

PUBLICATION OF REDACTED VERSION
OF THE OEIG FOR THE AGENCIES UNDER THE GOVERNOR
INVESTIGATIVE REPORT

Case Number: 22-01632

Subject(s): Margaret Wehrle

Below is the redacted version of an investigative summary report issued by the Executive Inspector General for the Agencies of the Illinois Governor. Pursuant to section 20-50 of the State Officials and Employees Ethics Act (Act) (5 ILCS 430/20-50), a summary report of an investigation is required to be issued by an executive inspector general when, and only when, at the conclusion of investigation, the executive inspector general determines reasonable cause exists to believe a violation has occurred. If a complaint is not to be filed with the Executive Ethics Commission (Commission) for adjudication of the alleged violation, the Act further requires the executive inspector general to deliver to the Commission a statement setting forth the basis for the decision not to file a complaint and a copy of the summary report of the investigation and of the response from the ultimate jurisdictional authority or agency head regarding the summary report. 5 ILCS 430/20-50(c-5). The Act requires that some summary reports be made available to the public and authorizes the Commission to make others available. 5 ILCS 430/20-52. Before making them available, however, the Commission is to redact from them information that may reveal the identity of witnesses, complainants, or informants and may redact “any other information it believes should not be made public.” 5 ILCS 430/20-52(b).

Some summary reports delivered to the Commission may contain a mix of information relating to allegations with respect to which the executive inspector general did and did not determine reasonable cause existed to believe a violation occurred. In those situations, the Commission may redact information relating to those allegations with respect to which the existence of reasonable cause was not determined.

The Commission exercises its publication responsibility with great caution and seeks to balance the sometimes-competing interests of transparency and fairness to the accused and others uninvolved. To balance these interests, the Commission has redacted certain information contained in this report and identified where said redactions have taken place and inserted clarifying edits as marked. Publication of a summary report of an investigation, whether redacted or not, is made

with the understanding that the subject or subjects of the investigation may not have had the opportunity to rebut the report's factual allegations or legal conclusions before issuance of the report. Moreover, there has not been, nor will there be, an opportunity for the subject to contest or adjudicate them before the Commission. The subject merely has the opportunity to submit a response for publication with the report.

The Commission received this report and a response from the ultimate jurisdictional authority and/or agency in this matter from the Agencies of the Illinois Governor Office of Executive Inspector General ("OEIG"). The Commission, pursuant to 5 ILCS 430/20-52, redacted the OEIG's final report and responses and mailed copies of the redacted version and responses to the Attorney General, the Executive Inspector General for the Agencies of the Illinois Governor, and each subject.

The Commission reviewed all suggestions received and makes this document available pursuant to 5 ILCS 430/20-52. By publishing the below redacted summary report, the Commission neither makes nor adopts any determination of fact or conclusions of law for or against any individual or entity referenced therein.

– THE REDACTED VERSION OF THE EIG'S SUMMARY REPORT
BEGINS ON THE NEXT PAGE –

I. ALLEGATION

On July 5, 2022, the Office of Executive Inspector General (OEIG) received an anonymous complaint alleging that Illinois Department of Human Services (DHS) Health Information Associate Margaret Wehrle used sick leave benefit time to work another job at [Hospital 1]. The complaint alleged that Ms. Wehrle regularly requested sick time for the afternoon of the same day, came back from lunch having changed into medical scrubs to wear to her job at [Hospital 1], and left for that job at [Hospital 1] when the sick time began.

II. BACKGROUND

The DHS Sick Leave Administrative Directive defines “sick leave” as “paid time off for...the employee’s illness, disability, injury, or for appointments with doctors, dentists, or other medical professionals; the illness, disability, injury, medical appointments, or death of a member of the employee’s immediate family; or the death of a grand relation or a parent-in-law or a child-in-law,” and reflects that “abuse of sick leave...may result in disciplinary action.”¹ The DHS Secondary Employment Administrative Directive states that “employees may engage in employment outside their scheduled work hours, or on approved time off, which does not present an actual or potential conflict of interest or interfere with regular work duties.”² According to the Administrative Directive, all DHS employees must submit Report of Secondary Employment forms annually, even if no secondary employment exists, and “failure to have an *accurate* and current form submitted may result in disciplinary action.”³ If an employee has secondary employment, the respective Division Director decides whether there is a potential conflict of interest, and passes the form on to the DHS Ethics Officer for final determination regarding the existence of a conflict of interest. If a conflict of interest is found, the employee is notified that they must terminate the secondary employment or terminate employment with DHS.⁴

Ms. Wehrle is a Health Information Associate at DHS’s Shapiro Developmental Center (Shapiro) in Kankakee, Illinois. [Hospital 1] is a 300-bed hospital, also located in Kankakee, approximately two miles from Shapiro.

