



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

SB3965

Introduced 11/4/2010, by Sen. Susan Garrett

SYNOPSIS AS INTRODUCED:

70 ILCS 3605/27	from Ch. 111 2/3, par. 327
70 ILCS 3605/42.5 new	
70 ILCS 3615/3.02	from Ch. 111 2/3, par. 703.02
70 ILCS 3615/3.07 new	
740 ILCS 174/5	

Amends the Metropolitan Transit Authority Act. Provides for the appointment of a Chicago Transit Authority Inspector General for a 4-year term for the purpose of detection and prevention of fraud and mismanagement in the Chicago Transit Authority. Provides that the jurisdiction of the Chicago Transit Authority Inspector General does not include the Board of Directors of the Chicago Transit Authority. Contains provisions concerning appointment, terms, removal, duties, and reporting requirements of the Chicago Transit Authority Inspector General. Amends the Regional Transportation Authority Act. Provides for the appointment of a Regional Transportation Authority Inspector General for a 5-year term for the purpose of detection, deterrence, and prevention of fraud, corruption, and mismanagement in the Regional Transportation Authority, the Commuter Rail Division, the Suburban Bus Division, and the Board of Directors of the Chicago Transit Authority. Contains provisions concerning appointment, terms, removal, jurisdiction, duties, and reporting requirements of the Regional Transportation Authority Inspector General. Requires that the Board of Directors of the Regional Transportation Authority appoint an ethics officer. Amends the Whistleblower Act. Provides that "employer" includes the Office of the Regional Transportation Authority Inspector General. Effective immediately.

LRB096 24159 RLJ 43594 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning local government.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Metropolitan Transit Authority Act is
5 amended by changing Section 27 and adding Section 42.5 as
6 follows:

7 (70 ILCS 3605/27) (from Ch. 111 2/3, par. 327)

8 Sec. 27. Officers; police protection.

9 (a) The Board may appoint an Executive Director who shall
10 be a person of recognized ability and experience in the
11 operation of transportation systems to hold office during the
12 pleasure of the Board. The Executive Director shall have
13 management of the properties and business of the Authority and
14 the employees thereof, subject to the general control of the
15 Board, shall direct the enforcement of all ordinances,
16 resolutions, rules and regulations of the Board, and shall
17 perform such other duties as may be prescribed from time to
18 time by the Board. The Board may appoint a General Counsel and
19 a Chief Engineer, and shall provide for the appointment of
20 other officers, attorneys, engineers, consultants, agents and
21 employees as may be necessary for the construction, extension,
22 operation, maintenance, and policing of its properties. It
23 shall define their duties and require bonds of such of them as

1 the Board may designate. The Executive Director, General
2 Counsel, Chief Engineer, and all other officers provided for
3 pursuant to this section shall be exempt from taking and
4 subscribing any oath of office. The compensation of the
5 Executive Director, General Counsel, Chief Engineer, and all
6 other officers, attorneys, consultants, agents and employees
7 shall be fixed by the Board.

8 (b) In the policing of its properties the Board may provide
9 for the appointment and maintenance, from time to time, of such
10 police force as it may find necessary and practicable to aid
11 and supplement the police forces of any municipality in the
12 protection of its property and the protection of the persons
13 and property of its passengers and employees, or otherwise in
14 furtherance of the purposes for which such Authority was
15 organized. The members of such police force shall have and
16 exercise like police powers to those conferred upon the police
17 of cities. Neither the Authority, the members of its Board nor
18 its officers or employees shall be held liable for failure to
19 provide a security or police force or, if a security or police
20 force is provided, for failure to provide adequate police
21 protection or security, failure to prevent the commission of
22 crimes by fellow passengers or other third persons or for the
23 failure to apprehend criminals.

