five days of work. [CTA Employee 11] said, however, that “there was nothing for us to do at home” because the Money Handlers’ main job was “to process money and we couldn’t take the money home.” [CTA Employee 11] commented that he remembered sitting at home during this time thinking about how overrated retirement is.

[CTA Employee 12] similarly said that the six Money Handlers were divided into three groups of two at the beginning of the Covid-19 pandemic and [CTA Employee 1] scheduled the Money Handlers to rotate between working on Mondays or Thursdays. [CTA Employee 12] said that starting in June 2020, Money Handlers were reduced to coming into the Vault Operations on a rotating schedule one day per week, so that each group only came into the facility approximately one to two times per month. [CTA Employee 12] said that around September 2020, [CTA Employee 1] directed the Money Handlers to work at the Vault Operations facility on Mondays, Wednesdays, and Fridays and this was the schedule until her retirement in [Redacted].³³ [CTA Employee 12] said that Money Handlers were not given instructions on what they could not do at home on Tuesdays and Thursdays and that there was no CTA work that she could perform at home. [CTA Employee 12] explained that she spent time taking care of her family on days she was at home and that she basically had the day off on Tuesdays and Thursdays. However, [CTA Employee 12] said that [CTA Employee 1] told the Money Handlers that they would be paid for five days of work even though they would not be coming in five days per week, and even though she was not working when she was home, her paystubs and automatic deposits reflected that she was paid for Tuesdays and Thursdays anyway.

C. Interview of [CTA Employee 1]

On November 21, 2024, OEIG investigators interviewed [CTA Employee 1]. [CTA Employee 1] said that he has worked with CTA for approximately 30 years and has been the [Redacted], Vault Operations since [Redacted]. [CTA Employee 1] said that as a [Redacted], Vault Operations he makes sure the fare revenue gets processed, gets to the bank, and bank statements are verified.

[CTA Employee 1] said that he works at the office Monday through Friday from 5 a.m. to 1:30 p.m. [CTA Employee 1] said that at the beginning of the Covid-19 pandemic, he worked in the office Mondays and Thursdays before transitioning to Mondays, Wednesdays, and Fridays, and then eventually to a four-day in office schedule. [CTA Employee 1] stated that he has been working in the office five days per week for approximately a year and a half. [CTA Employee 1] said that while he was working remotely, he spent most of his time on zoom meetings, sending emails, and sending out deposits. [CTA Employee 1] said that he did not complete a telework agreement until three weeks before his OEIG interview and was never instructed to complete one when he was working remotely.

³³ [CTA Employee 12] said she did not complete or sign a telework agreement.

[CTA Employee 1] confirmed that because of the pandemic, the revenue coming into the CTA was lower as people were not riding the system. [CTA Employee 1] said that when the pandemic first started, he received a phone call from [CTA Employee 5], who instructed [CTA Employee 1] to put the Money Handlers into groups of two and have the groups come into the office on Mondays and Thursdays on a rotating basis. [CTA Employee 1] said that after his phone call with [CTA Employee 5], he contacted [CTA Employee 2] and she told him to pay the Vault Operations employees for 40-hour work weeks, including for the days they did not come into the facility. [CTA Employee 1] said that this decision was made by [CTA Employee 5] and [CTA Employee 2]. [CTA Employee 1] said he does not know if anyone instructed [CTA Employee 5] and [CTA Employee 2] to pay employees who did not come into the office.

[CTA Employee 1] said that Vault Operations employees cannot work remotely because they cannot take the money home. [CTA Employee 1] stated that it was “understood” by [CTA Employee 5] and [CTA Employee 2] that Vault Operations employees could not work from home. [CTA Employee 1] said he did not instruct Vault Operations employees on what to do when at home and he never received direction from [CTA Employee 5] on what Vault Operations employees should be doing from home. Additionally, [CTA Employee 1] said that Vault Operations employees did not complete telework agreements, and that he never had any conversations with anyone, including [CTA Employee 2], about telework agreements.

According to [CTA Employee 1], the amount of money needed to be processed by CTA eventually increased and he and [CTA Employee 2] decided that the Vault Operations employees should come into the facility on Mondays, Wednesdays, and Fridays. [CTA Employee 1] said the amount of money that needed to be processed increased again and he and [CTA Employee 2] thought that the Vault Operations employees needed to be in the office four days a week. [CTA Employee 1] said that the Vault Operations employees worked four days a week for approximately three weeks before he and [CTA Employee 2] received an email from [CTA Employee 5] stating that the Vault Operations employees should “roll back” to working in the office three times a week. However, [CTA Employee 1] said that he did not know why the Vault Operations employees were not working in the office five days a week even after [CTA Employee 3] sent out the May 2022 Return to Office memorandum.

[CTA Employee 1] confirmed that he fills out attendance records for the Vault Operations employees and uses the attendance records when he enters the employees’ time into [Online Database 1] for payroll.³⁴ [CTA Employee 1] said that Tuesdays and Thursdays have been left blank on the Vault Operations employees’ Attendance Records because they do not process bills and coins on those days. [CTA Employee 1] said he also puts “reduction in workforce” in the comments section to note that the Vault Operations employees did not work on days there were no hours recorded. [CTA Employee 1] said that [CTA Employee 2] never instructed him on how to track the employees’ attendance and he did not send the Attendance Records to [CTA Employee 2], but he now sends them to his current supervisor, [CTA Employee 8].

³⁴ [Online Database 1] is a cloud technology company that provides organizations with computing infrastructure and software, including payroll software. See [redacted].

D. CTA Attendance and Payroll Records

Investigators reviewed attendance records and payroll records for Vault Operations employees from March 2020 through June 30, 2024. The attendance records used for Vault Operations employees are labeled “Bi-weekly Attendance Record-General Office Employee” (Attendance Records) and include the name of each employee; each employee’s corresponding payroll number; and the days and hours worked each week for a period of two weeks. The Attendance Records also have a column for comments. Beginning the week of March 30, 2020, the Attendance Records included the hours worked for each employee on either Monday or Thursday, while the rest of the week was left blank. Under the comments column, there is a comment for each employee, including [CTA Employee 1], stating, “Reduction in workforce, processed bills coins” that includes the dates of the Monday or Thursday the employee was in the office processing bills coins for the bi-weekly period. Beginning the week of July 6, 2020, the Attendance Records reflect that Money Handlers worked two days per week on either Monday, Wednesday, or Friday, for eight hours and the remainder of the week was left blank. Under the comments column for each Vault Operations employee, including [CTA Employee 1], there is a comment stating, “Reduction in workforce, processed bills and coins” that includes the two dates on either Monday, Wednesday, or Friday the employee was in the office processing bills and coins. Starting the week of May 3, 2021 to present, the Attendance Records reflect that Vault Operations employees worked eight hours every Monday, Wednesday, and Friday, while every Tuesday and Thursday were left blank. Under the comments column for each Vault Operations employee, including [CTA Employee 1], there is a comment that states, “Reduction in workforce, processed bills and coins” that includes the dates of the Mondays, Wednesdays, and Fridays the employee was in the office processing coins and bills for the bi-weekly period.³⁵

The Vault Operations employees’ payroll records received from the CTA are contained in a spreadsheet which includes each employee’s name; their employee number; whether they are a full or part time employee; their payroll categorization; position; year; work date; type of pay; the hours purportedly worked; and the amount of pay they received for each specific date.

The OEIG compared the Vault Operations employees’ payroll records with the Attendance Records³⁶ from March 23, 2020 to June 2024 and found that the Vault Operations employees were consistently paid for days that showed no work recorded on their Attendance Records.³⁷ The OEIG used the information obtained from the Attendance Records and payroll records to determine how many hours Vault Operations employees were remote and how much they were paid for the days during that period.³⁸ The following approximate total amounts paid for “remote” days for these employees from March 23, 2020 to February 1, 2025 is reflected in the chart below.

³⁵ The records continued in this manner even after the CTA’s May 9, 2022 Return to Office date.

³⁶ OEIG investigators also reviewed Security Sign-in Sheets for Vault Operations employees from October 2022 to June 2024 and received Security Sign-in Sheets for Mondays, Wednesdays, and Fridays. No Security Sign-in Sheets for Tuesdays and Thursdays were provided. OEIG investigators compared Security Sign-in Sheets with Attendance Records and did not observe any inconsistencies.

³⁷ This analysis did not include [CTA Employee 1] since it appears that he was able to conduct some of his CTA duties remotely.

³⁸ OEIG investigators received Vault Operations employees’ payroll records through June 2024 and used those records to determine the amount of pay listed in these two charts regarding pay amounts. For the period of June 2024 to February 1, 2025, OEIG investigators calculated employees’ remote hours and total amount paid for remote days based on their continued Monday, Wednesday, and Friday in-office schedule and Tuesday and Thursday remote days and used employees’ Regular Time pay as of June 2024 to estimate the total amount paid between July 1, 2024 and February 1, 2025.

Paid Remote Work for Vault Operations Employees
from March 23, 2020 to February 1, 2025

Employee	Position	Hours Listed for Remote Work	Employment Status	Total Amount Paid for Remote Days
[CTA Employee 9]	[Redacted].	5,952	Currently Employed	\$300,440.80
[CTA Employee 10]	Money Handler	4,991	Retired ([Redacted])	\$183,572.16
[CTA Employee 13]	Money Handler	4,424	Currently Employed	\$146,353.12
[CTA Employee 14]	Money Handler	3,238	Transferred out of Vault Operations (approx. [Redacted]) ³⁹	\$104,612.98
[CTA Employee 15]	Money Handler	2,912	Retired ([Redacted])	\$93,610.29
[CTA Employee 16]	Money Handler	2,399	Retired ([Redacted])	\$76,711.31
[CTA Employee 12]	Money Handler	2,168	Retired ([Redacted])	\$69,228.58
[CTA Employee 11]	Money Handler	2,128	Retired ([Redacted])	\$67,951.30
[CTA Employee 17]	Money Handler	1,775	Currently Employed	\$49,897.02
[CTA Employee 18]	[Redacted]	1,480	Retired ([Redacted])	\$36,921.56
Total		31,467		\$1,129,299.12⁴⁰

After the CTA's May 9, 2022 Return to Office date, the amount of Vault Operations employees reduced a bit. Attendance records for those employees who remained continued to reflect that Vault Operations employees worked eight hours every Monday, Wednesday, and Friday, while every Tuesday and Thursday were left blank. While the total hours worked column on the Attendance Records do not reflect any hours for Tuesdays and Thursdays, the employees' payroll records continued to include eight hours of pay for these days. The amount of money that the CTA paid employees for Tuesdays and Thursdays during this time period—beginning two years after the Covid-19 outbreak—was approximately \$300,000, as shown below.

³⁹ [CTA Employee 14] began working as a Stockroom Clerk – Bus in [Redacted].

⁴⁰ In addition to these payments, records showed that Vault Operations employees earned vacation time based on being considered full-time employees—even though only conducting part-time work—and those who retired were paid out for unused vacation days upon their retirement in the following amounts: [CTA Employee 16] - \$14,547.72; [CTA Employee 15] - \$10,580.16; [CTA Employee 11] - \$8,685.50; [CTA Employee 12] - \$8,430.05; [CTA Employee 18] - \$6,386.43; and [CTA Employee 10] - \$6,181.28.

Paid Remote Work for Vault Operations Employees from May 9, 2022 to February 1, 2025

Employee	Employment Status	Total Hours for Out of Office Days per Attendance Records	Total Amount Paid for Remote Days
[CTA Employee 9]	Current Employee	2,184	\$111,685.12
[CTA Employee 13]	Current Employee	1,952	\$67,245.30
[CTA Employee 17]	Current Employee	1,775	\$49,897.02
[CTA Employee 10]	Retired	1,360	\$46,675.26
[CTA Employee 14]	Transferred	718	\$24,197.37
[CTA Employee 15]	Retired	128	\$4,232.06
Total		7,997	\$303,932.13

E. Interview of [CTA Employee 2]

On December 17 and December 19, 2024, OEIG investigators interviewed [CTA Employee 2]. [CTA Employee 2] said she had worked at the CTA for approximately [Redacted] years and had been [Redacted] for approximately [Redacted] years. [CTA Employee 2] said she was responsible for overseeing the CTA's payroll, timekeeping operations, general ledger, and accounts payable and that up until October or November 2024, she also oversaw Vault Operations.⁴¹

[CTA Employee 2] confirmed that Vault Operations employees began working remotely in March 2020. [CTA Employee 2] stated that Vault Operations employees were still not in the office every day; instead, [CTA Employee 2] said she believed the Money Handlers were in the office just three days a week. [CTA Employee 2] said that there was nothing the Money Handlers could do from home on the days they were not in the office, however, and "unfortunately, they just got some free time." [CTA Employee 2] said that Money Handlers did not submit telework agreements, but she believed [CTA Employee 1] submitted a telework agreement in February 2020, which was approved by her and [CTA Employee 5]. [CTA Employee 2] further said that the Money Handlers do not check in with [CTA Employee 1] while at home and it is difficult to track their productivity since they do not do anything from home. [CTA Employee 2] said that the decision to authorize Vault Operations employees to be at home came from the President's Office when the CTA shut down its offices due to the pandemic, but it was "Labor Relations" decision that these employees would still be getting paid even when not working. [CTA Employee 2] said that [CTA Employee 5] also knew that Vault Operations employees would not be working while at home but would still be getting paid. [CTA Employee 2] noted that she was sure there were other people involved in those discussions—such as those within the President's Office—because any decision made within the CTA, always involves multiple people, but she did not know specifics.