III. INVESTIGATION

A. Ms. Wehrle’s Secondary Employment Forms

As of the OEIG’s request for Ms. Wehrle’s personnel file in July 2022, DHS records included secondary employment forms dated in 2014, 2015, 2017, and from 2019 through 2022, indicating that Ms. Wehrle worked as a Registered Nurse at [Hospital 1] in those years. The forms from 2020, 2021, and 2022, reflect that Ms. Wehrle’s approved secondary employment schedule included Mondays from 3:00 p.m. to 11:30 p.m. and every other weekend. The 2022 form was dated January 31, 2022.

¹ DHS Administrative Directive 01.02.02.050 Sick Leave.

² DHS Administrative Directive 01.02.03.120 Secondary Employment.

³ DHS Administrative Directive 01.02.03.120 Secondary Employment.

⁴ DHS Administrative Directive 01.02.03.120 Secondary Employment.

B. Comparison Of DHS And [Hospital 1] Time Worked

DHS records reflect that Ms. Wehrle's DHS work schedule is:

- Monday-6:15 a.m. to 2:45 p.m.
- Tuesday-7:30 a.m. to 4:00 p.m.
- Wednesday-7:30 a.m. to 4:00 p.m.
- Thursday-7:30 a.m. to 4:00 p.m.
- Friday-6:15 a.m. to 2:45 p.m.

Records subpoenaed from [Hospital 1] reflect that Ms. Wehrle does not have a set schedule there.

The OEIG received time records from DHS, including Monthly Attendance Records showing her total number of hours worked each day and any benefit time used each day, and approved Staff Requests for Time Off. The OEIG also received time records from [Hospital 1], including documents reflecting her start and end times each day, as well as total weekly hours worked. The OEIG compared those records, which reflected that there were five days during that period when Ms. Wehrle used DHS sick leave that overlapped with time she worked at [Hospital 1]:

Date	DHS Schedule	[Hospital 1] Time Worked	DHS Sick Leave Used
January 11, 2022 (Tuesday)	7:30 a.m. to 4:00 p.m.	3:00 p.m. to 7:00 p.m.	Sick Family 2:30 p.m. to 4:00 p.m.
February 17, 2022 (Thursday)	7:30 a.m. to 4:00 p.m.	3:00 p.m. to 11:30 p.m.	Sick Family 2:30 p.m. to 4:00 p.m.
May 10, 2022 (Tuesday)	7:30 a.m. to 4:00 p.m.	1:00 p.m. to 3:30 p.m.	Sick Family 1:00 p.m. to 4:00 p.m.
August 4, 2022 (Thursday)	7:30 a.m. to 4:00 p.m.	3:00 p.m. to 11:00 p.m.	Sick Family 2:00 p.m. to 4:00 p.m.
August 23, 2022 (Tuesday)	7:30 a.m. to 4:00 p.m.	1:02 p.m. to 5:00 p.m.	Sick Appointment 1:00 p.m. to 4:00 p.m.

In total, on those five dates, Ms. Wehrle was on the clock at [Hospital 1] while on sick leave from DHS for 8 hours and 28 minutes.

There also were four dates when the records reflected that Ms. Wehrle ended her DHS workday with sick leave and started work at [Hospital 1] 15 minutes after what would have been the end of her DHS shift, as well as seven dates when the records reflected that Ms. Wehrle used DHS vacation time that overlapped with time worked at [Hospital 1].

Ms. Wehrle's [Hospital 1] time records reflect that she averaged 74.2 hours per month working at [Hospital 1] between January 1 and November 2, 2022. Although Ms. Wehrle's secondary employment forms indicated that she was approved to work at her secondary employment on Mondays from 3:00 p.m. to 11:30 p.m. and every other weekend, during the ten

months of [Hospital 1] records reviewed, the records reflect that she worked at [Hospital 1] on 22 weekdays other than Mondays. Four of those non-Monday weekdays were immediately before the January 31, 2022 secondary employment form:

- Friday, January 7, 2022
- Tuesday, January 11, 2022
- Wednesday, January 19, 2022 and
- Tuesday, January 25, 2022

Ms. Wehrle's time for just those four days totaled 19.5 hours of work at [Hospital 1]. Over the 22 non-Monday weekdays identified, the records reflect that Ms. Wehrle worked a total of approximately 124 hours and 58 minutes at [Hospital 1].