24 (c) The Office of the Chicago Transit Authority Inspector
25 General may provide for the appointment and maintenance of a
26 police force to assist the Chicago Transit Authority Inspector

1 General in performing the duties imposed under Section 42.5.
2 The Office of the Inspector General, in consultation with the
3 General Counsel, must develop policies and procedures for the
4 exercise of the police powers authorized under this Section.
5 The Secretary of the Authority must create and maintain a
6 written list of all employees of the Office of the Chicago
7 Transit Authority that are authorized to exercise police
8 powers. Before an employee may exercise the police powers
9 authorized under this Section, the employee must complete the
10 basic police training course approved by the Illinois Law
11 Enforcement Training Standards Board and the Inspector General
12 must submit to the Secretary of the Authority that employee's
13 name for inclusion on the list of employees authorized to
14 exercise police powers.

15 (Source: P.A. 84-939; 87-597.)

16 (70 ILCS 3605/42.5 new)

17 Sec. 42.5. Chicago Transit Authority Inspector General.

18 (a) The Office of the Chicago Transit Authority Inspector
19 General is created as an independent office of the Authority.
20 The Office of the Chicago Transit Authority Inspector General
21 shall include an Inspector General and deputies, assistants,
22 and other employees as may be necessary. The Chicago Transit
23 Authority Inspector General shall be appointed to a 4-year term
24 by a majority vote of the Board and shall be responsible for
25 the operation and management of the Office of the Chicago

1 Transit Authority Inspector General. The Chicago Transit
2 Authority Inspector General may be removed from office before
3 the expiration of his or her term only for cause by an
4 affirmative vote of a majority of the members of the Board. A
5 vacancy in office shall be filled in the same manner as an
6 appointment.

7 (b) In addition to other powers conferred in this Section,
8 the Chicago Transit Authority Inspector General has the
9 following powers and duties:

10 (1) To promote economy, efficiency, effectiveness, and
11 integrity in the administration of the Authority's
12 programs and operations by reviewing programs, identifying
13 any inefficiencies, waste, and potential for misconduct
14 therein, and recommending policies and methods for the
15 elimination of inefficiencies and waste, and for the
16 prevention of misconduct.

17 (2) To receive and register complaints and information
18 concerning waste, fraud, and abuse within the Authority.

19 (3) To investigate and audit the conduct and
20 performance of the Authority's officers, employees,
21 agents, and contractors, and the Authority's functions and
22 programs, in order to detect and prevent waste, fraud, and
23 abuse within the programs and operations of the Authority.

24 (4) To report to the Board concerning the results of
25 investigations conducted by the Office of the Chicago
26 Transit Authority Inspector General as required by this

1 Section.

2 (5) To request and receive information related to an
3 investigation or audit from any officer, employee, agent,
4 or contractor of the Authority.

5 (6) To request that the Board conduct public hearings
6 in furtherance of an investigation or audit undertaken
7 pursuant to this Section.

8 (7) To subpoena witnesses for purposes of examination
9 and the production of documents and other items for
10 inspection or duplication pertinent to an investigation or
11 audit.

12 (c) The powers and duties of the Chicago Transit Authority
13 Inspector General shall extend, except as otherwise limited in
14 this Section, to the conduct of the following:

15 (1) all officers of the Authority in the performance of
16 their official duties;

17 (2) all employees of the Authority in the performance
18 of their official duties;

19 (3) all agents acting on behalf of the Authority; and

20 (4) all contractors providing, or seeking to provide,
21 goods or services to the Authority pursuant to a contract.

22 The powers and duties of the Chicago Transit Authority
23 Inspector General do not apply to any member of the Board. If
24 the Office of the Chicago Transit Authority Inspector General
25 receives a complaint alleging misconduct, inefficiency, or
26 waste by any member of the Board, then the Chicago Transit

1 Authority Inspector General shall submit the complaint to the
2 Regional Transportation Authority Inspector General, the Chair
3 of the Board, and any appropriate law enforcement agency.