⁴¹ [CTA Employee 2] said that a decision was made between herself and [CTA Employee 19] to remove Vault Operations from under her supervision.

[CTA Employee 2] said that in approximately late 2022 or 2023, revenue began to pick back up and she wanted the Vault Operations employees back in the office three to four days per week. [CTA Employee 2] said that once this decision was communicated to Vault Operations employees, she began receiving union complaints that eventually escalated to [CTA Employee 5]. [CTA Employee 2] said that she and [CTA Employee 5] discussed the matter with [Redacted], [CTA Employee 20] and [CTA Employee 21] but “nobody wanted to deal with it” and [CTA Employee 2] decided she was not going to do “a bunch of paperwork, arguing over this” so the decision was made to allow Vault Operations employees to revert to working to two days a week in the office.⁴² [CTA Employee 2] said that [CTA Employee 5], [CTA Employee 20], and [CTA Employee 21] were all aware at this time that Vault Operations employees could not complete their job duties from home but were still being paid for it.

[CTA Employee 2] said that revenue is close to 100% again and the CTA could have the Money Handlers come in the office five days a week. [CTA Employee 2] said, however, that she was not aware of any conversations with [CTA Employee 21] or [CTA Employee 19] about bringing in Money Handlers in the office for additional days since approximately February 2023 because everyone was okay with the Money Handlers being in the office only three days a week.

[CTA Employee 2] concluded that the CTA was just trying to “make the best of it” at the outset of the pandemic and that they were not given time to think or plan anything out. [CTA Employee 2] stated that in a “normal situation,” however, this could be considered “ghost payroll.” [CTA Employee 2] said that she did not know the financial impact of paying employees for remote workdays when they did not have any work to perform off the top of her head, but she believes payroll “ran the numbers for upper management” approximately one to two years ago. [CTA Employee 2] said that to her knowledge, upper management was aware of the financial impact of their decision.

F. Email Correspondence Regarding Vault Operations Employees’ Remote Work

The OEIG made three separate requests for written communications, including emails, regarding remote work related to Covid-19 for the Vault Operations unit.⁴³

Included in the CTA’s responses were approximately 348 documents that included either one email or a thread of emails of discussions between [CTA Employee 5], [CTA Employee 2], [CTA Employee 1], and other relevant CTA personnel, including [Redacted] [CTA Employee 20]; [CTA Employee 22]; and [CTA Employee 21] regarding CTA employees working remotely. Some emails were redacted, and some emails were not provided but were listed on privilege logs provided by the CTA. Specifically, the CTA claimed a total of 21 items to be privileged, including individual emails and various email threads. The CTA’s privilege logs

⁴² Although [CTA Employee 2] said the decision was made to revert Vault Operations employees in office days to two per week, Attendance Records show that Vault Operations employees were working four days in the office from January 9 to January 28, 2023 and were reverted back to three days in the office on January 30, 2023.

⁴³ On June 3, 2024, OEIG investigators requested all communications and documentation regarding remote work, hybrid schedules, and operations and facility changes related to Covid-19 for the [Redacted]/Vault Operations unit, including but not limited to emails and memos from March 2020 to the present. On July 15, 2024, the OEIG investigators repeated this request for emails or memos from March 2020 to present, sent or received by [CTA Employee 2]; [CTA Employee 5]; [CTA Employee 6]; [CTA Employee 1]; and [CTA Employee 7]. Lastly, OEIG investigators requested further communications on November 25, 2024, requesting any and all email correspondence from March 2020 to present to [CTA Employee 2], [CTA Employee 5], and/or other CTA employees regarding remote work, schedule changes, and hybrid work for Vault Operations employees.

only included the broad subject matter of the email;⁴⁴ the date of the email; who the email was to and from; who was copied on the email; and what privilege was claimed.⁴⁵

Some of the emails provided in whole or in part (due to redactions) included the following:

Emails from March 2020 to December 2021

As expected, there were CTA emails regarding how to deal with the problems of the Covid-19 pandemic. On March 15, 2020, [CTA Employee 3] emailed all CTA employees informing them that the CTA was working on a plan for how employees would conduct their work. In the same email, [CTA Employee 3] stated that “[w]e will determine over the coming days if you will continue to work in the office, telework or return home” and “In all cases, you will continue to get your paycheck.”

In a March 20 through March 21, 2020 email thread, the following conversation ensued regarding Vault Operations employees working remotely:

March 20, 2020 3:54 PM

From: [CTA Employee 5]
To: [CTA Employee 7], [CTA Employee 1], [CTA Employee 2]
Subject: FW: Should Vault Operations be Open?

Please advise as to the best way to handle the Vault?

1. Should we kick cash processing to [Security Company 1]?
2. Are coin collections low enough to process once a week? If so, how do we secure in the meantime?
3. Other suggestions?

⁴⁴ One privilege log also included the title of the withheld document.

⁴⁵ In all instances, the CTA claimed the emails were privileged based on attorney-client communication. The OEIG notes that privileges are strongly disfavored, must be strictly construed, and the proponent of the privilege, in this case CTA, has the burden of showing facts which give rise to the privilege. See *Gibbons v. GlaxoSmithKline, LLC*, 2023 IL App. (1st) 221666, ¶ 23. For the attorney-client privilege to apply to a particular communication, the primary purpose of the communication must be the rendering or solicitation of legal advice, not some other type of advice. See *Bankdirect Capital Fin., LLC v. Capital Premium Fin., Inc.*, 326 F.R.D. 176, 181 (N.D. Ill. 2018) (“The question is always whether the primary or predominant purpose of the communication is to render or solicit legal advice.”); see also *Evans v. City of Chicago*, 231 F.R.D. 302, 312 (N.D. Ill. 2005) (“Just as documents prepared for a business purpose are not privileged, documents concerning advice on political, strategic or policy issues, valuable as it may have been, would not be shielded from the disclosure by the attorney-client privilege.”). In keeping with those distinctions between legal and non-legal advice, courts have rejected vague and conclusory subject matter descriptions in privilege logs such as those provided by the CTA, particularly because the party did not demonstrate that the principal purpose of the communication was to seek or provide legal advice. See *RBS Citizens*, 291 F.R.D. at 218 (rejecting repeated description “Document containing non-responsive and privileged analysis re loan facilities including NBB based in part and reflecting advice of counsel” as “vague and generic”); see also *Southern Pine Credit Union v. Southwest Marine & Gen. Ins. Co.*, 2024 U.S. Dist. LEXIS, at *20 (M.D. Ga. Mar. 29, 2024) (rejecting as “vague” and “conclusory” descriptions such as “email containing legal advice of counsel regarding requests for documents and information from Southern Pine” and “letter containing legal advice and legal opinion of counsel regarding supplemental coverage opinion concerning Southern Pine claim”). Because the CTA has only offered general subject matter descriptions, it is the OEIG’s position that there is not a sufficient basis documented for these communications to be protected by the attorney-client privilege. Notwithstanding this position, the OEIG believes that issuing this report of investigation to ensure the CTA ceases paying employees who conduct no CTA work outweighs delaying issuance to legally challenge the CTA’s generalized privilege claims.

March 21, 2020 11:22 AM

From: [CTA Employee 5]
To: [CTA Employee 7], [CTA Employee 1], [CTA Employee 2]
Subject: FW: Should Vault Operations be Open?

Folks. I need answers ASAP!

11:44 AM

From: [CTA Employee 2]
To: [CTA Employee 5]
Cc: [CTA Employee 7], [CTA Employee 1],
Subject: FW: Should Vault Operations be Open?

[CTA Employee 5],

Vault operations is working Monday and Thursday with reduced staff. 2 money handlers, 1 maintenance personnel and [CTA Employee 1]. All notes will be processed by [Security Company 1]. We do not have a contract for [Security Company 1] to process coins. The two money handlers will count the coins. [Security Company 1] will pickup, roll and deposit coins. We will select the money handlers by seniority.

11:53 AM

From: [CTA Employee 7]

Adding [CTA Employee 20]
Thank you, [CTA Employee 2]. Are the people with the lowest seniority selected to work?

[CTA Employee 20] –[CTA redaction]

12:00 PM

From: [CTA Employee 2]
To: [CTA Employee 5]
Cc: [CTA Employee 7], [CTA Employee 1], [CTA Employee 20]
Subject: FW: Should Vault Operations be Open?

You go by highest seniority.

12:04 PM

From: [CTA Employee 5]

So in this case, the highest seniority would work while the lowest seniority **would not work but still get paid**. [CTA redaction] [CTA Employee 20]? (emphasis added)

12:38 PM

From: [CTA Employee 2]
To: [CTA Employee 5]
Cc: [CTA Employee 7], [CTA Employee 1],
Subject: FW: Should Vault Operations be Open?

[CTA Employee 5],
We will be rotating. Highest seniority on Monday and next level seniority on Thursday.

The CTA's privilege log also listed a March 21, 2020 email from [CTA Employee 7] to [CTA Employee 2] and [CTA Employee 5], with [CTA Employee 20] and [CTA Employee 1] copied, with the subject matter, "Re: Total Number of Money Handlers in Office." This email was not provided to the OEIG.

Throughout the remainder of 2020 and into early 2021, there were emails exchanged between [CTA Employee 5], [CTA Employee 2], and [CTA Employee 1] regarding Vault Operations employees not being in the office every day. For example, on June 8, 2020, [CTA Employee 5] emailed [CTA Employee 2] and other Finance Department managers that as the CTA was working toward reopening, he would like their thoughts on what employees needed to come back to the office; what functions were difficult to execute remotely; if there were any personnel issues that needed to be addressed before resuming work or continuing to work from home; and if they had any other issues, concerns, or ideas. On June 12, 2020, [CTA Employee 2] sent her response to [CTA Employee 5]'s assistant, [CTA Employee 6], stating that Vault Operations "can be fully outsourced" and that it "is not a telework function." [CTA Employee 2] also said that once cash collection is back to some normalcy, the Money Handlers can return to the office daily or maintain working at the office three days a week.⁴⁶

On the same day, [CTA Employee 7] emailed [CTA Employee 5], [CTA Employee 2], and other managers with an attached template asking that the template be completed outlining the employees coming "into the office or [Redacted]," including the days and times of the week and a justification for the reason they need to be "in the office/[Redacted]." On June 15, 2020, [CTA Employee 1] sent a completed template to [CTA Employee 2] for Vault Operations employees. The template sent by [CTA Employee 1] stated that [CTA Employee 1] would be working in office on Mondays and Thursdays from 5:00 a.m. to 12:00p.m. and the Money Handlers would be working Mondays and Thursdays from 5:00 a.m. to 8:00 a.m. "on a rotation basis." In addition, from July 1, 2020 through March 1, 2021, [CTA Employee 1] sent [CTA Employee 2] a monthly schedule for Vault Operations employees reflecting that Vault Operations employees were working in the office Mondays, Wednesdays, and Fridays.

⁴⁶ In a May 28, 2020 email to [CTA Employee 2], [CTA Employee 1] stated that because of Covid-19, the bills and coins processed by the CTA dropped by \$2,756,711.69, or 99.85%, from May 2020 versus May 2019.

Emails from April 2022 to July 2024

As the CTA prepared to adjust the agency's telework schedule, on April 4, 2022, [CTA Employee 23] emailed CTA leadership, department heads, and senior managers AP 1029 regarding Teleworking; a PowerPoint for Return to Office Manager Training; and a Return to Office Requirements Technology Assessment spreadsheet to be filled out by Senior Managers. The PowerPoint explained that employees were expected to work from the office at least two days per week, office days could be scheduled for more than two in-office days per week based on the department's operations' needs, and employees working in-office or remote had to work full days and during regular work hours. On April 12, 2022, [CTA Employee 23] sent a follow up email, again containing the Return to Office Requirements Technology Assessment spreadsheet to be filled out for the technology needed for employees to work remotely. On May 13, 2022, [CTA Employee 1] emailed [CTA Employee 24] and [CTA Employee 6] the completed spreadsheet for his unit, specifically listing Vault Operations as hybrid employees. On May 15, 2022, [CTA Employee 6] emailed a copy of the Return to Office Requirements Technology Assessment spreadsheet with the information about Vault Operations employees to [CTA Employee 5] and [CTA Employee 7], again with Vault Operations employees listed as hybrid employees.

The CTA's privilege log also listed an April 12, 2022 email from [CTA Employee 5] to [CTA Employee 20] with the subject matter, "Extending Telework Option to Bargained-For Employees," and an April 18, 2022 thread between [CTA Employee 7], [CTA Employee 20], [CTA Employee 5], and [CTA Employee 2] with the same subject matter. Neither of these emails were provided to the OEIG.

After the OEIG initiated this investigation in May 2024, [CTA Employee 6] emailed [CTA Employee 2] and others on June 13, 2024, asking to make sure every employee in their department has a signed Telework Agreement on file. The emails provided by the CTA to the OEIG did not include a response from [CTA Employee 2].

On July 23, 2024, [CTA Employee 1] emailed [CTA Employee 2] asking her if the Vault Operations staff would begin to report to work five days a week or continue to work three days per week. The emails provided by CTA did not include a response from [CTA Employee 2].

