



**ROGER W. HOLMES**  
Inspector General for the City of Springfield

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P.O. Box 2459  
Springfield, IL 62705

DATE: April 9, 2018

## **INSPECTOR GENERAL'S REPORT TO THE CITY COUNCIL**

### **UPDATE TO 2017-OIG-12**

This case was opened in the 4<sup>th</sup> quarter of 2017 and is the same Complainant as SPI-OIG-2015-003 and SPI-OIG-2015-007 opened by Hillard-Heintze. I spoke with Complainant in January of 2016 in response to his complaint to Hillard-Heintze that the City was not following federal employment guidelines relating to African-Americans and other minorities. As of January of 2016, Complainant did not wish to pursue the matters with me.

I heard from Complainant again in late 2017 regarding the same hiring issues relating to City Water Light & Power. Complainant, Larry Beckom, declined to be referred to anonymously as in the normal procedure for Inspector General reports.

Mr. Beckom raises the issue that CWLP's Water Purification Treatment Division has no African-American employees, among its 14 employees.

Mr. Beckom has studied to become a Water Treatment Operator and represents that he currently holds an EPA Water Treatment Operator License. Mr. Beckom has previously, unsuccessfully, applied for that position and interviewed with former City Human Resources Director, Melina Tomaras-Collins. Mr. Beckom also claims that current water treatment workers are not fully licensed.

I interviewed Ted Meckes, CWLP Water Division Manager, at length. Mr. Meckes represents that each of the current Water Operators holds a Class A license issued by the EPA even though the EPA does not require that every Water Operator have a Class A license.

Of the 14 current Water Operators, one is a minority of Pacific Island descent and the other 13 are Caucasian males. All workers in the Division are members of the Operating Engineers Local #399-7. There is very little turnover in this Department with 5 of the 14 having been hired in the 1980's and 1990's. The last hire in this Division occurred in March of 2014.

In response to whether or not there have been African-American employees in this Division, I was provided a list of 3 prior African-American workers. One worked from June 1980 until retirement in June 2003, another worked from December 2009 until transferred to a different position in November of 2014, and the third worked from December 2003 until leaving City employment in July of 2010. While it is problematic that the current makeup of the Department contains only one minority worker, I found no specific evidence that the under

utilization of minorities was intentional, but was more closely related to the licensing requirement for the Operators who are tasked with insuring the purity and quality of CWLP drinking water, together with the very low turnover in the Department, there having been no job openings for more than 4 years.

Due to the small sample size of the Water Treatment Department, minority hiring should be looked at across a broader cohort. Water Division Manager Meckes also oversees the Water Distribution Department, which has 46 employees, 7 of whom are African-American and 3 of whom are female. Additionally, Meckes oversees the Water Resources Department which has 4 employees, of whom 1 is African-American, 2 are male and 2 are female.

On a broader scale, as of October 2017, City Water Light & Power had 556 employees of which 11.48% were minorities. The total employment by CWLP is a much larger cohort than just a Water Operator's and gives a clearer picture of minority hiring overall.

The City of Springfield currently has its Affirmative Action Plan in place, last certified in February of 2017 and, I am advised, is in the process of annual review. At page 56 of the current Plan under the heading "Action-Oriented Programs, Section (B)(2) Recruitment – encourages the City to make available information on job opportunities to all applicants on a non-discriminatory basis." I have reviewed a copy of the last job posting for a Water Operator which occurred in December of 2013 and the job posting states, "AN EQUAL OPPORTUNITY/AFFIRMATIVE ACTION EMPLOYER."

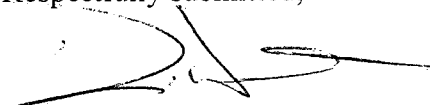
The City Code of Springfield states at Section 36.02, "It is the policy of the City to be an equal opportunity employer. No officer or employee of the City shall discriminate against any other officer or employee, or applicant for employment on the basis of sex, race, color, religious belief, national origin, political affiliation, marital status, age, sexual orientation or handicap unrelated to the person's ability to perform the duties of a particular job or position, except where a bonafide occupational qualification exists."

Section 93.09(b) mirrors similar language in defining Civil Rights violations and unfair employment practices.