4 (d) Upon conclusion of an investigation or audit, the
5 Chicago Transit Authority Inspector General shall issue a
6 summary report. The summary report shall be submitted to the
7 Chair of the Board and a copy provided to the Executive
8 Director. After reviewing the summary report, the Board may, in
9 its discretion, provide the summary report to the head of any
10 department affected by or involved in the investigation or
11 audit. The summary report shall include the following: (i) a
12 description of any complaints or other information received by
13 the Inspector General pertinent to the investigation or audit;
14 (ii) a description of any misconduct or any waste, fraud, or
15 abuse observed or discovered in the course of the investigation
16 or audit; (iii) recommendations for the correction of any
17 misconduct or any waste, fraud, or abuse described in the
18 report; and (iv) any other information the Chicago Transit
19 Authority Inspector General deems relevant to the
20 investigation or audit or any resulting recommendations. The
21 summary report shall not mention the name of any informant,
22 complainant, witness, or person investigated, unless otherwise
23 authorized by the Chair of the Board.

24 No later than the fifteenth day of January, April, July,
25 and October of each year, the Chicago Transit Authority
26 Inspector General shall file with the Chair of the Board, and

1 provide a copy to the Executive Director, a quarterly report,
2 accurate as of the last day of the preceding month, indicating
3 the number of investigations and audits initiated since the
4 date of the last quarterly report, the number of investigations
5 and audits concluded since the last quarterly report, and the
6 number of investigations and audits pending as of the reporting
7 date. The quarterly report shall also include the number of
8 investigations and audits of the conduct of officers,
9 employees, and agents of the Authority, and the number of
10 investigations and audits of the conduct of contractors
11 providing, or seeking to provide, goods or services to the
12 Authority. The quarterly report shall identify any
13 investigation or audit that has not been completed within 6
14 months, and shall state the reasons for failure to complete the
15 investigation or audit within 6 months. The quarterly report
16 shall set forth the number of investigations and audits
17 involving alleged misconduct, and the number of investigations
18 and audits involving alleged waste or inefficiency. The Chicago
19 Transit Authority Inspector General shall provide a copy of the
20 quarterly report to the Executive Director.

21 No later than the first day of February of each year, the
22 Chicago Transit Authority Inspector General shall file with the
23 Board an annual report, accurate as of the last day of the
24 preceding year, including the following information: (i) a
25 consolidated version of all information provided in that year's
26 quarterly reports; (ii) a consolidated version of that year's

1 summary reports; (iii) a description of any actual or potential
2 waste, fraud, and abuse within the Authority; (iv)
3 recommendations to the Board of policies and methods for the
4 elimination or prevention of waste, fraud, and abuse; and (v)
5 any additional information that the Inspector General deems
6 appropriate. The Chicago Transit Authority Inspector General
7 shall provide a copy of the annual report to the Executive
8 Director.

9 The Chicago Transit Authority Inspector General shall
10 provide copies of the quarterly reports described in paragraph
11 (2) of this subsection (d) and the annual report described in
12 paragraph (3) of this subsection (d) to the Inspector General
13 of the Regional Transportation Authority. The Inspector
14 General of the Regional Transportation Authority has the power
15 to review the activities and inspect the files and reports of
16 the Chicago Transit Authority Inspector General.

17 (e) All files and reports of the Office of the Chicago
18 Transit Authority Inspector General shall be confidential and
19 may not be divulged to any person or agency, except: (i) to
20 appropriate federal, state, or local law enforcement
21 authorities, (ii) to the Inspector General of the Regional
22 Transportation Authority, (iii) as authorized by the Board, or
23 (iv) as otherwise required by law.

24 (f) The Chicago Transit Authority Inspector General is
25 authorized to issue public statements concerning an
26 investigation that exonerates an individual who is publicly

1 known to have been under investigation if the subject requests
2 such a statement.

3 (g) Every officer, employee, agent, and contractor of the
4 Authority has a duty to cooperate fully and expeditiously with
5 the Chicago Transit Authority Inspector General in any
6 investigation or audit undertaken pursuant to this Section. No
7 person shall retaliate against, punish, or penalize any other
8 person for complaining to, cooperating with, or assisting the
9 Office of the Chicago Transit Authority Inspector General in
10 the performance of its duties.