C. Interview of Margaret Wehrle

The OEIG interviewed Ms. Wehrle on December 15, 2022. Ms. Wehrle confirmed that the DHS work schedule outlined above is accurate, and that she reports directly to the Shapiro Facility Director in her DHS position. She confirmed that she has secondary employment at [Hospital 1] as a Registered Nurse, and has been doing that secondary job for 20 years. When Ms. Wehrle was shown her secondary employment form, dated January 31, 2022, she confirmed that it was the most current form, and said that the work schedule listed on it was accurate, although she sometimes does not work on a Monday if [Hospital 1] does not need her. Ms. Wehrle said that she goes straight to [Hospital 1] after her shift at Shapiro ends, and it takes her about 10 minutes of travel time to get there. Ms. Wehrle denied ever using benefit time or sick time to enable her to get to [Hospital 1]. She also said that although she could not recall directly, if the records reflected she worked a day and time at [Hospital 1], then she did so.

Ms. Wehrle was shown time records from DHS and [Hospital 1] from January 11, February 17, May 10, and August 4, 2022, and she confirmed that her time on each of those days overlapped between DHS sick time and [Hospital 1] work time. However, she maintained that she had not taken sick time to work at [Hospital 1], and said that she must have had something else going on, such as an appointment or picking up a prescription. Regarding January 11, 2022, she said that she may have spent the first half hour of sick time attending an appointment for her husband, and denied scheduling sick time to work at [Hospital 1].⁵ Regarding February 17, 2022, Ms. Wehrle said that she wanted to take enough time off to ensure that she had time to get to [Hospital 1] on time, and that she would not have considered going back to work at Shapiro to finish her day once she completed whatever the sick time was scheduled for, because she had the sick time, and it was her time to use once it was approved. Regarding May 10, 2022, Ms. Wehrle said that it looked like she used sick time to work at [Hospital 1], and said she did not tell her supervisor that she was using sick time to work at [Hospital 1]. Regarding August 4, 2022, she said that she may have attended an appointment for her husband. Ms. Wehrle was also asked about the four dates the OEIG identified where the records showed that she started working at [Hospital 1] immediately after using sick time for her DHS hours, and said that she did not recall why she scheduled sick time on those dates.

⁵ Ms. Wehrle said that her husband's doctor is not at [Hospital 1], but is about 10 minutes away.

Ms. Wehrle said that she had not received prior approval from anyone at DHS to use sick time to go to work at [Hospital 1], or to work the shifts at [Hospital 1] that fell on weekdays not listed on her approved secondary employment form. She denied ever talking to her supervisor about using sick time to go to work at [Hospital 1]. Finally, Ms. Wehrle said she had not been given approval to overlap her Shapiro and [Hospital 1] work schedules.

IV. ANALYSIS

The DHS Sick Leave Administrative Directive does not allow for sick leave to be used for secondary employment, and DHS and [Hospital 1] records reflect that, on five dates in 2022, Ms. Wehrle used DHS sick time for time she spent working at [Hospital 1] during her scheduled DHS work hours. Ms. Wehrle confirmed that [Hospital 1]'s records accurately reflected her hours worked there, and confirmed that the records showed overlap with DHS sick time, and therefore her denial that she used sick time to work at [Hospital 1] is not believable. Ms. Wehrle tried to deflect by claiming that she may have been attending appointments or picking up prescriptions at the start of a given period of sick time, but admitted that she would not have considered going back to work at Shapiro once she completed whatever the sick time was scheduled for, suggesting -- incorrectly -- that the sick time was hers to use for any purpose once it was approved. Ms. Wehrle confirmed that she started at [Hospital 1] as noted in the time records, so at minimum, there is an overlap of nearly 8.5 hours. Based on this evidence, there is reasonable cause to believe that Ms. Wehrle violated the DHS Sick Leave Administrative directive when she used sick time during times she worked at her secondary job at [Hospital 1].