### **RECOMMENDATION**

Recognizing the small size of the Water Treatment Department and the very low turnover rate, it is still anticipated that there will be job openings in the future. As in all City hiring, the hiring process must strictly comply with the aforementioned affirmative action and equal opportunity requirements. It is further recommended that upon the existence of an opening in the Water Treatment Department an aggressive search be made for minority applicants at the Southern Illinois University at Edwardsville, which offers an education program in Water Treatment Operations and elsewhere. CWLP's Water Treatment Department should also consider an internship program in conjunction with the SIUE curriculum seeking and nurturing aspiring minority applicants.

Respectfully submitted,



Roger W. Holmes, Inspector General



**ROGER W. HOLMES**

Inspector General for the City of Springfield

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DATE: March 30, 2018

**INSPECTOR GENERAL'S REPORT TO THE CITY COUNCIL**

**UPDATE TO 2017-OIG-13**

The Complainant in this case was also a Complainant logged in by Hillard-Heintze during the period after which their contract with the City ended. They logged the matter in as SPI OIG 2015-10, -11 and -12 on April 15, 2015. They described the anonymous caller as raising issues regarding "equipment purchases", "employee doing personal work on City time," and "hiring practices at CWLP." Hillard-Heintze did capture the anonymous caller's telephone number. As will be significant below, Hillard-Heintze reported that the anonymous caller left messages on only those 3 topics.

Upon beginning my term as consultant to the Mayor on Inspector General matters, I called the telephone number associated with the anonymous call and introduced myself on January 18, 2016. After responding to a series of questions from Complainant to authenticate who I was, Complainant indicated no interest at that time in moving forward on the matters called about and did not give a name. I gave Complainant my telephone number and email address and the conversation ended.

Thereafter, on February 29, 2016, I received an email from Complainant and on March 8, 2016, I met with Complainant face-to-face. Complainant was reading from what appeared to be a journal and the Complainant raised issues of a hostile work environment stating that as a female employee, her supervisor invited her into his private office and pulled her toward him, kissed her and attempted to insert his tongue into her mouth. She also indicated that she felt that there was retaliation by her supervisor from rejecting his alleged advances. At the conclusion of the interview, I asked for a copy of her journal and she said that she would provide that.

On March 14, 2016, Complainant left a message that she would drop off the journal. That never occurred and there was no further contact for a period of approximately 18 months.

On October 18, 2017, the Executive Secretary in the City Council Coordinator's office forwarded an anonymous voicemail to me in which a female voice, which I had recognized as Complainant's, complains about sexual harassment and names the Respondent and claims that there were others now. I still had no further contact from Complainant until November 8, 2017 when she called and asked that I open a new investigation and confirmed that she was the

anonymous caller to the City Council Coordinator's office the previous month. I once again had a face-to-face meeting with Complainant and she brought her journal with her, but did not share a copy with me. Complainant claims that the alleged act of sexual harassment, being the kiss in Respondent's office, occurred on February 20, 2014, which was 3 and a half years prior to the renewed claim which Complainant brought to me. As in my March, 2016 interview, Complainant promised to provide statements or contact information relating to other alleged victims of Respondent. Just as in the March, 2016 meeting, Complainant was unable to provide such statements or contact information and said that the persons were reluctant to come forward or retired.

Complainant did provide me with a copy of a document titled "GRIEVANCE RESOLUTION" executed September 18, 2015 reassigning Complainant to a different job until her "irrevocable Retirement Date effective February 22, 2016." The Agreement maintained her compensation at its pre-existing levels until the retirement date. In exchange, Complainant agreed to waive any legal claim against the City. The Grievance Resolution was signed for the City by Stephanie Barton and by an IAMAW union representative along with Complainant. A redacted copy of the Grievance Resolution is attached hereto and made a part hereof as Exhibit A to this Report.

If my investigation were to result in a finding in favor of Complainant, my course of action would be to refer the matter to City of Springfield Human Resources for appropriate action. Upon learning of the Grievance Resolution, I contacted the Human Resources Director to see if any disciplinary or corrective action has been taken against Respondent at the time of the Grievance Resolution. HR responded to my inquiry by providing a lengthy, detailed confidential report regarding the alleged incident. This investigation was conducted under the direction of then Human Resources Director, Melina Tomaras-Collins in July, 2015. Also participating in the investigation was Molly Smith and Jim Kuizin.

During HR's interview with Complainant, she also read from "a log," starting with February 20, 2014. Complainant said that she had had a good relationship with Respondent until he became her supervisor in December of 2013. Complainant was an unsuccessful applicant for that same supervisor position. During her interview with HR, she gave a list of co-workers that she requested be interviewed. HR interviewed a total of 10 City employees in addition to interviews with Complainant and Respondent. Significantly, 4 female employees were interviewed, none of whom had complaints against Respondent and none of whom claimed hearing complaints about Respondent from anyone except for 1 interviewee who had heard of Complainant's accusations.