11 (h) On the effective date of this amendatory Act of the
12 96th General Assembly, the powers and duties of the Office of
13 the Inspector General created by Chicago Transit Authority
14 Ordinance Number 99-173 are transferred to the Office of the
15 Chicago Transit Authority Inspector General created under this
16 Section. The status and rights of the employees of the Office
17 of the Inspector General created by Chicago Transit Authority
18 Ordinance Number 99-173 shall not be affected by the transfer
19 of those power and duties to the Office of the Chicago Transit
20 Authority Inspector General. All records, documents, and
21 contracts of the Office of the Inspector General created by
22 Chicago Transit Authority Ordinance Number 99-173 are also
23 transferred by this amendatory Act of the 96th General Assembly
24 to the Office of the Chicago Transit Authority Inspector
25 General.

26 This Section does not affect any act completed, ratified,

1 or canceled, or any right occurring or established, before the
2 effective date of this amendatory Act of the 96th General
3 Assembly in connection with any power or duty transferred under
4 this amendatory Act of the 96th General Assembly. This Section
5 does not affect any action or proceeding had or commenced
6 before the effective date of this amendatory Act of the 96th
7 General Assembly in an administrative, civil, or criminal cause
8 regarding any power or duty transferred under this amendatory
9 Act of the 96th General Assembly, but any such action or
10 proceeding may be continued by the Office of the Chicago
11 Transit Authority Inspector General.

12 (i) This Section supersedes the provisions of Chicago
13 Transit Authority Ordinance Number 99-173.

14 Section 10. The Regional Transportation Authority Act is
15 amended by changing Section 3.02 and adding Section 3.07 as
16 follows:

17 (70 ILCS 3615/3.02) (from Ch. 111 2/3, par. 703.02)

18 Sec. 3.02. Chairman and Other Officers. The Chairman shall
19 preside at meetings of the Board, and shall be entitled to vote
20 on all matters. The Board shall select a Secretary and a
21 Treasurer and may select persons to fill such other offices of
22 the Authority and to perform such duties as it shall from time
23 to time determine. The Board must appoint an ethics officer for
24 the Authority. The Secretary, Treasurer and other officers of

1 the Authority may, but need not be, members of the Board.

2 (Source: P.A. 83-886.)

3 (70 ILCS 3615/3.07 new)

4 Sec. 3.07. Regional Transportation Authority Inspector
5 General.

6 (a) The Office of the Regional Transportation Authority
7 Inspector General is created for the purpose of detection,
8 deterrence, and prevention of fraud, corruption, waste, and
9 mismanagement in the Regional Transportation Authority, the
10 Suburban Bus Division, the Commuter Rail Division, and the
11 Board of Directors of the Chicago Transit Authority. The
12 Regional Transportation Authority Inspector General shall head
13 the Office and shall be appointed by a 7-member committee known
14 as the Selection Committee. The Selection Committee shall be
15 composed of:

16 (1) Two persons designated by the Cook County State's
17 Attorney, one of which may be the Cook County State's
18 Attorney. One member shall reside within the corporate
19 limits of the City of Chicago and one shall reside in Cook
20 County but outside the corporate limits of the City of
21 Chicago.

22 (2) The DuPage County State's Attorney or his or her
23 designee, who shall reside in DuPage County.

24 (3) The Kane County State's Attorney or his or her
25 designee, who shall reside in Kane County.

1 (4) The Lake County State's Attorney or his or her
2 designee, who shall reside in Lake County.

3 (5) The McHenry County State's Attorney or his or her
4 designee, who shall reside in McHenry County.

5 (6) The Will County State's Attorney or his or her
6 designee, who shall reside in Will County.

