

ORDINANCE NO. 007-64

AN ORDINANCE CLARIFYING AND  
RESTATING THE DUTIES OF THE  
OFFICE OF INSPECTOR GENERAL OF  
THE CHICAGO TRANSIT AUTHORITY

WHEREAS, The Metropolitan Transit Authority Act, 70 ILCS 3605/42 ("Act"), grants to the Chicago Transit Board ("Board") the authority to "investigate all means of transportation and the management thereof, the enforcement of its ordinances, rules and regulations, and the action, conduct and efficiency of all officers, agents and employees of the Authority. . ."; and

WHEREAS, The Board desires to have this investigative responsibility carried out in the most efficient and effective manner possible which it had determined can best be done by the a separate office within the Authority known as the Office of the Inspector General ("OIG"); and

WHEREAS, In Ordinance 99-173, dated December 15, 1999, the Chicago Transit Board ("Board") created the Office of Inspector General of the Chicago Transit Authority; and

WHEREAS, The OIG was created to identify waste, misconduct and misuse of Authority resources; promote economy, efficiency and effectiveness in administration of Authority programs; investigate employee and contractor misconduct, embezzlement or theft of Authority property or funds; and audit and investigate the conduct and performance of the Authority's officers, agents, contractors and employees and the Authority's functions; and

WHEREAS, The Board now desires to clarify and restate the duties of the Office of Inspector General; now, therefore:

BE IT ORDAINED BY THE CHICAGO TRANSIT BOARD  
OF THE CHICAGO TRANSIT AUTHORITY:

SECTION 1. The Office of Inspector General shall be managed by an Inspector General, who is appointed to a four-year term by a majority of the Board and who may be removed from office prior to the expiration of his or her term only for cause by a majority of the Board. The Inspector General shall hire and supervise such deputies, assistants and other employees as may be necessary.

SECTION 2. The Office of Inspector General shall be the investigating body for allegations of waste, fraud, abuse and misconduct relative to Authority matters. The Office of Inspector General shall refer the matter to another department or agency, where appropriate.

SECTION 3. In addition to other powers conferred herein, the Inspector General shall have the following powers and duties:

- (a) Promote economy, efficiency, effectiveness and integrity in the administration of the programs and operations of the Authority by reviewing programs, identifying any inefficiencies, waste and potential for misconduct therein, and recommending policies and methods for the elimination of inefficiencies and waste, and for the prevention of misconduct;
- (b) Receive, register and investigate complaints and information from any source concerning waste, fraud, and abuse within the Authority; contractor, subcontractor, consultant, or vendor misconduct; fraud or collusion involving Authority contracts and/or contractors, subcontractors, consultants, or vendors; misuse, embezzlement or theft of Authority property or funds; waste or mismanagement of Authority resources; conflicts of interest, bribery or misconduct involving Authority personnel; or any other unethical or illegal activities involving Authority property, officers, employees, agents, contractors, subcontractors, consultants, or vendors;
- (c) Request and receive information related to an investigation or audit from officers, employees, agents and contractors of the Authority and interview employees, unless otherwise prohibited by law or by collectively bargained rights;
- (d) Investigate and audit the conduct and performance of the Authority's officers, employees, agents and contractors, review the Authority's policies, procedures, functions and programs, either in response to a complaint or on the Inspector General's own initiative, in order to detect and prevent waste, fraud, and abuse and promote efficiencies within the programs and operations of the Authority;
- (e) Request that the Assistant Secretary of the Board issue subpoenas to compel the attendance of witnesses for purposes of examination and the production of documents and other items for inspection and/or duplication; the Assistant Secretary is hereby directed by the Board, pursuant to the authority vested in it under the Act, to issue subpoenas to compel the attendance of witnesses for purposes of examination and the production of documents and other items for inspection and/or duplication when requested by the Inspector General;

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(f) Report to the Board and the President concerning results of investigations and audits undertaken by the Office of Inspector General; and

(g) Request that the Board conduct public hearings in furtherance of an investigation or audit hereunder.

SECTION 4. The powers and duties of the Inspector General shall extend, except as otherwise limited in this section, to the conduct of the following:

(a) All officers of the Authority in the performance of their official duties;

(b) All employees of the Authority in the performance of their duties;

(c) All agents acting on behalf of the Authority; and

(d) All contractors, subcontractors and vendors providing, or seeking to provide, goods or services to the Authority pursuant to a contract with the Authority.