G. Interview of [CTA Employee 20]

On January 14, 2025, investigators interviewed [Redacted] [CTA Employee 20]. [CTA Employee 20] said he had been [Redacted] for approximately [Redacted] and was responsible for advising and counseling upper management on a variety of labor relations employment issues, as well as labor negotiations.⁴⁷

⁴⁷ During the investigation, the OEIG learned that [CTA Employee 20] would be retiring from the CTA in early [Redacted]. According to the CTA, [CTA Employee 20]'s last day working for the CTA was [Redacted] and he was approved the use of vacation time through [Redacted] with an effective retirement date of [Redacted].

[CTA Employee 20] stated that during the early stages of the pandemic, he provided legal advice and counsel on various issues related to remote working for non-bargained-for employees. [CTA Employee 20] said he did not recall any discussions related to bargained-for employees and was not aware of any bargained-for employees that worked remotely when they could not do any work at home. Further, [CTA Employee 20] said he did not recall [CTA Employee 2] or [CTA Employee 5] reaching out to him to consult about what to do with Vault Operations employees and did not know whether Labor Relations was involved in the decision to allow employees to be remote when they had no work to complete. When shown the March 20 through March 21, 2020 email thread that he was included on regarding whether Vault Operations should be open, [CTA Employee 20] said he did not remember the email or his input into the conversation. [CTA Employee 20] claimed that he would not have had the authority to approve Vault Operations employees working remotely, though, and did not know why he would have been added to this email conversation. [CTA Employee 20] continued that the authority to approve remote work rested with the manager and said that while managers did seek advice from his department, he could not speculate on whether he would have given advice on allowing employees to be paid to work from home. [CTA Employee 20] further said he could not speculate about why someone may have reached out to him and did not know what people did with any advice he may have provided.

H. Interview of [CTA Employee 21]

On January 15, 2025, investigators interviewed [CTA Employee 21]. [CTA Employee 21] said she has worked as [Redacted] since approximately [Redacted].⁴⁸ [CTA Employee 21] stated that her current duties and job responsibilities include overseeing the administration of CTA's collective bargaining agreements, grievance and arbitration procedures, and advising management in regard to their bargained-for personnel.

[CTA Employee 21] stated that she was not a part of any decision-making during the CTA's transition to remote work during the early stages of the Covid-19 pandemic and was not involved in discussions or approvals related to bargained-for employees during that time, either. [CTA Employee 21] said she does not know who made the decision for bargained-for employees to be paid to be remote without having any duties they could perform at home, and she did not approve Vault Operations employees working remote. Additionally, [CTA Employee 21] claimed no one talked to her about Vault Operations employees working remotely. Further, [CTA Employee 21] said she does not remember having any conversations with [CTA Employee 2] or [CTA Employee 5] outside of a February 2024 email regarding a disciplinary matter of a Vault Operations employee and does not remember if either consulted her or her office about the number of days Vault Operations employees were in office. [CTA Employee 21] noted, however, that while she could advise [CTA Employee 2] on labor matters, it would have been up to [CTA Employee 2] or [CTA Employee 5] to make decisions about the Money Handlers and other Vault Operations employees, including approving remote work. [CTA Employee 21] noted, however, that Vault Operations did not seem like the type of job that would have a remote component to it, and she does not know why Money Handlers were being paid to work from home when they had no work

⁴⁸ [CTA Employee 21] stated that although she worked in the same position before, it was previously called "[Redacted]," and she was [Redacted] since approximately [Redacted].

that they could complete at home.⁴⁹

I. Interview of [CTA Employee 5]

On February 6, 2025, OEIG investigators interviewed [CTA Employee 5]. [CTA Employee 5] said he worked as the [Redacted] and [Redacted] for [Redacted] years until he left the CTA on [Redacted].⁵⁰ [CTA Employee 5] said that as [Redacted] and [Redacted], he was responsible for overseeing the CTA's [Redacted], [Redacted], [Redacted], [Redacted], and [Redacted] departments. [CTA Employee 5] confirmed that while at the CTA, the Vault Operations unit was under his supervision through his subordinate, [CTA Employee 2]. [CTA Employee 5] said that [CTA Employee 2] gave him updates on Vault Operations on a regular basis during staff meetings, and he also checked in with her about the unit's operations.

[CTA Employee 5] confirmed that Vault Operations employees were not in the office every day. [CTA Employee 5] explained that during the beginning of the Covid-19 pandemic, there was a conference with the Law Department about what was going to happen to the Vault Operations employees, but he could not recall the details. [CTA Employee 5] said he knows that [CTA Employee 20] was part of this conference, however, and he believes others were present as well but could not recall who. [CTA Employee 5] said that anything that pertained to union positions, including Vault Operations employees, would go straight to [CTA Employee 20] and he believes that Labor Relations staff determined that Vault Operations employees could come into the office intermittently and thus, Labor Relations authorized remote work for the Vault Operations employees otherwise. When asked what Vault Operations employees are able to do remotely, [CTA Employee 5] said [CTA Employee 2] or [CTA Employee 1] would know that answer better. [CTA Employee 5] stated, however, that if the Vault Operations employees count cash, he did not know how much of that could be done out of the office because it did not seem like they could count cash at home. [CTA Employee 5] later acknowledged that he was, in fact, aware that Vault Operations employees could not work remotely. However, [CTA Employee 5] said he did not provide any instruction to [CTA Employee 2] or [CTA Employee 1] about what the Vault Operations employees would be doing from home. [CTA Employee 5] said that he would have passed any directives from [CTA Employee 20] to [CTA Employee 2]. [CTA Employee 5] added that he knows there were back and forth conversations between [CTA Employee 2] and [CTA Employee 21] about the Vault Operations employees, as well.

[CTA Employee 5] stated that he was not familiar with the March 15 through March 16, 2020 email thread wherein [CTA Employee 2] wrote that Vault Operations employees needed to be on-site to perform their job, but he acknowledged that he was shown as a participant in the thread. [CTA Employee 5] noted that this email from [CTA Employee 2] is probably what started the conversations with Labor Relations about Vault Operations' remote work. [CTA Employee 5] stated that Labor Relations was aware that Vault Operations needed to be on-site to perform their duties and even still, Labor Relations approved them to be at home. [CTA Employee 5] said that he did not recall if any remote work agreements were created or approved for Vault Operations employees since the pandemic began, but he instructed [CTA Employee 2] to follow Human

⁴⁹ [CTA Employee 21] stated that Vault Operations supervisors could mandate that employees come in five days a week and she does not know why they would not. [CTA Employee 21] stated that if the management of Vault Operations decided to revert back to five days in the office, the union may complain or file a grievance but nothing would happen since revocation of a Telework Agreement would not be a violation of the contract.

⁵⁰ [Redacted].

Resources guidelines and follow up with Labor Relations. [CTA Employee 5] said he did not recall what Labor Relations instructed about this, however.

[CTA Employee 5] stated that he did not recall whether the Money Handlers were paid for days that they were remote and does not recall if there were any discussions about paying Money Handlers for working remotely. [CTA Employee 5] was shown the March 20 through March 21, 2020 email thread wherein he wrote that the highest seniority would work while the lowest seniority would not work but would still get paid and he replied that he did not recall it. [CTA Employee 5] reiterated that [CTA Employee 20] would have been the person giving guidance on how the union employees would be handled during this time and he would defer to [CTA Employee 20] on how those decisions were made. Further, when asked who would be responsible for employees being paid for time that they did not work, [CTA Employee 5] stated that he believes it goes back to Labor Relations.

[CTA Employee 5] was asked what the CTA did to get Vault Operations employees back into the office once vaccines were available to employees, especially knowing that they could not do work at home, and he responded that there would have been conversations with Labor Relations on how to best handle the Vault Operations employees, though he did not recall any conversations about around this time.⁵¹ Additionally, when asked why the Vault Operations employees did not return to the office when the CTA's other employees returned in May 2022, [CTA Employee 5] stated that he would refer to Labor Relations. [CTA Employee 5] said that he had multiple discussions with [CTA Employee 20] about the Vault Operations employees throughout this time because [CTA Employee 20] oversaw Labor Relations. [CTA Employee 5] said any decisions involving the Vault Operations employees and other union employees during this time were handled using clear direction and guidance from Labor Relations. [CTA Employee 5] added that because of the complexity of the situation, his team would not have made that determination.

Ultimately, [CTA Employee 5] stated that he never looked into or considered the total financial impact of paying employees for remote workdays on which they may not have performed any work. [CTA Employee 5] also admitted that it was concerning to him that people were getting paid for five years when not working but said he would defer to Labor Relations about how that fit with the union agreement. Still, when asked how he felt about people being paid without working, [CTA Employee 5] responded that while context matters generally, the construct is that you work and get paid. [CTA Employee 5] concluded that he does not know of any other CTA departments that had employees who were paid for working remotely despite not having any tasks they could complete at home.

V. ANALYSIS

Just shy of five years ago, the coronavirus pandemic significantly altered most everyone's norm including work routines; the CTA was no exception. Beginning in March 2020, [CTA Employee 3] emailed all CTA employees informing them that the CTA was working on a plan for how employees would conduct their work. In the same email, [CTA Employee 3] stated that "[w]e

⁵¹ [CTA Employee 5] said that in general, they would have had meetings during turning points in the pandemic.

will determine over the coming days if you will continue to work in the office, telework or return home” and “[i]n all cases, you will continue to get your paycheck.” This information provided by [CTA Employee 3] was understandable given the unprecedented and uncertain nature of events at that time.

Shortly after, the CTA sent out its Telework Policy and Agreement which informed employees that telework was an option, if it was feasible for employees “**to perform the core duties of their job from home.**” (emphasis added) The policy instructed managers to make a determination of whether it was feasible for their employees and if so, have employees sign the Telework Agreement. The evidence showed, however, that this instruction and Telework Policy was not followed by the managers of the Vault Operations unit. Money Handlers were not able to conduct *any* of their job duties from home, no one signed a Telework Agreement, and the Vault Operations employees continued to be paid whether they were at work or remained home.

While it is understandable that there would be some disruption of work processes in the beginning of the pandemic, the fact that the CTA’s Telework Policy was never applied to the Vault Operations employees is not. Time records show that beginning in July 2020, the Money Handlers only came back to the office two days a week. This was increased to three days in May of 2021 and has continued to the present day. Even after May 9, 2022—the CTA’s official Return to Office date—Vault Operations employees continued to be paid for the two days a week they stayed at home and performed no work for the CTA. Multiple documents and interviews confirmed that the Vault Operations employees could not perform any of their duties remotely even though the Telework Policy required work duties to be able to be conducted from home—a generally reasonable requirement in return for a paycheck. For some reason, CTA managers did not feel compelled to make Vault Operations follow this policy, which resulted in the CTA paying over a million dollars, collectively, for these employees to stay home and not work. The OEIG believes this is a considerable and unnecessary waste of CTA funds.⁵²

Giving away over a million dollars is significant waste, but it is equally concerning that multiple managers knew this was taking place. There is reasonable cause to believe that CTA Employee 5], [CTA Employee 2], and [CTA Employee 1] knew from the outset that there was no work for Money Handlers to do from home based on their admissions in their interviews. Furthermore, [CTA Employee 5] and [CTA Employee 2] both stated that [Redacted],[CTA Employee 20] was also aware of this based on conversations they had with him. [CTA Employee 20]’s awareness is also supported by some of the emails that the CTA turned over and the subject line of emails the CTA refused to provide. For instance, in an email string titled “Should Vault Operations be Open?” with [CTA Employee 2], [CTA Employee 20], and [CTA Employee 7], [CTA Employee 5] stated that “the highest seniority would work while the lowest seniority **would not work but still get paid.** [CTA redaction] [CTA Employee 20]?” (emphasis added) Furthermore, this issue appeared to be raised again in 2022. Although the CTA refused to provide the contents of the emails, there is an April 12, 2022 email from [CTA Employee 5] to [CTA Employee 20] titled “Extending Telework Option to Bargained-For Employees” and an April 18, 2022 thread between [CTA Employee 7], [CTA Employee 20], [CTA Employee 5], and [CTA Employee 2] with the same title. Because the Vault Operations employees, except for [CTA Employee 1], were bargained-for employees, the title of these email threads suggests that this issue was raised again with [CTA Employee 20].

⁵² [Redacted.]

Despite being aware of employees being paid for no work, these high-level CTA employees took no action to reduce or stop such waste. Although paying employees may have been necessary in the very beginning of the pandemic, the CTA's payment for no work continued week after week for five years. No justifiable reason for this continued payment was provided in any CTA documents or by any of the relevant CTA employees interviewed. In fact, in January 2023, the CTA believed more work was needed by the Money Handlers based on increased ridership, and their three-day work week was increased to four days. According to [CTA Employee 1], after three weeks of requiring four days a week in the office—and being paid for five—[CTA Employee 2] told him to go back to having the Money Handlers only come in three times a week. The attendance records confirm this baffling and unexplained three day a week schedule that continued for another two years after this. According to [CTA Employee 2], she and [CTA Employee 5] discussed the matter with [CTA Employee 20] and [CTA Employee 21] but “nobody wanted to deal with it.”