Many of Complainant's co-workers were interviewed and most indicated that Complainant had been difficult to work with and made reference to her ever increasing complaints about work assignments. Co-workers observed that Respondent would, at times, micro-manage the Department and overrule crew leaders regarding work assignments. The 2015 Human Resources investigation also contained an interview with Respondent who flatly denied Complainant's assertion that he had kissed her or made any other sexual advances.

At the conclusion of Human Resource's 2015 review of Complainant's allegations, the following finding was made, "Upon thorough, objective, and thoughtful review of the Complaint along with the statements made by all involved parties, there is insufficient evidence to support allegations of harassment, hostile work environment or discrimination."

After reviewing the 2015 Human Resources Report, I conducted my own face-to-face interview with Respondent with Human Resources Director Jim Kuizin present. Respondent was cooperative during the lengthy interview and responded directly to all of my questions. Respondent stated that immediately upon becoming Supervisor, Complainant brought him a list of how he should run the Department and appeared in his office on a frequent basis. Most significantly, Respondent stated that Complainant continued to visit his private office after the time period that Complainant alleges the unwanted physical contact occurred. Respondent stated that he first heard Complainant's allegations about the unwanted contact long after it was alleged to have occurred and upon hearing the allegation, he ceased any direct contact with Complainant even though he was her Supervisor. Respondent stated that he communicated her work assignments through crew leaders.

During the interview, Respondent repeatedly and vehemently denied the allegations made by Complainant.

It is significant to note from an Inspector General's standpoint that Complainant's first contacts with Hillard-Heintze occurred 14 months after the alleged unwanted kissing incident, yet when she left her anonymous complaint with Hillard-Heintze, she referenced equipment purchases, employees doing personal work on City time and CWLP hiring practices and made no mention of any allegations of physical or sexual misconduct. Additionally, 4 months before I initially contacted Complainant, based upon her anonymous messages to Hillard-Heintze, Complainant had entered into the Grievance Resolution with the City, waiving any claims against the city in exchange for a job reassignment and retirement. At the time of my initial contact with Complainant in January, 2016, she said she had no interest at that time in pursuing her Complaint, but subsequently met with me in March of 2016, more than 2 years after the alleged incident. After the March 2016 meeting, I heard nothing directly from Complainant until November of 2017 at which time I interviewed her, reviewed the HR Department's thorough 2015 investigation of the alleged incident, and I interviewed Respondent. None of the corroborating witnesses or other promised recipients of Respondent's sexual misconduct have ever been produced to Complainant.

Therefore, for the same reasons stated by City Human Resources in their 2015 Report, Complainant, after a thorough investigation by both HR and the Inspector General, has failed to produce adequate evidence to warrant action against Respondent. I personally advised Complainant of my conclusions and that I would be closing the case.

While all allegations of unwanted physical or sexual contact warrant a thorough investigation, this matter has been sufficiently investigated on multiple occasions over the last 4 years and the Inspector General's investigation is closed without further action.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Roger W. Holmes". The signature is fluid and cursive, with a long horizontal stroke at the end.

Roger W. Holmes, Inspector General

GRIEVANCE RESOLUTION

CITY OF SPRINGFIELD, OFFICE OF PUBLIC UTILITIES

AND

DISTRICT No. 9 INTERNATIONAL ASSOCIATION OF

MACHINSITS AND AEROSPACE WORKERS

In full and complete resolution of the issue pertaining to [REDACTED]  
[REDACTED] the parties hereby agree as follows:

1. The union shall refrain from filing any grievances related to complaint filed by [REDACTED] and the temporary assignment as agreed to below:
2. Effective September 21, 2015, [REDACTED] shall report to PMC from 7:30 a.m. to 4:00 p.m. (with a half hour lunch) and perform assigned job duties at the PMC location until her irrevocable retirement date effective February 22, 2016.
3. [REDACTED] shall continue to receive her negotiated rate as a Buildings & Ground Utility Person and shall continue to enjoy the terms and conditions of the collective bargaining agreement.
4. [REDACTED] by and through her signature on this agreement, hereby voluntarily and without duress agrees to waive and/or not file any legal claims of any kind against the City, arising out of her employment with the City of Springfield;
5. This resolution is made without prejudice or precedent to either party and can only be used for the enforcement of its terms pertaining to [REDACTED]