In addition, Ms. Wehrle inaccurately stated her [Hospital 1] work schedule, at minimum, on her 2022 Report of Secondary Employment form. As of the date of that form -- January 31, 2022-- Ms. Wehrle had been working at [Hospital 1] for 20 years. Particularly, in 2022, she had already worked at [Hospital 1] on four dates other than Mondays for a total of nearly 20 hours before submitting her Report of Secondary Employment form. Nevertheless, she represented on this form that her [Hospital 1] work schedule was limited to Mondays from 3 p.m. to 11 p.m., and every other weekend. In addition, after the approval of the 2022 secondary employment form, Ms. Wehrle continued to regularly work at [Hospital 1] on weekdays other than Mondays, totaling over 100 more hours of such work over 18 additional days in 9 months. In her December 15, 2022 interview, Ms. Wehrle confirmed that the January 31, 2022 secondary employment form was her most recent one, and that she did not receive approval to work weekdays that were not listed on her approved secondary employment form. Without accurately disclosing the days and total amount of time Ms. Wehrle intended to work at her secondary employment, DHS was not given an opportunity to fairly assess whether the secondary employment was likely to interfere with her regular work duties.⁶ Based on this evidence, there is reasonable cause to believe that Ms. Wehrle violated the DHS Secondary Employment Administrative Directive by submitting an inaccurate secondary employment form in January 2022.

V. [REDACTED] AND RECOMMENDATIONS

⁶ The OEIG notes that her DHS shift ends at 4:00 pm. Ms. Wehrle would also use DHS vacation time while working at her secondary job at [Hospital 1] during her scheduled DHS work hours, possibly causing other DHS employees to have to cover her duties.

Based on the evidence detailed above, the OEIG has determined **THERE IS REASONABLE CAUSE TO BELIEVE THE FOLLOWING:**

- **[REDACTED]** – Ms. Wehrle violated the DHS Sick Leave Administrative Directive by working at a secondary job at [Hospital 1] while on sick leave from her DHS position.
- **[REDACTED]** – Ms. Wehrle violated the DHS Secondary Employment Administrative Directive by submitting an inaccurate Report of Secondary Employment form.

The OEIG recommends that DHS take whatever action it deems necessary with respect to Ms. Wehrle. The OEIG further recommends that if DHS entertains future requests for approval of secondary employment from Ms. Wehrle, it should take steps to ensure that she is accurately disclosing her intended secondary employment schedule and consider any impact that schedule may have on her DHS work hours.

Date: September 25, 2023

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JB Pritzker, Governor

Dulce M. Quintero, Secretary Designate

October 11, 2023

Via e-mail to Senior Paralegal Sherry Bult (at [REDACTED]@illinois.gov) on behalf of:

Susan M. Haling
Executive Inspector General
Office of the Executive Inspector General for the Agencies of the Illinois Governor
69 West Washington Street, Suite 3400
Chicago, Illinois 60602

RE: Response to the Final Report for Complaint 22-01632

Dear Executive Inspector General Haling:

This letter responds to the Final Report for Complaint Number 22-01632. It details two [REDACTED] allegations and makes two recommendations. The recommendations are being followed. The Department of Human Services (DHS) has initiated the disciplinary process. As you may know, that process can take some time to complete. As such, your office will receive future updates as the matter moves along. If you have any questions, please feel free to contact Robert J. Grindle, DHS' Ethics Officer.

Regards,

/s/ Dulce Quintero by /s/ Robert J. Grindle

Dulce Quintero
Secretary-designate



JB Pritzker, Governor

Dulce M. Quintero, Secretary Designate

March 20, 2024

Via e-mail to Senior Paralegal Sherry Bult (at [REDACTED]@illinois.gov) on behalf of:

Susan M. Haling
Executive Inspector General
Office of the Executive Inspector General for the Agencies of the Illinois Governor
69 West Washington Street, Suite 3400
Chicago, Illinois 60602

RE: Updated Response to the Final Report for Complaint 22-01632

Dear Executive Inspector General Haling:

This letter updates a previous response to the Final Report for Complaint Number 22-01632. It details two [REDACTED] allegations and makes two recommendations. The recommendations have been followed.

The employee served a three-day suspension for the infractions detailed in the Report. In addition, the employee's most recent secondary employment disclosure includes the days and hours of her second job. The hours do not conflict with the time she is required to work for the Department of Human Services (DHS).

With the recommendations implemented, DHS considers this matter closed. If you have any questions, please feel free to contact Robert J. Grindle, DHS' Ethics Officer.

Regards,

/s/ Dulce Quintero by /s/ Robert J. Grindle

Dulce Quintero
Secretary-designate