In addition to not taking appropriate action to mitigate this waste, it is also concerning that all of the relevant managers either denied being aware of this situation or claimed it was somebody else who was responsible for the decision to keep paying for no work. For instance, [CTA Employee 5] and [CTA Employee 2] both maintained that the decision to allow these employees to be at home two days a week and to pay them for these days, even though they were not working, was made by [Redacted] ([CTA Employee 20] and [CTA Employee 21]) and said that they had several conversations with Labor Relations about this issue and that Labor Relations provided advice on how to proceed. During their interviews, however, [CTA Employee 20] and [CTA Employee 21] said they could not remember having any conversations with [CTA Employee 5] or [CTA Employee 2] about remote work or what should be done about the Vault Operations employees. While [CTA Employee 20] acknowledged that managers do seek advice from his department, he said he did not know whether Labor Relations was involved in this decision and both he and [CTA Employee 21] maintained that it would not have been up to them to decide whether the Vault Operations employees could work remotely and instead would have been up to the relevant manager. It is possible that the CTA has more evidence relevant to discussions between Labor Relations and [CTA Employee 5] and [CTA Employee 2], however, the CTA has chosen to withhold requested information from the OEIG based on an asserted attorney-client privilege. Regardless of who made the ultimate decision to allow this to occur, the evidence the OEIG was able to obtain shows that there is reasonable cause to believe that [CTA Employee 5], [CTA Employee 2], and [CTA Employee 20] were all aware that people in the Vault Operations unit were getting paid for days that they did not work. Even with this knowledge, payment continued for years causing over a million dollars in waste based on the inaction of multiple high-level employees at the CTA.

Ultimately, [CTA Employee 2] explained that this arrangement came about because the CTA was just trying to “make the best of it” during the pandemic and was not given time to think or plan anything out. While this may have been true at the outset of the pandemic, it does not excuse the continuance of this practice for the years that followed. In fact, as [CTA Employee 2] herself said, in a “normal situation,” paying employees to not work could be considered “ghost payroll.” The OEIG agrees. At the very least, the failure of [CTA Employee 2]—and more importantly, [CTA Employee 5], and [CTA Employee 20], given their positions—to take any reasonable action upon finding out this was happening, and particularly after the CTA's agency-wide Return to Office date, is, at minimum, mismanagement causing significant waste of CTA

resources and funds. As such, the allegation that the CTA, including [CTA Employee 5], [CTA Employee 2], and [CTA Employee 20], committed mismanagement with respect to Vault Operations staff is [REDACTED].⁵³

VI. [REDACTED] AND RECOMMENDATIONS

As a result of its investigation, the OEIG concludes that there is **REASONABLE CAUSE TO ISSUE THE FOLLOWING [REDACTED]**:

- **[REDACTED]** – The CTA, including [CTA Employee 5]; [CTA Employee 2]; and [Redacted] [CTA Employee 20] engaged in mismanagement by paying CTA employees for days that no CTA work was conducted.

With regard to the OEIG’s [redacted] of mismanagement, the OEIG notes that [CTA Employee 5], [CTA Employee 2], and [CTA Employee 20], all recently resigned or retired from the CTA. The OEIG recommends that these former employees not be rehired. The OEIG also recommends that the CTA examine its information and emails, particularly those documents withheld from the OEIG, to determine whether any other CTA management employees were reasonably aware of employees being paid for no work, and take appropriate disciplinary action. Lastly, the OEIG recommends that the CTA review its teleworking policies and practices and ensure that there are no other employees (including in other departments) that are being paid to stay home even if duties cannot be performed remotely; that all employees permitted to work remotely understand their duties when working remotely; and require employee agreements acknowledging such understanding.⁵⁴

With respect to [CTA Employee 1]’s potential time abuse, investigators examined records for an approximate ten-month period from August 2023 through June 2024. Throughout this time, [CTA Employee 1]’s attendance records show that his daily start time was consistently 5:00 a.m. and his end time was 1:30 p.m., and payroll records show he was paid for full eight-hour days. However, [CTA Employee 1]’s swipe records show that on Tuesdays and Thursdays during this time period—the days other Vault Operations employees were not in the facility—[CTA Employee 1]’s first swipe records were consistently much later than 5:00 a.m. and the time between the first and last swipe much shorter than eight hours. While this strongly suggests time abuse, [CTA Employee 1] maintained that the latest he arrives to the office is 5:15 a.m. and claimed that his first swipes and last swipes may show differently because he is [redacted], rather than swiping in himself. Because [CTA Employee 1]’s swipe records did not show his first and last swipe were at entrance locations, and no Vault Operations employees were at the facility to corroborate [CTA Employee 1]’s start or end times on those days, the OEIG recommends that going forward, all Vault Operations employees be required to swipe in and out for the day at the [redacted] of the facility and that those records are periodically reviewed to ensure time abuse is not taking place.

⁵³ The OEIG concludes that an allegation is “[redacted]” when it has determined that there is reasonable cause to believe that a violation of law or policy has occurred, or that there has been fraud, waste, mismanagement, misconduct, nonfeasance, misfeasance, or malfeasance.

⁵⁴ In response to one of its requests regarding telework, the CTA recently indicated to the OEIG that the 2020 Telework Agreement is no longer in effect. If this is the case, the OEIG highly recommends that the CTA create a new Telework Agreement, outlining employee/managers duties and responsibilities, for all employees currently engaging in telework to ensure employees understanding and agreement.

Finally, the investigation revealed that there is inconsistent understanding amongst Vault Operations staff/managers, and limited policies, related to the day-to-day operations of the Vault particularly with regard to [redacted]. The OEIG highly recommends that the CTA clarify operational practices/requirements for Vault Operations in order to ensure employees understand these procedures and managers appropriately apply these requirements.

Date: February 21, 2025

Office of Executive Inspector General
for the Agencies of the Illinois Governor
69 W. Washington Street, Ste. 3400
Chicago, IL 60602

By: **Alexa Vouros**
Assistant Inspector General

Shamice Terrell
Investigator #12



Office of Executive Inspector General
for the Agencies of the Illinois Governor

www.inspectorgeneral.illinois.gov

**AGENCY OR ULTIMATE JURISDICTIONAL AUTHORITY
RESPONSE FORM**

Case Number: 24-1140

Return 20 Days After Receipt

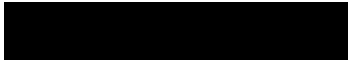
Please check the box that applies. (Please attach additional materials, as necessary.)

☐ We have implemented all of the OEIG recommendations. Please provide details as to actions taken:

☒ We will implement some or all of the OEIG recommendations but will require additional time to do so.

We will report to OEIG within 60 days from the original return date.

☐ We do not wish to implement some or all of the OEIG recommendations. Please provide details as to what actions were taken, if any, in response to OEIG recommendations:



Signature

CTA, Deputy General Counsel, Compliance, Policy, and Risk

Print Agency and Job Title

Sisavanh Baker

Print Name

March 13, 2025

Date



OFFICE OF EXECUTIVE INSPECTOR GENERAL
FOR THE AGENCIES OF THE ILLINOIS GOVERNOR

69 WEST WASHINGTON STREET, SUITE 3400
CHICAGO, ILLINOIS 60602
(312) 814-5600

March 17, 2025

Via electronic mail to [REDACTED] *@illinois.gov*

Nathan Rice
Executive Director
Illinois Executive Ethics Commission
401 South Spring Street
516 William Stratton Building
Springfield, IL 62706

Re: Expedited Review and Publication of Case No. 24-01140

Dear Mr. Rice:

As we discussed, the Office of Executive Inspector General (OEIG) is respectfully requesting that the Executive Ethics Commission (EEC) expedite its review and publication of the final summary report in OEIG Case No. 24-01140. This report, together with the Chicago Transit Authority (CTA)'s response, was transmitted to the EEC on March 14, 2025.

This report [REDACTED] that since March 2020, the CTA has paid out over \$1,000,000 to employees in the Vault Operations unit for days on which they performed no work for the CTA. Specifically, these employees were allowed to be remote two to three days a week for the last five years despite not being able to perform any of their work at home or any place other than the CTA's Vault Operations facility. The OEIG learned that several CTA managers in key positions—including the [REDACTED] and the [REDACTED], Labor and Employment—knew that these employees could not perform any CTA work from home, but nevertheless authorized the continued pay of these employees for time not worked.

As you know, the fiscal operations of the Regional Transit Boards, including the CTA, are currently under review by the General Assembly as it considers budgets and potential proposals to consolidate/reorganize the Chicago-area transit agencies. Because this report contains highly relevant information regarding these legislative issues, the OEIG believes that there is significant public interest in this OEIG report being publicly disclosed without delay.

The State Officials and Employees Ethics Act (Ethics Act) provides that the EEC may publish an OEIG summary report after receipt of the summary report and a "response" from the ultimate jurisdictional authority or agency head affected by the investigation. 5 ILCS 430/20-

52(a). In this case, CTA provided a response on March 13, 2025, checking the box on the OEIG standard form: "We will implement some or all of the OEIG recommendations but will require additional time to do so. We will report to OEIG within 60 days from the original return date." In accordance with section 20-50(c-5), the OEIG transmitted the summary report and CTA's response to the EEC.

The OEIG has always deemed an agency's response provided to the OEIG within 20 days of the issuance of the report as the "response" required in the Ethics Act that triggers due dates in the Ethics Act. *See* 5 ILCS 430/20-50(c) & (c-5). While the OEIG recognizes that the CTA will require some time to make systemic changes, in this instance, the OEIG believes that CTA's current response suffices for publication of the report. The CTA has not indicated, either in its response, or in discussions with the OEIG, that it disagrees with the OEIG's [REDACTED] and recommendations. Notably, the three senior managers named in the report have all resigned or retired from the CTA, so no further proceedings could be pending with respect to their employment. In addition, the OEIG does not object to the CTA being permitted to supplement this publication with additional information regarding any remedial actions taken by the CTA.

Lastly, it is simply unclear how long and to what extent CTA will make changes based on the OEIG's recommendations. While these changes are important, they should not delay consideration of publication. The conduct exposed in this report is relevant to current issues at hand and worthy of a more expedited publication decision.

Thank you again for the opportunity to explain our position on this matter. Do not hesitate to let us know if you, your staff, or the Commission have any questions or want further discussion of this request. We will make ourselves available anytime that is convenient for you.

Sincerely,

[REDACTED]

Susan M. Haling
Executive Inspector General
for the Agencies of the Illinois Governor

cc: Barbara Myers via electronic mail at [REDACTED]@illinois.gov



**PUBLICATION OF REDACTED VERSION
OF THE OFFICE OF EXECUTIVE INSPECTOR GENERAL FOR
THE AGENCIES OF THE ILLINOIS GOVERNOR
INVESTIGATIVE REPORT**

Case 24-01140

Subject(s): Chicago Transit Authority (CTA), [CTA Employee 5] [CTA Employee 2] &
[CTA Employee 20]

RESPONDENT'S SUGGESTIONS FOR REDACTION / PUBLIC RESPONSE

Please check the correct box, then sign and date below. If no boxes are checked, the Commission will not disclose your response if the redacted report becomes public.



Below is my public response. Please make this response public if the summary report is also made public; or



Below are my suggestions for redaction. I do not wish for these suggestions to be made public.

[Redacted Signature]
Respondent's Signature

03-31-25
Date

Instructions: Please write or type suggestions for redaction or a public response in the lines below. If you prefer, you may attach separate documents to this form. Return this form and any attachments to:

EEC@illinois.gov

or

Illinois Executive Ethics Commission

401 S. Spring Street, Room 516 Wm. Stratton Building

Springfield, IL 62706

PLEASE SEE ATTACHED SUBJECT [CTA Employee 20]
RESPONSE AND REQUEST FOR REDACTIONS. CONTACT
ME AT [Redacted] IF YOU HAVE QUESTIONS
THANK YOU.

In Re: OEIG Investigation No. 24-01140

SUBJECT [CTA Employee 20]’S RESPONSE AND REQUEST FOR REDACTIONS

Pursuant to 5 ILCS 430/20-52(b), [CTA Employee 20], one of the subjects of the Report of the Office of the Executive General (“OEIG”) in Investigation No. 24-01140 (“Report”), submits the following response and request for redactions of his name, title, dates of employment, and all other such identifiers from any publication of the OEIG’s Report and this Response:

I. INTRODUCTION

*“The first thing we do is, let’s kill all the lawyers.”
-Shakespeare, Henry VI, Part II*

The OEIG’s mission is “to serve the interests of the public by ensuring accountability in State government.” There is no question that this is an important and worthy goal.

When I worked as an attorney at the Chicago Transit Authority (“CTA”), I too had a mission. For over [REDACTED] years I provided legal guidance and representation to my departmental clients on labor and employment matters. This was a significant responsibility I undertook with utmost dedication. I was honored to serve the CTA and help in any way I could, all within the confines of the law and ethics that govern my profession.

Despite the expansive role I held at the CTA during my tenure as a [REDACTED] [REDACTED] I was neither so bold nor brash to think that everyone always heeded my advice or followed my counsel. I was also mindful of the extent of my relevance and would never have presumed to know the details of the day-to-day operations of another department at the CTA. That was not my charge, and I certainly would not have insinuated myself where I did not belong.

To be clear, at no time did I ever:

*Advise anyone that it was appropriate or acceptable to pay their employees when they were not working; or

*Authorize, approve or direct anyone to pay their employees even though they were not at work.

about the matter with the [REDACTED] or his [REDACTED]. (Report at 22.) And, as CTA Employee [21] reminded the OEIG, any such personnel decisions were the responsibility of the [REDACTED] and [REDACTED] — nobody else. (Report at 22-23.)