Stephanie Barton  
For the City

Date: 9-18-15

Ann Ballesteros  
District No. 9 IAMAW

Date: 9-18-15

[REDACTED]  
Date: 9-18-15



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DATE: March 22, 2018

## **INSPECTOR GENERAL'S REPORT TO CITY COUNCIL**

Case No. 2017-OIG-15

I was contacted by Complainant regarding an incident with a City employee. Complainant initially contacted an Alderman to question whether a City employee was operating a business which conflicted with the employee's duties to the City and whether or not that business was being conducted on City time. The Alderman contacted the employee's supervisor and was told that the City was aware of the employee's side business when hired and that there was no indication that the employee engaged in the side business on City time. Thereafter, the Alderman reported the findings back to Complainant.

Three days after Complainant's initial contact to the Alderman, the City employee filed a Verified Petition for Stalking No Contact Order with the Circuit Court of Sangamon County against the Citizen Complainant. As grounds seeking no contact order, the employee stated,

"18 Oct 17- (Complainant) emailed an Alderman that forwarded the email up to (employee's supervisor) accusing me of performing my home inspection duties while I was on the job w/the City."

Initially, on the basis solely of the Verified Petition, without Complainant's participation in Court, a Sangamon County Associate Circuit Judge issued the Emergency Stalking No Contact Order and set the matter for a full hearing on the merits, with both sides present, 20 days later. Thereafter, the Court conducted a hearing on the merits with the employee present and the Complainant present in person and by a privately retained attorney. After hearing the evidence, the Court vacated the Emergency Order and dismissed the Petition for a long term Order on the basis of "insufficient evidence." Complainant relates spending \$1,800 to retain private counsel to defend Complainant and ultimately succeeded in vacating the Emergency Order and dismissing the City employee's case.

Under repeated questioning by me, Complainant steadfastly maintained that there was no prior relationship with the employee other than having met the City employee socially. If there had been a family, marital or dating relationship between Complainant and employee, it would have been more properly brought as a Petition for Emergency Order of Protection rather than a Petition for Emergency Stalking and No Contact Order, which is used in all other situations.

As clearly stated in City employee's Petition for the Stalking No Contact Order, it is based solely upon the Complainant's inquiry through the Alderman regarding the City employee's side business.

Based upon the specific wording of the City employee's Petition, it is my opinion that the employee was acting in retaliation for the Complainant's inquiry.

The City of Springfield has adopted its "Rules of the Springfield Civil Service Commission", which states at Section VI, Rule 6.1(C) "that an employee can be disciplined for "offensive or profane conduct in the treatment of fellow employees, or the public."

As the result of my investigation, I have forwarded the matter to Jim Kuizin, Human Resources Director for the City of Springfield for disciplinary action as deemed appropriate by the City's Human Resources Director and Staff.

Very truly yours,

A handwritten signature in black ink, appearing to read "R. Holmes", with a long horizontal flourish extending to the right.

Roger W. Holmes  
Inspector General for the City of Springfield, Illinois





**ROGER W. HOLMES**  
Inspector General for the City of Springfield

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DATE: March 28, 2018

## **INSPECTOR GENERAL REPORT TO CITY COUNCIL**

### **UPDATE TO 2017-OIG-15**

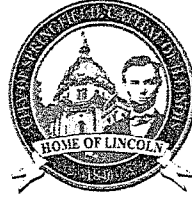
On December 5, 2017, I submitted a Report regarding the Axon video and audio recording systems in use in the five interrogation rooms within the Springfield Police Department Detective Bureau. Following my last Report, I received, through Chief Winslow, a list of five criminal defense attorneys identified by members of the Detective Bureau who could have been inadvertently recorded prior to the cessation of audio recording and the posting of notices that video recording was ongoing on a 24/7 basis.

On December 20, 2017, I wrote a letter to each of the five identified defense attorneys with a synopsis of the situation and attached to each letter the full Report which I presented to the City Council. I also sent a similar letter to State's Attorney John Milhiser along with the full Report. In each of those letters, I offered to field questions but I have not received any response from any of the six recipients as of this writing.

The computer program update long-promised by the vendor, Axon, was finally put online March 26, 2018, and the 24/7 video recording has ended. At the present time, a detective must log in to the terminal in a particular interview room and then affirmatively push the "Start Interview" button to commence audio and video recording and likewise terminate the audio and video recording at the end of the interview. Axon has reminded SPD that if an investigator does not initiate recording in a proper manner, there is no longer a backup of either audio or video.