Notwithstanding anything to the contrary contained herein, the Office of Inspector General shall have no power or authority over any member of the Board. If the Office of Inspector General receives any complaint alleging misconduct, conflict of interest, waste or misuse of resources by any member of the Board or any Board committee, the Inspector General shall promptly transmit said complaint to the Chairman of the Board, or the Chairman of the Board's Ethics Committee or appropriate law enforcement agency, which shall conduct such further inquiry as appropriate.

SECTION 5. It shall be the duty of every employee of the Authority to report any fraud, mismanagement, waste of funds or resources, abuse of authority, conflicts of interest, ethical violations or other improper act by another involving Authority business or assets to the Office of the Inspector General or to another appropriate law enforcement personnel. Any employee found to have knowledge of such acts and who does not report them as required herein shall be subject to discipline up to and including termination, unless otherwise prohibited by law or by collectively bargained rights.

SECTION 6. Further, it shall be the duty of every employee, agent, and contractor of the Authority to cooperate fully and expeditiously with the Inspector

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General in any investigation or audit and to follow any reasonable recommendations proposed by the OIG to remedy any waste, fraud, misconduct or misuse of Authority resources, unless otherwise prohibited by law or by collectively bargained rights. No person shall retaliate against, punish or penalize any other person for complaining to, cooperating with, or assisting the Office of Inspector General in the performance of its duties.

SECTION 7. Upon conclusion of an investigation or audit, the Inspector General shall issue a summary report thereon which copy shall be provided to the President. The report shall not mention the name of any informant, complainant, witness or person investigated or audited, unless otherwise authorized by the Chairman of the Board.

The Board may then determine whether the report may be provided to the head of any department affected by or involved in the investigation or audit [or disclosed to the public]. The summary report shall include the following:

- (a) A description of any complaints or other information received by the Inspector General pertinent to the investigation or audit;
- (b) A description of any illegal conduct, waste, fraud, abuse or other improper actions or activity observed or discovered in the course of the investigation or audit;
- (c) Recommendations for correction of any illegal conduct, waste, fraud, abuse or other improper actions or activity described in the report, including recommendations for discipline consistent with law and collective bargaining agreements; and
- (d) Such other information as the Inspector General may deem relevant to the investigation or audit or any resulting recommendations.

SECTION 8. No later than the fifteenth day of January, April, July and October of each year, the Inspector General shall file with the Chairman of the Board a quarterly report, accurate as of the last day of the preceding month, indicating the number of investigations and audits initiated since the date of the last quarterly report, the number of investigations and audits concluded since the a quarterly report, accurate as of the last day of the preceding month, indicating the number of investigations and audits initiated since the date of the last quarterly report, the number of investigations and audits concluded since the last quarterly report and the number of investigations

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and audits pending as of the reporting date. The quarterly report shall also include the number of investigations and audits of the conduct of officers, the number of investigations and audits of the conduct of employees, the number of investigations and audits of the conduct of agents of the Authority, and the number of investigations and audits of the conduct of contractors, subcontractors and vendors providing, or seeking to provide, goods or services to the Authority. The quarterly report shall identify any investigation or audit which has not been completed within six months, and shall state the reasons for failure to complete the investigation or audit within six months. Finally, the quarterly report shall include the number of investigations and audits involving alleged misconduct, and the number of investigations and audits involving alleged waste or inefficiency. The Inspector General shall provide a copy of such quarterly report to the President.

SECTION 9. No later than the first day of February of each year, the Inspector General shall file with the Board an annual report, accurate as of the last day of the preceding year, providing a consolidated version of all information provided in that year's quarterly reports, a consolidated version of that year's summary reports, and a description of any actual or potential waste, fraud, and abuse within the Authority, recommendations to the Board of policies and methods for the elimination or prevention of such waste, fraud, and abuse, and any additional information which the Inspector General deems appropriate. The Inspector General shall provide a copy of such annual report to the President.

SECTION 10. All files and reports of the Office of Inspector General shall be confidential and shall not be divulged to any person or agency, except (a) to appropriate federal, state, or local law enforcement authority, (b) as otherwise provided in this Ordinance, (c) as otherwise authorized by the Board, or (d) as otherwise required by law. The Inspector General is authorized to issue public statements concerning an investigation that exonerates an individual who is publicly known to have been under investigation where the subject requests such a statement.

SECTION 11. This ordinance shall be in full force and effect from and after its passage.

APPROVED:

PASSED:

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Chairman

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Assistant Secretary

July 11, 2007

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