In sum, the two CTA witnesses, whom the [REDACTED] and [REDACTED] claimed were aware of and “authorized” their decisions to pay their employees for not working, denied those allegations. The OEIG, however, inexplicably chose to rely on the word of the two [REDACTED] Department executives with a vested interest in the outcome of the instant investigation and whose questionable management is the subject of the entire Report. This alone undermines the OEIG’s [REDACTED] against me and strongly suggests that the OEIG merely is trying to further sensationalize the story of the [REDACTED] Department’s mismanagement.

Third, any [REDACTED] that I sanctioned the [REDACTED] Department’s mismanagement is utter nonsense. To reach that conclusion, the OEIG relied again on the self-serving statements of the [REDACTED] and [REDACTED] responsible for overseeing their Money Handlers. A reasonable review of the record leads to one conclusion: the [REDACTED] and his [REDACTED] were the only ones with authority to manage the Money Handlers — it was not me, it was not CTA Employee [21] and it was not anyone else.

Although expedient for the [REDACTED] and [REDACTED] to claim I somehow “sanctioned” their decisions and actions, without waiving the CTA’s attorney-client privilege, I assert that I never advised *anyone* that they could or should pay their employees for time they did not work.

Regardless of the actual facts, to bolster their baseless [REDACTED] against me, the OEIG cited documents redacted to protect the attorney-client privilege. From these redacted documents, the OEIG concluded that I knew of and am culpable for the [REDACTED] and his [REDACTED]’s actions. Based solely on e-mail subject lines and redacted content authored by others, the OEIG divined what I knew, when I knew it, what I thought, and the actual substance of my communications. This chilling intrusion into the attorney-client privilege amounts to unmitigated overreaching. It reveals the OEIG’s hubris and belief in its omnipotence — but it does not get to the truth: I was not aware of the [REDACTED] Department’s practice of paying employees who were not working, and I did not authorize or sanction their actions.

III. CONCLUSION

Although I am retired from the CTA, the OEIG saw fit to recommend that CTA not rehire me. The OEIG’s liberties with the facts of this matter undermine my over [REDACTED] years of service in the legal profession. It has improperly, unfairly, and without objective evidence ascribed to me a knowledge and intent to participate in what amounts to serious and costly mismanagement.

Until this contemptible slur was made against me, my integrity and reputation as an attorney never have been challenged as I never have given anyone a reason to do so.

As my only recourse appears limited to the following, I request treatment similar to that accorded in the Report for unnamed CTA employees such as “CTA Employee 1” and “CTA Employee [21]” – specifically, that my name, title, dates of employment, and all other such identifiers be redacted from any publication of the Report. My request for redaction extends to any publication of this Response as well.

If you have questions or require additional information concerning this request for redactions, please contact me.

Respectfully submitted,



March 31, 2025



**PUBLICATION OF REDACTED VERSION
OF THE OFFICE OF EXECUTIVE INSPECTOR GENERAL FOR
THE AGENCIES OF THE ILLINOIS GOVERNOR
INVESTIGATIVE REPORT**

Case 24-01140

Subject(s): Chicago Transit Authority, [CTA Employee 5] [CTA Employee 2]

& [CTA Employee 20]

RESPONDENT'S SUGGESTIONS FOR REDACTION / PUBLIC RESPONSE

Please check the correct box, then sign and date below. If no boxes are checked, the Commission will not disclose your response if the redacted report becomes public.

☒ Below is my public response. Please make this response public if the summary report is also made public; or

☒ Below are my suggestions for redaction. I do not wish for these suggestions to be made public.

Respondent's Signature

Kent Ray
Chicago Transit Authority General Counsel

4/8/2025
Date

Instructions: Please write or type suggestions for redaction or a public response in the lines below. If you prefer, you may attach separate documents to this form. Return this form and any attachments to:

EEC@illinois.gov

or

Illinois Executive Ethics Commission
401 S. Spring Street, Room 516 Wm. Stratton Building
Springfield, IL 62706

Chicago Transit Authority's suggestions for redaction are included as "Exhibit A" to its response. CTA does not wish for "Exhibit A" to be published if the summary report is also made public.



April 8, 2025

Executive Ethics Commission
401 S. Spring Street
516 William Stratton Building
Springfield, Illinois 62706
Via Email to Nathan Rice, Executive Director
[REDACTED]@illinois.gov

**RE: CHICAGO TRANSIT AUTHORITY'S RESPONSE TO FINAL REPORT FOR
INVESTIGATION 24-1140**

Dear Members of the Executive Ethics Commission,

The Chicago Transit Authority ("CTA") has a long track record of being a responsible steward of public funds as it continues to provide public transit services throughout the Chicago metropolitan area. The conclusions in the above-referenced report stem from CTA's sincere desire to prioritize its employees' health and safety while navigating the Covid-19 pandemic, during which almost all facets of society faced shutdowns.

Please accept this response by the CTA to the March 19, 2025, correspondence from the Executive Ethics Commission ("EEC") regarding the Office of the Executive Inspector General's ("OEIG") Final Report. The Final Report reflects the recommendations of the OEIG in connection with its conclusion that three former management-level employees engaged in mismanagement due to the receipt of compensation by a very small group of ten teleworking CTA employees—less than 0.1% of its total workforce.

In response to the Final Report and the OEIG's recommendations:

- CTA took immediate action to confirm that the only employees who are teleworking are doing so in accordance with CTA's procedures and policies;
- CTA retained independent outside counsel and asked its Internal Auditor to review aspects of the OEIG's [REDACTED] and recommendations;
- CTA confirms that the managers identified by the OEIG are no longer employed with CTA;
- CTA has accepted all of the OEIG's recommendations relating to telework policy and practices and the operation of the vault;
- In not filling Vault Operations vacancies, CTA has saved \$2,115,333 since March 2021 and continues to save \$760,000 annually; and
- CTA has confirmed that it has in place rules and procedures that address proper telework by that small percentage of employees who may be eligible for remote work.

CTA's response to the pandemic was the same as many other public and private employers across the country in putting the safety of our employees first. Most of the telework compensation identified by the OEIG was paid during the first two years of the pandemic, when CTA and other employers were still working through how to safely bring their employees back to work. To this point, not even one-third of the compensation identified by the OEIG was paid after CTA's return-to-office date of May 9, 2022.

Upon receipt of the Final Report, CTA took immediate action to confirm that the issue identified had been terminated and did not exist among CTA's roughly 11,000 current employees. Leadership immediately inquired of all executive level staff to obtain confirmation that no employee is permitted to telework when their job duties require on-site attendance. Additionally, CTA directed its Internal Auditor to audit and confirm that all union-represented personnel who have been approved to telework were able to perform their duties remotely. CTA also retained outside counsel to obtain an independent review and analysis of the OEIG's recommendations relating to CTA's former staff. In addition, leadership has reviewed current telework policies and is requiring managers to review telework agreements within their department in accordance with CTA's Administrative Procedure.

This response also contains suggestions to the EEC for redactions in the OEIG's Final Report pursuant to 5 ILCS 430/20-52, attached to this letter as Exhibit A, and identifies various errors made by the OEIG in its report.

Impact of Covid-19 and CTA's Telework Policy

As with nearly all aspects of daily life, the Covid-19 pandemic had a devastating impact on CTA. The OEIG's Final Report acknowledges, "Just shy of five years ago, the coronavirus pandemic significantly altered most everyone's norm, including work routines; the CTA was no exception." Final Report at 24. The OEIG further notes "the unprecedented and uncertain nature of events at that time." Final Report at 25. Yet the OEIG understates the impact of the pandemic on public services and employer-employee relationships.

On March 20, 2020, Governor JB Pritzker announced a statewide stay-at-home order as part of an effort to contain the Covid-19 pandemic. Literally overnight, nearly every part of society was closed or severely restricted: restaurants, tourism, retail, schools, intra- and interstate travel, and even government offices. By the end of December 2020, the City of Chicago alone reported over 208,000 cases of Covid-19, resulting in over 20,100 hospitalizations and 4,376 confirmed deaths.¹ During these months, vaccinations generally were not available, and patrons could not visit restaurants, entertainment venues, hair studios, health clubs, or even the Chicago lakefront because of the risks posed by the virus and public health restrictions. The order also instructed citizens to stay home if they were not designated essential employees such as first responders, medical personnel, and transit workers.

As of the time of these shutdown orders, CTA had created an initial telework policy to ensure the safety of its small percentage of employees who were not required to report to work. This policy required department management's review and approval of the telework agreement

¹ Based on data published by the City of Chicago at https://data.cityofchicago.org/Health-Human-Services/COVID-19-Daily-Cases-Deaths-and-Hospitalizations-H/naz8-j4nc/about_data. These numbers are based on total sums through December 31, 2020.

and confirmation that the employees actually could perform their work from home. The vast majority of CTA's employees, then numbering roughly 10,000, were deemed essential workers and continued to be required to show up for work, notwithstanding the risk to their personal safety.

During these first months of the pandemic, it was unclear how Covid-19 was transmitted and fear of contraction was so great that it created nation-wide shortages of cleaning supplies and a global supply-chain breakdown of personal protective equipment like respiratory masks.² Nationwide, the death toll from the Covid-19 pandemic continued to rise, with hundreds of thousands of people dying in the U.S. just in 2020. Years later, further research from the University of Minnesota, Boston University, and University of Pennsylvania showed that the devastating casualty number over the entire course of the pandemic is likely an undercount of approximately 1,200,000 additional deaths as a result of the virus.³

By May 2022, more than a year after CTA made Covid-19 vaccinations available to all employees starting on March 11, 2021, there were 7,716 confirmed deaths in Chicago from Covid-19.⁴ By this time, when CTA was bringing office employees back to work, CTA was aware of at least 16 of its employees who had died as a result of the virus.

On April 4, 2022, CTA issued Administrative Procedure 1029, which created a permanent telework program allowing qualifying employees to work remotely for up to three days a week. To qualify under AP 1029, an employee must complete a telework request form that contains the terms of their remote work and is approved by departmental management, including an acknowledgment that the employee's duties can be performed from home. (The OEIG asserts incorrectly in its Final Report that currently there is no telework agreement in effect for CTA employees.⁵ This overlooks the application and approval process outlined in AP 1029.) Department management has the sole discretion to decide whether an employee may participate in the telework program. The Administrative Procedure is available to all CTA employees on CTA's intranet.

CTA's Actions Mirrored Many Other Public Employers

In March 2020, most employers had to pivot to a work-at-home model, if possible. Many employees could not work from home but continued to receive wages. In May 2020, the United States Bureau of Labor Statistics started tracking the number of government employees nationwide who could not work because their employer closed or lost business

² PariJa Kavilanz, CNN, The Clorox Wipes Shortage Is Expected to Last into 2021 (Aug. 4, 2020), <https://www.cnn.com/2020/08/04/business/clorox-wipes-shortage/index.html>; Jessica Contrera, Washington Post, The N95 Shortage America Can't Seem to Fix (Sept. 21, 2020), <https://www.washingtonpost.com/graphics/2020/local/news/n-95-shortage-covid/>.

³ University of Minnesota Twin Cities, Covid-19 Deaths During Core Pandemic Years Were Likely Under-Counted (Feb. 12, 2024), <https://twin-cities.umn.edu/news-events/covid-19-deaths-during-core-pandemic-years-were-likely-under-counted>.

⁴ See, supra, note 1, based on total deaths through May 9, 2022.

⁵ OEIG Final Report at 27, n. 54.

due to the pandemic but still received pay for hours not worked.⁶ By June 2020, the Bureau estimated that over 55 percent of government employees who could not work also received compensation from their employer, roughly 1,186,000 employees.⁷ While the number gradually declined over the course of the pandemic following the introduction of vaccines, in May 2022, nearly 60,000 government employees still were paid for hours they did not work due to Covid-19.⁸ In the same vein, the OEIG found that “paying employees may have been necessary in the very beginning of the pandemic,” and that it was “understandable given the unprecedented and uncertain nature of events [in March 2020].” Final Report at 25-26.

OEIG Investigation Results

This investigation focused on employees who worked in CTA’s Vault Operations. These employees could complete their work duties only at their CTA work location and not from home. The fact that these employees were approved for remote work and compensated for it was a function of the massive challenges that Covid-19 presented. But this fact appears to have been motivated by a sincere desire to prioritize the employees’ health and safety concerns. In the immediacy of the crisis in 2020, the CTA supervisors overseeing the Vault Operations employees worked diligently to balance the critical and often competing concerns presented. As the crisis abated, this particular group of employees—by this point six out of many thousands of CTA personnel—while coming into work three days each week were not brought back into the workplace all five workdays. The OEIG did not █████ this to have been the result of intentional misconduct by any CTA employee, manager, or executive, nor does CTA. Further, the OEIG did not █████ any misdeeds with respect to the money handlers’ counting of cash. In fact, during this period, all cash was collected, counted, and deposited in a CTA bank account in proper order and on a timely basis.

The OEIG concluded that the mismanagement of this small unit of Vault Operations personnel cost CTA \$1.1 million. The OEIG makes clear, however, that it included within its calculations the time that the State, County, and City all were shut down and nonessential employees were required to stay at home. There is no recognition of how other employers, including units of government, handled this difficult period, including the subsequent months in which no vaccine was available and those post-vaccine months in which virulent strains of the virus continued to circulate and delay society’s reopening. For these reasons, the full \$1.1 million figure, specifically the approximately \$800,000 paid prior to the May 2022 return-to-work requirement, should not be calculated toward the █████ of mismanagement.

CTA’s Attorney-Client Privilege

In its Final Report, the OEIG criticized CTA’s invocation of the attorney-client privilege to withhold certain communications between in-house counsel and CTA leadership. Yet some of the OEIG’s conclusions seemed based in part upon CTA’s invocation of the privilege.