Respectfully submitted,

Roger W. Holmes, Inspector General



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DATE: March 22, 2018

### **INSPECTOR GENERAL'S REPORT TO CITY COUNCIL**

Case No. 2018-OIG-1

This investigation was commenced at the request of an Alderman who had been contacted by a constituent with regard to an incident wherein a female City employee was complaining of unwanted contact consisting of a hug and kiss on the back of the neck by a male City employee. I was asked by the Alderman to review the City's Human Resources Department response to the alleged incident. I have had no contact from the aggrieved female City employee.

I did, however, immediately contact Jim Kuizin, Human Resources Director for the City of Springfield who demonstrated that he was well aware of the incident and that his investigation was fully underway, but not completed. Mr. Kuizin and I agreed that it would be confusing for me to conduct an independent inquiry simultaneously with HR's inquiry and I agreed to stand down while HR continued and completed its investigation upon Mr. Kuizin's promise that I would be provided with all of the findings and recommendations of their investigation. Mr. Kuizin proved true to his word and timely supplied me with the full investigation which was completed by Human Resources' investigator, Stephanie Barton. I was also given the opportunity to view several short surveillance camera videos that were made contemporaneously with the alleged incident.

It is my opinion that Ms. Barton, under the direction of Human Resources' Director Kuizin, conducted a thorough, dignified and compassionate investigation of the alleged incident.

After a review of Ms. Barton's investigation, including notes on multiple interviews with the parties, it was confirmed that the male employee did briefly contact the female employee's arm. The male employee indicated that it was an energetic greeting to share with his fellow employee his happiness at resolving a medical issue which had caused him sleeplessness. The male employee denied kissing the female employee on the back of the neck, but said he may

have made a kissing sound as part of his expression of happiness with resolving his medical condition.

I have reviewed the surveillance video in Mr. Kuizin's office and the video shows the male employee touching the female employee's arm, but due to the camera angle, it could not be determined with certainty whether or not the male employee kissed the female employee on the back of the neck. The female employee has stated in her interviews that she is 100% certain that that did occur.

The two employees had been working together since the female employee joined the City as a probationary employee in July, 2017. Everyone in the Department had a friendly relationship. The male employee denies any romantic attraction for the female employee who is married.

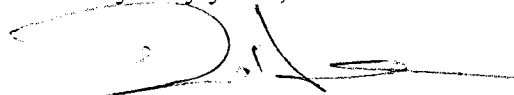
While the video does show the male employee touching the female employee's arm, it is notable that the female employee showed no reaction and went about doing her work duties. Later that day, the female employee made a claim of "sexual assault," which is defined by City policy as "a sexual act against the will and without the consent of the employee-victim or the employee-victim is incapable of giving consent. This includes conduct that would be considered criminal under the Illinois State Penal Code." 720 ILCS 5/11-1.20 defines criminal sexual assault as an act of sexual penetration, which is far from the act complained of in this incident.

While the incident in question does not rise to the level of sexual assault, Ms. Barton appropriately found in her report that the male employee had violated the City's Non-Discrimination and Anti-Harassment Policy by making unwelcome hugging or kissing physical contact with the female employee; violated Section 36.64(a)(3) of the City Code by failure to follow Department work rules and failure to follow Civil Service Commission Rules; and finally, violated Civil Service Rule 6.1 by committing offensive or profane conduct in the treatment of a fellow employee.

Following these findings, it was recommended that the employee be suspended for 1 day due to his conduct, but also recognizing that there had been no prior complaints regarding the male employee's conduct. Mr. Kuizin relates that the female employee is satisfied with the outcome of the investigation and the subsequent punishment of the male employee.

In light of my findings above that the incident was properly and thoroughly handled by the City's Human Resources Department, I will take no further action and have closed this case.

Very truly yours,

A handwritten signature in black ink, appearing to read "R. Holmes", with a long horizontal line extending to the right.

Roger W. Holmes  
Inspector General for the City of Springfield, Illinois



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DATE: March 22, 2018

**INSPECTOR GENERAL'S REPORT TO CITY COUNCIL**

Case No. 2018-OIG-2

A Complainant contacted me in my role as Inspector General. I interviewed Complainant at length and began further investigation at which time the Complainant contacted me and withdrew the Complaint.

This matter was closed with no action having been taken.

Very truly yours,

Roger W. Holmes  
Inspector General for the City of Springfield, Illinois