⁶ U.S. Bureau of Labor Statistics, Measuring the Effects of the Coronavirus (COVID-19) Pandemic Using the Current Population Survey (last modified Sept. 1, 2022), <https://www.bls.gov/covid19/measuring-the-effects-of-the-coronavirus-covid-19-pandemic-using-the-current-population-survey.htm>.

⁷ U.S. Bureau of Labor Statistics, Highlights of May 2020 to September 2022 Supplemental Data (last modified Jan. 17, 2024), <https://www.bls.gov/cps/covid-may2020-sept2022-highlights.htm>.

⁸ See generally U.S. Bureau of Labor Statistics, May 2020 to September 2022 Supplemental Data Tables (XLSX) (last modified Sept. 13, 2024), <https://www.bls.gov/cps/covid-may2020-sept2022-data-tables.htm>.

Among other things, the OEIG observed that “[i]t is possible that the CTA has more evidence relevant to discussions between Labor Relations and [CTA Employee 5] and [CTA Employee 2], however, the CTA has chosen to withhold requested information from the OEIG based on an asserted attorney-client privilege.” Final Report at 26.

CTA, however, is not aware of any law, regulation, or other authority that prevents CTA from asserting its attorney-client privilege in the context of an OEIG investigation such as this. To the contrary, Illinois law and regulations acknowledge the rights of a person who is subject to an OEIG investigation.

Section 20-70 of the State Officials and Employees Ethics Act provides:

Cooperation in investigations. It is the duty of every officer and employee under the jurisdiction of an Executive Inspector General, including any inspector general serving in any State agency under the jurisdiction of that Executive Inspector General, to cooperate with the Executive Inspector General and the Attorney General in any investigation undertaken pursuant to this Act. Failure to cooperate includes, but is not limited to, intentional omissions and knowing false statements. Failure to cooperate with an investigation of the Executive Inspector General or the Attorney General is grounds for disciplinary action, including dismissal. **Nothing in this Section limits or alters a person's existing rights or protections under State or federal law.**

5 ILCS 430/20-70 (emphasis supplied). Similarly, the Illinois Administrative Code states in relevant part:

All EIG requests for production of or viewing of documents or physical objects under office or agency control shall be made in writing; provided, however, that the Commission may exempt any EIG who functions wholly within a single office or agency from the application of this requirement upon joint petition by the EIG and the affected office or agency. A written request for documents or physical objects shall state that the recipient of the request, **should the recipient believe that the release of the subject matter of the request might violate existing rights or protections under State or federal law, has the right to seek a determination from the Commission relative to such rights or protections, if desired.** An EIG may take reasonable steps to seal or otherwise ensure the integrity of the requested documents or physical objects pending the Commission's determination. If security concerns demand the removal of sealed documents or physical objects, the EIG shall issue a subpoena before removal. The Commission shall consider the applicability of the right or protection asserted and issue a determination within 5 business days; provided, however that where delay for such a period could place an investigation in jeopardy, an EIG may request expedited consideration. The recipient and Commission shall maintain confidentiality about the request so as to minimize any risk of compromising the investigation. **The recipient may assert any existing rights or protections under State or federal law with respect to the request, and such assertions made in good faith do not constitute failure to cooperate in an investigation.**

Ill. Admin. Code, tit. 2, § 1620.300(c)(7) (emphasis supplied). In addition, the OEIG's standard Request for Documents of Physical Objects language, which was provided to the CTA in this investigation states, states, in Form 400.1 (rev. January 2015)(emphasis supplied):

If you believe the release of the above-listed documents or subject matter of this request might violate existing rights or protections under State or federal law, or is personal or confidential in nature, **legally privileged** or otherwise sensitive, you may seek a determination from the Illinois Executive Ethics Commission ("EEC") relative to such rights or protections. You may assert any existing rights or protections under State or federal law with respect to the request, and such assertions made in good faith do not constitute failure to cooperate with this investigation.⁹

CTA has routinely asserted attorney-client privilege in response to the OEIG's prior Requests for Documents, and the OEIG has not objected or led CTA to believe that it needed to seek a determination from the Illinois EEC regarding its assertions.

CTA stands by its invocation of the attorney-client privilege in connection with communications between CTA in-house counsel and CTA management. It was not until receiving OEIG's Final Report that CTA first was made aware that the OEIG questioned CTA's privilege claims or that it viewed privileged documents as material to its analysis. The OEIG thereby foreclosed any opportunity for CTA to seek an EEC determination as to its privilege claims before those claims could be used against CTA in the Final Report. Moreover, it appears from the Final Report that the OEIG misunderstood multiple entries on CTA's privilege log, believing that some items were withheld that were in fact produced (and are even quoted in the Final Report) and misapprehending the log's first column as verbatim quotes of email titles (as opposed to just general descriptions of the email thread), as just a couple of examples.¹⁰ In this and in any future investigations, CTA would welcome the opportunity to discuss such issues with OEIG before a Final Report is issued to assist OEIG's investigations, ensure that such misunderstandings do not occur, seek an EEC determination when necessary, and in certain cases, determine whether it would be appropriate to waive the attorney-client privilege.

CTA's RESPONSES TO THE OEIG's RECOMMENDATIONS

Recommendation 1.

⁹ The OEIG issued a modified Form 400.1 in February 2025 to remove the "legally privileged" language, among other changes: "If you believe the release of the above-listed documents or subject matter of this request might violate existing rights or protections under State or federal law, you may seek a determination from the Illinois Executive Ethics Commission ("EEC") relative to such rights or protections. Assertions of any existing rights or protections under State or federal law, made in good faith, do not constitute failure to cooperate with this investigation. We request that you notify the OEIG of any such request for a determination."

¹⁰ On page 20 of its Final Report, OEIG states, "The CTA's privilege log also listed a March 21, 2020 email from [CTA Employee 7] to [CTA Employee 2] and [CTA Employee 5], with [CTA Employee 20] and [CTA Employee 1] copied, with the subject matter, 'Re: Total Number of Money Handlers in Office.' This email was not provided to the OEIG." This is a misunderstanding of CTA's privilege log. The only such email chain is the one that OEIG quoted at length at pages 19 and 20 of its Final Report. CTA did not withhold another email that fits this description.

With regard to the OEIG's [CTA Employee 5] of mismanagement, the OEIG notes that [CTA Employee 5], [CTA Employee 2], and [CTA Employee 20] all recently resigned or retired from the CTA. The OEIG recommends that these former employees not be rehired.

CTA retained outside counsel for the purpose of conducting an independent review of the extent to which the attorney-client privileged material supports or refutes the conclusion of mismanagement and OEIG's no-rehire recommendation. CTA's outside counsel has reviewed the privileged materials, reviewed the OEIG's evidentiary record, and interviewed former [CTA Employee 20] particularly with respect to the materials and interview subjects that were withheld or not discussed because they contained material that properly were the subject of the attorney-client privilege.

Following her review, CTA's outside counsel has concluded that CTA's records—including materials that are covered by the attorney-client privilege—do not support a [CTA Employee 20] that [CTA Employee 20] approved paying CTA employees while they remained home while unable to perform any CTA work. He was not responsible for the processing of the Vault Operations personnel under CTA's initial telework policy and the subsequent teleworking Administrative Procedure or approving telework agreements or timesheets for the Vault Operations employees. These tasks all fell well outside of any reasonable interpretation of [CTA Employee 20]'s responsibilities. More importantly, the record, including the emails referenced by the OEIG, does not support a [CTA Employee 20] that [CTA Employee 20] knew or was explicitly consulted about the fact that Vault Operations employees were being paid on an ongoing basis, past the initial onset of the pandemic, for work that was not actually being performed.

OEIG's Final Report states that [CTA Employee 5] and [CTA Employee 2] reported, generally, that they relied on [CTA Employee 20] for advice concerning how to handle issues with CTA employees during the pandemic, including the Vault Operations employees. CTA does not doubt that [CTA Employee 5] and [CTA Employee 2] consulted with [CTA Employee 20] and other attorneys on topics as needed. But the record from this investigation and attorney-client privileged materials do not support a [CTA Employee 20] that [CTA Employee 20] responded to the specific question of whether it was okay to pay Vault Operations employees to work from home when they were not, in fact, working. Ultimately, based on the telework policies that CTA put in place, it was up to each individual department to determine whether particular employees could—consistent with CTA's telework policies—be properly paid for remote work; we see no evidence that [CTA Employee 20] ever advised anyone contrary to such policies.

As CTA's [CTA Employee 5]'s activities during the pandemic, when CTA's customer base dropped 90%, involved a day-to-day battle to obtain sufficient funds so that the system could continue to operate. His efforts were very successful, and funds were obtained to ensure that CTA's buses and trains kept running throughout the pandemic. Under this backdrop, as well as the totality of [CTA Employee 5]'s achievements, it is difficult for CTA to characterize [CTA Employee 5]'s role related to this small group of Vault Operations employees, as intentional mismanagement. The March 20-21, 2020, emails show that CTA's

decisions were consistent with the approaches of other public employers during this unprecedented period around the pandemic's early stages. To be sure, at a certain point in time the Vault Operations employees should have been brought back to work for the full workweek and CTA has taken steps to ensure that this will not occur in the future. Notably, the OEIG [REDACTED] no intentional misconduct by [CTA Employee 5] or by [CTA Employee 2].

CTA will place a copy of the Final Report, this response, and any individual responses by the other respondents, in the Human Resources files of [CTA Employee 5] and [CTA Employee 2].

Recommendation 2.

The OEIG also recommends that the CTA examine its information and emails, particularly those documents withheld from the OEIG, to determine whether any other CTA management employees were reasonably aware of employees being paid for no work, and take appropriate disciplinary action.

The CTA accepts the OEIG's recommendation to examine its information and emails, including those withheld from the OEIG as privileged, to determine whether any other CTA management employees were reasonably aware of employees being paid for no work.

Given the apparent significance of the privileged materials to the OEIG's recommendations, CTA retained outside counsel to provide an independent examination of such information and emails. Outside counsel has advised that, based on the documents itemized on the privilege logs that CTA supplied to OEIG, no other CTA management employees were reasonably aware of employees being paid for no work, and, therefore, no other disciplinary action is appropriate at this time.

Recommendation 3.

The OEIG recommends that the CTA review its teleworking policies and practices and ensure that there are no other employees (including in other departments) that are being paid to stay home even if duties cannot be performed remotely; that all employees permitted to work remotely understand their duties when working remotely; and require employee agreements acknowledging such understanding.

The CTA accepts this recommendation. A review conducted immediately upon the receipt of the Final Report indicated that all CTA divisions report that there are no employees being compensated to perform remote work when such work is inconsistent with their job duties. Furthermore, CTA requested that its Internal Auditor verify these initial results. In particular, because the Vault Operations employees at issue here all were bargaining unit members, the Internal Audit Department reviewed whether any union-represented employees were approved to telework while being unable to perform their duties remotely. Internal Audit concluded that all bargaining unit employees currently approved for teleworking are able to perform functions of their jobs remotely.

As noted above, CTA has in place an Administrative Procedure that addresses the procedures for teleworking employees and their managers. CTA has instructed department

heads to review all current telework agreements in accordance with the provisions of CTA's Administrative Procedure.

Recommendation 4.

[T]he OEIG recommends that going forward, all Vault Operations employees be required to swipe in and out for the day at the [REDACTED] of the facility and that those records are periodically reviewed to ensure time abuse is not taking place.

The CTA accepts this recommendation. CTA responds further to state that due to increasing efficiency of fare collection and overall operations, the Vault Operations group has become smaller since the start of the pandemic. CTA can afford to leave vacancies unfilled as they occur without sacrificing results, so that the ten bargaining-unit personnel who once staffed Vault Operations is now down to two employees. Through this reduction in staff, CTA already has saved \$2,115,333 since March 2021 and continues to save \$760,000 annually.

Money handlers only count cash received by means of CTA's bus fareboxes. CTA's old bus fareboxes were not able to differentiate between different dollar and coin denominations but could only identify if a bill or coin was deposited into the farebox. CTA's new fareboxes can determine the bill and coin denomination, which means CTA will know exactly how much cash is inserted into each farebox in essentially real time.

Also, Vault Operations employees have been directed to swipe in and out at the appropriate entrance and exit points.

Recommendation 5.

The OEIG highly recommends that the CTA clarify operational practices/requirements for Vault Operations in order to ensure employees understand these procedures and managers appropriately apply these requirements.

The CTA accepts this recommendation. CTA is reviewing and updating the manuals governing the work of Vault Operations and will ensure employees understand these procedures and managers appropriately apply these requirements.

Very truly yours,

[REDACTED]

Kent S. Ray
General Counsel

cc: Susan Haling, OEIG
Lester L. Barclay, Chairman, Chicago Transit Board
Nora Leerhsen, Acting President, Chicago Transit Authority
April Morgan, Chief of Staff, Chicago Transit Board



PUBLICATION OF REDACTED VERSION
OF THE OFFICE OF EXECUTIVE INSPECTOR GENERAL FOR
THE AGENCIES OF THE ILLINOIS GOVERNOR
INVESTIGATIVE REPORT

Case 24-01140

Subject(s): Chicago Transit Authority (CTA), [CTA Employee 5], [CTA Employee 2] &
[CTA Employee 20]

RESPONDENT'S SUGGESTIONS FOR REDACTION / PUBLIC RESPONSE

Please check the correct box, then sign and date below. If no boxes are checked, the Commission will not disclose your response if the redacted report becomes public.

☒ Below is my public response. Please make this response public if the summary report is also made public; or

☐ Below are my suggestions for redaction. I do not wish for these suggestions to be made public

Respondent's Signature

4/10/25
Date

Instructions: Please write or type suggestions for redaction or a public response in the lines below. If you prefer, you may attach separate documents to this form. Return this form and any attachments to:

EEC@illinois.gov

or

Illinois Executive Ethics Commission
401 S. Spring Street, Room 516 Wm. Stratton Building
Springfield, IL 62706

<https://EEC.Illinois.gov>
Phone: (217) 558-1393
Fax: (217) 558-1399

401 S Spring Street
516 William Stratton Building
Springfield, IL 62706

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

April 10, 2025

Via electronic mail: EEC@Illinois.gov

RE: [CTA Employee 5] Response to Case No. 24-01140 Report¹

Dear Illinois Executive Ethics Commission,

This Commission is tasked with the great responsibility of weighing the right of fairness to [CTA Employee 5] with the competing transparency interest of the public. Regarding transparency, an investigation that suffers the fatal flaws of accuracy and completeness as demonstrated below has little to no value to the general public. The investigators failure to consider the complicated union and collective bargaining agreement's impact on the now criticized decisions, along with the CTA's refusal to provide the investigators with critical e-mails from CTA labor counsel to [CTA Employee 5], and the investigators' decision not to interview key witnesses completely undermines the subjective mismanagement [REDACTED] of the report and in turn extinguishes any value of transparency in its release to the public.

Regarding fairness, to publicly release a report forever maligning an individual's reputation for decisions he made following the recommendation by superiors to seek out the advice of counsel is simply unjust. Knowing that the report's [REDACTED] were based on an incomplete investigation and without the benefit of critical documents the CTA refused to release only further exacerbates the unfairness of the situation to [CTA Employee 5] who has been denied all basic due process rights throughout this entire ordeal.

A vote to release this report as is would cause [CTA Employee 5], a young executive with a long and promising career in front of him, irreparable harm in permanently damaging his reputation.² [CTA Employee 5] respectfully submits that based on the

¹ Upon receipt of the OEIG report [CTA Employee 5] retained counsel in order to protect his reputation from potential irreparable harm if the report were to be published by this Commission. This response has been drafted by counsel in consultation with [CTA Employee 5]. [CTA Employee 5] personal response to the OEIG report is attached as Exhibit A.

² The OEIG's March 17, 2025, letter requesting an expedited review and release of the report is particularly troubling. The three individuals named in the report have all left the CTA and the CTA has already notified the OEIG that they are reviewing the situation and making necessary changes at the Authority. Thus the request for expedited review does nothing more than haphazardly forever tarnish the reputation of an individual, who no longer has any decision-making authority at the CTA, based on an inaccurate and incomplete investigation.

[REDACTED] | [REDACTED]

significant flaws of the investigation noted below the [REDACTED] of the OEIG report are unsupported and thus the value of transparency is non-existent. Thus, in fairness to [CTA Employee 5], this Commission should vote to not release the report.³

To the extent this Commission finds some value in releasing a report based on inaccurate and incomplete information, [CTA Employee 5] would request that the Commission publish the version of the report that addresses the investigation into CTA Employee 1's misconduct, which was the initial impetus of this investigation (proposed redacted version attached as Exhibit B). Alternatively, to the extent the Commission finds the need for transparency regarding the CTA's practices involving union vault employees during and in the wake of the Covid-19 pandemic, [CTA Employee 5] proposes the releasing of a redacted report which protects his reputation in fairness to him recognizing the significant issues with the investigation, including the investigators lack of access to critical documents and their decision not to interview key personnel with knowledge of critical facts regarding the decisions now being critiqued. (Proposed redacted report attached as Exhibit C).

A. [CTA Employee 5] Background and History of Public Service.

[CTA Employee 5], a [REDACTED] with an [REDACTED], has always been committed to public service. [REDACTED] [CTA Employee 5] served in that role with distinction for over [REDACTED], receiving stellar reviews and having never been subject to any sort of disciplinary actions or critiques of his management decisions. [CTA Employee 5], like many other public servants, turned down far more lucrative offers in the private sector because he wanted to use his talents for the public good, a calling that previously led him to [REDACTED] and [REDACTED].

Following his tenure at the [REDACTED], [CTA Employee 5] remained in public service and was appointed to serve as the [REDACTED] for the CTA. [CTA Employee 5] served in this role for over [REDACTED], including assisting the CTA in navigating through the unprecedented issues caused to the Authority by the Covid-19 pandemic. [REDACTED]

Just as his work was commended at the [REDACTED], [CTA Employee 5]'s work as the [REDACTED] at the CTA was consistently recognized as superior by CTA upper management and he received stellar performance commendations for his tenure. [REDACTED]

³ Since the proposed discipline was not termination or a suspension of more than three days, the Commission has full authority to use its discretion to not publish the report. *See* 5 ILCS 430/20-52(a).

B. The OEIG's Investigation and Report is Inaccurate and Incomplete and Therefore Has No Transparency Value To The Public.

In balancing fairness to [CTA Employee 5] against the need for transparency, the Commission must take into account four critical facts that undermine the reliability of the OEIG's mismanagement [redacted] against [CTA Employee 5], which in turn negates the value of transparency in releasing the report: (1) the apparent lack of understanding and analysis by the investigators of the role that the union and corresponding collective bargaining agreement issues had on the CTA's decisions regarding how to handle the unionized vault workers during the pandemic; (2) the refusal of the CTA to provide the OEIG investigators with at least 21 documents and emails containing the legal advice of CTA Labor Relations counsel to [CTA Employee 5]; (3) the failure of the OEIG investigators to interview key personnel who have critical knowledge about the decisions being investigated in the report; and (4) a fair appreciation for the fact that the decisions at issue were being made during an unprecedented global pandemic for which there was no playbook for and where CTA leadership promised that no employees would go without pay (Report, at 24-25).

1. The Fact That the Vault Employees Were Unionized And Covered By The Collective Bargaining Agreement Was Never Analyzed or Discussed In The Report.

The genesis of Case No. 24-01140 was based entirely on a complaint made alleging four specific allegations of misconduct against CTA-Employee 1, none of which had anything to do with [CTA Employee 5].⁵ The complainant made allegations

⁴ It is worth noting that the OEIG investigators never interviewed [CTA Employee 5]'s superiors.

⁵ [CTA Employee 5] recognizes that it is common for investigations into one individual to expand to include others, but in weighing the transparency factor the Commission should consider that the initial allegations of misconduct made and actually investigated had nothing to do with [CTA Employee 5]. If the investigators decided to expand the investigation on their own then it was incumbent on them to do a full examination of the facts and review all of the necessary materials. As demonstrated below, that was simply not done here. Thus, the redacted report attached as Exhibit B could be released which would provide full transparency into the issues raised by the original complainant.

centered solely on an individual CTA Employee (CTA Employee 1) and this employee's alleged failure to adequately supervise his direct reports (the "vault employees"). As part of this investigation, the investigators *sua sponte* expanded their investigation into analyzing telework decisions made by the CTA during the pandemic and eventually criticizing [CTA Employee 5] for his role in how the CTA's work rule practices were implemented for bus union employees in an office setting.⁶

In expanding the initial investigation, the investigators never took into account that the vault employees in question were all members of [REDACTED] whose work rules were embedded in the collective bargaining agreements and labor union rules, which were outside the scope of [CTA Employee 5]'s knowledge and training. [CTA Employee 5] had always been instructed by CTA management that any decisions being made involving unionized workers had to be done in consultation with the CTA's Labor Relations department and the attorneys therein.

The OEIG report makes no mention of the fact of [CTA Employee 5]'s limited direct day to day involvement with the vault employees. There were three levels of review between [CTA Employee 5] and the vault employees. In making these decisions regarding how to handle the vault employees during the pandemic, [CTA Employee 5] relied completely on the advice of Labor Relations counsel, who were skilled in the legal intricacies of the collective bargaining agreement which had to inform how these decisions were made.

For example, it was [CTA Employee 5]'s understanding that the collective bargaining agreement prohibited any reduction in hours of unionized employees without the CTA negotiating this directly with the [REDACTED] union officials. In attempting to navigate the safety of CTA employees during the pandemic without running afoul of the complicated collective bargaining agreement, [CTA Employee 5] consulted with CTA's Labor Relations attorneys in determining how to keep these employees safe without reducing hours and running afoul of collective bargaining rules. These union issues were outside the scope of the [REDACTED] duties and explains why [CTA Employee 5] was instructed to consult with Labor Relations counsel in any union related matter.

The OEIG report never mentions the impact of the collective bargaining agreement on the decisions being analyzed in the report. The investigators interviewed none of [CTA Employee 5]'s supervisors inquiring into the directives they gave [CTA Employee 5] regarding making decisions regarding unionized workers. In determining how to handle the vault workers during the pandemic, [CTA Employee 5] and others worked hand in hand with the Labor Relations department attempting to navigate the collective bargaining agreement that governed these complicated (and unprecedented) legal

⁶ Further complicating these issues is the fact that the vault employees were not just union employees, but members of the bus union. Being office workers represented by a bus union raised unique challenges which again is why [CTA Employee 5] was instructed to consult with Labor Relations counsel before making any decisions regarding these unionized vault employees.

issues. [CTA Employee 5] followed that advice and consulted with the attorneys in the Labor Relations department and followed their legal advice on this issue.

The OEIG report relies on select telework policies that were circulated at various times during the pandemic but it was [CTA Employee 5]'s understanding that these policies did not apply to the union workers. This understanding was based both on his discussion with CTA Labor Relations attorneys, as well as the clear wording on many of these published policies.⁷ The failure to address, investigate, or even contemplate these complicated union issues completely eviscerates the validity of the OEIG's [CTA Employee 5] and again should inform this Commission's weighing of the fairness factor to [CTA Employee 5] in deciding whether to release the report. It should also completely undermine the value of transparency in releasing this report as a fair examination of the decision how to handle the vault employees during the pandemic cannot take place without delving into the union issues that governed those decisions.

2. The CTA's Refusal to Provide Material Emails and Records From CTA's Labor Relations Counsel Further Undermines the Validity, And In Turn the Value of Transparency In Releasing The Report.

Not only does the OEIG report completely ignore the union and collective bargaining issues which were critical in the decision-making process to pay the vault employees during the pandemic, but the investigators were also deprived of access to critical emails in which the legal reasons for these decisions were discussed. For unknown reasons the CTA withheld numerous critical communications between the Labor Relations department and [CTA Employee 5] (and others) in which [CTA Employee 5] was receiving guidance on the exact decisions the report is attempting to evaluate. As noted above, [CTA Employee 5] received clear guidance from his superiors at the CTA to follow the instructions of CTA Labor Relations attorneys on *all* issues involving union employees and the collective bargaining agreement. [CTA Employee 5] did that and received both oral and written instructions from CTA Labor Relations counsel on these exact decisions. Many of these critical written communications were either redacted or not provided at all by the CTA. Instead of challenging the CTA's refusal to release these emails as is common in these types of OEIG investigations, the investigators went forward and made subjective conclusions about decisions that were made without the benefit of full transparency of the legal advice [CTA Employee 5] received. This is patently unfair to [CTA Employee 5] and should further inform the Commission's vote on this matter.

As noted in the OEIG report, the CTA redacted critical communications between [CTA Employee 20] and [CTA Employee 5] and withheld at least 21 separate communications

⁷ The OEIG report refers to Administrative Procedure 1029 which set forth the rules for telework at the CTA during the pandemic. (Report, at 11). However, on its face the Administrative Procedure was limited only to "Non-Bargained Employees" which to [CTA Employee 5]'s understanding meant it did not apply to the unionized vault workers.

between CTA Labor Relations counsel and [CTA Employee 5] (and others) by claiming attorney-client privilege (Report, at 18, fn 45). In making the decisions the OEIG report now criticizes, [CTA Employee 5] was following the orders of CTA leadership by consulting with CTA Labor Relations counsel. The CTA's refusal to provide critical communications on the instructions provided, and the OEIG investigators not fighting for the release of these withheld emails, completely undermines the validity of the report's [REDACTED]

The investigators identify this issue noting, "It is possible that the CTA has more evidence relevant to discussions between Labor Relations and [CTA Employee 5] and [CTA Employee 2], however, the CTA has chosen to withhold requested information from the OEIG based on an asserted attorney-client privilege." (Report, at 26) To be clear, it is not only "possible" that the CTA has more relevant evidence on this issue, it is *certain* based on the specific information contained in the CTA's privilege log demonstrating this fact. For this Commission to vote to release this report causing irreparable harm to [CTA Employee 5] when the investigators acknowledge that the CTA is withholding critical information is not only unfair to [CTA Employee 5], it is simply unacceptable and again completely undermines any value in transparency of an incomplete and inaccurate report.

Just by way of example, the privilege log produced by the CTA to the investigators references an April 12, 2022 email from [CTA Employee 5] to [REDACTED] [CTA Employee 20] with the subject matter "Extending Telework Option to Bargained-For [union] Employees." (Report, at 21). This entire email thread, and a later conversation with the same subject matter were all withheld from the investigators. The law recognizes an advice of counsel defense based on the common sense principle that an individual should not be held liable for actions taken based on reasonable reliance on the advice of counsel.⁸ Similarly, an executive who is relying on the advice of counsel in making decisions regarding complicated union rules and regulations of which he is not trained in should never be [REDACTED] liable for "mismanagement" when they followed the advice of counsel as directed. Indeed, if an executive were to ignore the advice of counsel in making decisions that fact alone would likely substantiate a [REDACTED] of mismanagement by the OEIG.

Not only did the CTA's refusal to release these emails inhibit the investigators ability to make a knowledgeable [REDACTED] regarding [CTA Employee 5]'s judgment in following counsel's advice, but it also prevented the investigators from fairly evaluating the credibility of key witnesses. There is a definite tension between [CTA Employee 5]'s recollection of these events and those of [REDACTED] [CTA Employee 20]. [CTA Employee 20] in his interview clearly states he "was responsible for advising and counseling upper management on a variety of labor relations employment issues, as well as labor

⁸ This is why in qualified immunity cases courts use the fact that a public official relied on counsel's advice as a significant factor in assessing whether that official is entitled to qualified immunity for that decision. *See Tubbesing v. Arnold*, 742 F.2d 401, 407 (8th Cir. 1984).

negotiations.” Yet [CTA Employee 20] also claimed “he did not recall **any** discussions related to bargained-for employees and was not aware of any bargained-for employees that worked remotely when they could not do any work at home.” (emphasis added) (Report, at 22). The limited details provided in the CTA’s privilege log demonstrate [CTA Employee 20]’s claim is demonstrably false and the CTA’s failure to provide these emails further undermines the legitimacy of this investigation.

In a complete and proper investigation the investigators would have been able to confront [CTA Employee 20] with his emails which conclusively demonstrate he did in fact have multiple discussions on these issues and either jog his memory or further enable the investigators to properly assess his credibility on this point. By not having access to these emails the investigators were severely impaired in their ability to assess the facts necessary to support their eventual [REDACTED]

It was not just one or two emails the CTA withheld but at least 21 separate exchanges. Based on the descriptions contained in the CTA’s privilege log, these emails appear to directly contradict [CTA Employee 20]’s claimed lack of recollection about providing legal advice on the handling of vault employees and corroborate [CTA Employee 5]’s recollection. For example, the CTA withheld an email chain involving [CTA Employee 5] and [CTA Employee 20] sent on March 21, 2020, with the subject line “Total Number of Money Handlers in Office.” This email was withheld by the CTA. (Report, at 20). The transparency value of releasing a report criticizing [CTA Employee 5]’s decision making when the investigators did not have access to the legal advice he was receiving and following at the time is virtually nil.

3. The Investigators Failed To Interview Essential CTA Personnel Involved in the Decision-Making Process Being Critiqued.⁹

In addition to the investigators not having access to all the pertinent information based on the CTA’s blanket invocation of the attorney-client privilege, the investigation is also incomplete because the investigators failed to interview key personnel with knowledge of the material circumstances discussed in the report. Notably, the OEIG’s [REDACTED] of mismanagement against [CTA Employee 5] relates solely to the decision to allow the vault employees to work from home during the pandemic and its aftermath. As noted above, [CTA Employee 5]’s oversight included [REDACTED]

[REDACTED]

⁹ Because it was the investigators themselves who decided to expand this investigation far from the initial complaint that started the investigative process, it is more egregious that they chose to then severely limit the amount of necessary interviews done and records obtained in attempting to fairly decide the issues of the expanded investigation. The failure to conduct necessary interviews should further enhance the fairness to [CTA Employee 5] factor and diminish the value of transparency in this Commission’s review process.

As noted by the graph on page 2 of the OEIG report, there were three separate levels of management between [CTA Employee 5] and the vault employees. Despite claiming to be a full and fair examination of the facts, the investigators never interviewed CTA Employee 7 (nor even requested to interview her), the [redacted] and [redacted] for the CTA, [redacted] CTA

[redacted] Employee 5 Had the investigators interviewed CTA Employee 7 [CTA Employee 5] submits based on information and belief that she would have informed them that she was present for conversations in which CTA Labor Relations counsel provided legal advice to herself and [CTA Employee 5] that the unionized vault employees be allowed to work from home even though their jobs could not be performed remotely. Had she been interviewed, [CTA Employee 5] further submits that based on information provided in the OEIG report (Report, at 2, 19-21, 25) as well as on information and belief CTA Employee 7 would have further stated that CTA Labor Relations counsel advised that the unionized vault employees should continue to receive their paychecks whether or not they were in the office.

In addition to CTA Employee 7, the investigators apparently did not interview any of [CTA Employee 5]'s supervisors who would have directed him to confer with Labor Relations counsel. Why the investigators did not interview other CTA officials above [CTA Employee 5] makes little sense as [CTA Employee 2] told the investigators "the decision to authorize Vault Operations employees to be at home came from the President's Office when the CTA shut down its offices due to the pandemic" (Report, at 16). [CTA Employee 2] further stated, "it was Labor Relations decision that these employees would still be getting paid even when not working." *Id.* Why there were no follow-up interviews with senior officials in the President's Office on these issues is inexplicable and once again completely undermines the legitimacy of the report and its conclusions, and in turn the value of any transparency of the [redacted]

4. The Managerial Decisions Being Criticized Took Place During an Unprecedented Global Pandemic and the Post Emergency Period.

The decisions being examined and criticized after the fact all center on decisions made by the CTA regarding how to operate mass transit, including managing and paying workers during the Covid-19 pandemic. The investigators are examining the CTA's decisions made either during or in the wake of the pandemic regarding bus union employees in an office setting.

There was no plan in place for how to handle a pandemic at the CTA. The CTA's policies for telework and paying workers were being created and rolled out in a necessarily rushed fashion, in the same way every other industry was attempting to navigate these uncharted waters. The situation was additionally complicated by the vault union employees who were part of the bus operators' union ([redacted]), which was controlled through a collective bargaining agreement and union

agreements separate from wider telework agreements for non-bargained (i.e., non-union) employees.

[CTA Employee 5] had asked at the start of the pandemic if the vault functions could be outsourced (Report, at 19), but was instructed by Labor Relations that was not possible. Additionally, at the outset of the pandemic all office staff of the CTA, which included the vault employees, were told by senior CTA officials to work from home. Moreover, senior CTA officials made both private and public assurances to all CTA employees that no CTA employee would go without pay due to the Covid-19 pandemic. This investigation is not a litmus test into whether the CTA's decision to pay its workers for working from home was a good or bad decision, it is supposed to be to determine if fraud, waste or abuse was intentionally occurring.

The post emergency period was additionally complicated and [CTA Employee 5] again turned to Labor Relations counsel for guidance. On April 12, 2022, [CTA Employee 5] sent an email to [CTA Employee 20] titled "Extending Telework Option to Bargained-For Employees" and again on April 18, 2022. Both email exchanges were withheld by the CTA (Report, at 25). In January 2023, the OEIG report again identified a conversation identified by [CTA Employee 2] of a conversation with [CTA Employee 5], [CTA Employee 20] and [CTA Employee 21] regarding increasing work rules for the union employees (Report, at 26). This critical communication was also withheld from the investigators by the CTA.

C. Lack of Due Process Protections For [CTA Employee 5].

In weighing the fairness to [CTA Employee 5] factor, [CTA Employee 5] respectfully requests the Commission to recognize the complete lack of due process protections that were afforded to him as part of this investigation. [CTA Employee 5] was never afforded a hearing on this matter. He was never allowed to cross-examine any witnesses or challenge any of the [CTA Employee 5] of the investigators. He was never provided with any access to documents or records which would rebut many of the flawed assertions in the report.

[CTA Employee 5] was not even working for the CTA when they requested to interview him regarding this matter. [CTA Employee 5] could have simply refused to even speak with the investigators. But that is not who [CTA Employee 5] is. Instead, he volunteered his own time and met with the investigators because he wanted to help improve the CTA going forward. The investigators were dishonest with [CTA Employee 5] and told him that he was not a target of the investigation and they just wanted his information to help improve the CTA.¹⁰ As such, [CTA Employee 5] did not have independent counsel present for any part of this process nor to direct the investigators to documents they should request or individuals they should interview. [CTA Employee 5] was never allowed to see the report before

¹⁰ This tactic and failure to advise [CTA Employee 5] that he was a target of the investigation seems at odds with the published procedures for how investigators should conduct these types of interviews with public employees.

it was finalized nor was he allowed to comment on it or provide valuable context as noted above. Instead, [CTA Employee 5] was sent a final report and now is left only to argue to this Commission that it should not release the report and forever damage his reputation based on a one-sided investigation that denied him basic due process rights.

The OEIG does not hesitate in recognizing the lack of fairness and due process protections for [CTA Employee 5]. In attempting to justify their refusal to push back on the CTA for not releasing critical emails which would be needed to fairly assess [CTA Employee 5]'s decisions at issue in this report, the OEIG writes, "the OEIG believes that issuing this report of investigation to ensure the CTA ceases paying employees who conduct no CTA work outweighs delaying issuance to legally challenge the CTA's generalized privilege claims." (Report, fn 45). First, this is a false narrative. The CTA indicated that it is implementing some or all of OEIG's recommendations (Report, at FORM 700.7). Second, while the OEIG may not care about the fairness to [CTA Employee 5] in the CTA's refusal to provide the requisite documents needed to support a legitimate [redacted] of mismanagement, this Commission hopefully takes their charge of weighing fairness to the accused more seriously.

CONCLUSION

While this Commission's role in deciding to publish or not publish a report is most likely often a rote decision where the choice is obvious, there are cases such as this where the decision is not clear and will forever impact the life of the accused. This Commission was intentionally empowered with the full and complete discretion to not publish certain reports which indicates that it was intended for this Commission to conduct a true balancing test of fairness to the accused versus the value of transparency.

[redacted] made as part of a rushed and incomplete investigation, where investigators were deprived of critical documents and information needed to make a grounded and informed decision has no transparency value to the general public. The unfairness of criticizing [CTA Employee 5]'s decisions which were made as directed with the advice of counsel all while denying him basic due process rights further counsels this Commission to vote to not publish this report with respect to [CTA Employee 5].

Sincerely,

/s/ [redacted]

Counsel for [CTA Employee 5]

April 10, 2025

Members of the State of Illinois Executive Ethics Commission:

I appreciate the opportunity to introduce myself and give you context regarding my actions and service as [REDACTED] of the Chicago Transit Authority (CTA). My name is [CTA Employee 5]. I have devoted my professional life to public service—beginning as an [REDACTED] and continuing for more than two decades in [REDACTED], serving the [REDACTED] and the CTA.

I am a graduate of the [REDACTED], where I learned the foundational values of duty, honor, and service—principles that have guided every step of my career. I later earned my [REDACTED], where I further developed my commitment to mission-driven leadership and ethical financial stewardship.

Throughout my career, I have held myself to the highest standards of ethics, accountability, and public trust. I take seriously the tremendous responsibility of managing taxpayer resources and have consistently prioritized transparency, fiscal discipline, and doing the right thing, even when difficult or unpopular.

During my tenure at CTA, I was proud to help lead the agency through some of its most challenging periods, including the COVID-19 pandemic. I was honored to lead

[REDACTED]

[REDACTED]

The decision to leave CTA was not made lightly; however, I was presented with a rare and deeply meaningful opportunity that aligns with my longstanding commitment to mission-oriented work. While I am excited by this next chapter, leaving the CTA—an institution I hold in the highest regard—was an emotional and difficult step rooted in my strong sense of loyalty to the organization and its people.

With respect to the matter before this Commission, I want to be clear: I acted in good faith, following the explicit guidance and direction of CTA's union Labor Relations attorneys and my supervisors. At the CTA, all employees, including senior management, are expected to follow the guidance of the Labor Relations legal team when addressing matters involving union-represented employees.

This process was particularly complicated during the pandemic and its aftermath, as we managed through an unprecedented public health crisis and an uncertain and dynamic environment. There are highly specific and detailed rules governing union labor matters, including hour reductions, job duties, and processes around seniority, as outlined in the collective bargaining agreements with the unions. The highly specific nature of these rules made decisions around union members particularly sensitive and challenging, which was why senior managers were referred to the union Labor Relations lawyers for direction.

Although I am no longer employed by the CTA and have no access to CTA emails, files, or notes, I voluntarily agreed to speak with the Office of the Executive Inspector General without independent counsel. I had no obligation to do so, but I chose to participate because of my unwavering commitment to public service, transparency, and accountability. I have nothing to hide and every reason to support the continued strength and credibility of the public institutions I've been honored to serve.

The OEIG [REDACTED] have been personally devastating. I have devoted my life to public service, and having my integrity questioned has been profoundly painful. More than anything, I am heartbroken for the impact this has had and will have on my family, especially my [REDACTED], who looks to me as a role model. The values I've tried to live by—honor, accountability, and doing the right thing—are the same ones I've tried to teach [REDACTED] and learned from my parents. To be in a position where those values are in question has been difficult to bear.

Serving the public has been one of the great privileges of my life. [REDACTED] [REDACTED], from CTA to serving on [REDACTED] to my current role, I have always led with purpose—committed to integrity, service, and upholding the public's trust. I remain guided by those principles today.

Thank you for the opportunity to share this letter and clarify my actions and intent. I take great pride in my service and remain hopeful that this Commission will exercise its discretion to not publish this inaccurate and incomplete report.

Sincerely,

/s/ [CTA Employee 5]
[CTA Employee 5]