7 Within 60 days after the effective date of this amendatory
8 Act of the 96th General Assembly, the Selection Committee shall
9 convene to identify potential candidates to fill the position
10 of Regional Transportation Authority Inspector General. In
11 order to be eligible for consideration for the Regional
12 Transportation Authority position, candidates must meet the
13 qualifications outlined in subsection (b). The Selection
14 Committee shall appoint the Regional Transportation Authority
15 Inspector General by an affirmative vote of at least 5 of the 7
16 members. The Board, upon direction by the Selection Committee,
17 may contract with a national executive search firm to assist in
18 identifying highly qualified candidates for the Regional
19 Transportation Authority Inspector General position. The costs
20 for contracting with a national executive search firm shall be
21 paid out of the budget for the Office of the Regional
22 Transportation Authority Inspector General as outlined in
23 subsection (h). No member of the Selection Committee may vote
24 to appoint as the Regional Transportation Inspector General:
25 (i) a relative, as defined by item (6) of Section 10-15 of the
26 State Officials and Employees Ethics Act, (ii) himself or

1 herself, or (iii) a person employed by a State's Attorney
2 listed in items (1) through (6) of this subsection (a).

3 (b) The Regional Transportation Authority Inspector
4 General shall have the following qualifications:

5 (1) has not been convicted of any felony under the laws
6 of this State, another state, or the United States;

7 (2) has earned a baccalaureate degree from an
8 institution of higher education; and

9 (3) has 7 or more years of cumulative service (i) with
10 a federal, state, or local law enforcement agency, at least
11 2 years of which have been in a progressive investigatory
12 capacity; (ii) as a federal, state, or local prosecutor;
13 (iii) as a federal or state judge with a criminal docket;
14 (iv) as a senior manager or executive of a federal, state,
15 or local agency; or (v) representing any combination of (i)
16 through (iv).

17 (c) The term of the initial Regional Transportation
18 Authority Inspector General shall commence upon appointment
19 and run through June 30, 2015. The initial appointment shall be
20 made within 120 days after the first meeting of the Selection
21 Committee. After the initial term, each Regional
22 Transportation Authority Inspector General shall serve a
23 5-year term commencing on July 1 of the year of appointment and
24 running through June 30 of the fifth following year. On March 1
25 of the fifth year of each term of office for the Regional
26 Transportation Authority Inspector General, the Selection

1 Committee shall convene to identify candidates for the position
2 of Regional Transportation Authority Inspector General for the
3 next term in accordance with the provisions of subsection (a).
4 The Selection Committee may reappoint the Regional
5 Transportation Authority Inspector General to one or more
6 subsequent terms.

7 A vacancy occurring other than at the end of a term shall
8 be filled by the Selection Committee as provided in subsection
9 (a) only for the balance of the term of the Regional
10 Transportation Authority Inspector General whose office is
11 vacant.

12 Terms shall run regardless of whether the position is
13 filled. The Regional Transportation Authority Inspector
14 General may be removed only for cause and may be removed only
15 by an affirmative vote of at least 5 of the 7 members of the
16 Selection Committee. The Selection Committee must give written
17 notice to the Regional Transportation Authority Inspector
18 General specifying the cause of his or her intended removal.
19 Causes for removal shall include neglect of duty, abuse of
20 power, discrimination, ethical misconduct, a felony
21 conviction, or a felony plea.

22 (d) The Regional Transportation Authority Inspector
23 General shall have jurisdiction over the following: (i) the
24 Regional Transportation Authority, (ii) the Board of Directors
25 for the Regional Transportation Authority, (iii) the Suburban
26 Bus Division, (iv) the Board of Directors for the Suburban Bus

1 Division, (v) the Commuter Rail Division, (vi) the Board of
2 Directors for the Commuter Rail Division, (vii) the Board of
3 Directors for the Chicago Transit Authority, and (viii) all
4 officers, employes, vendors, subcontractors, and others doing
5 business with the Regional Transportation Authority, the
6 Suburban Bus Division, or the Commuter Rail Division. The
7 Regional Transportation Authority Inspector General shall also
8 have access to reports and internal records of the Chicago
9 Transit Authority Office of the Inspector General relevant to
10 any investigation of the Regional Transportation Authority
11 Inspector General.

12 The jurisdiction of the Regional Transportation Authority
13 Inspector General is to investigate allegations of fraud,
14 waste, abuse, mismanagement, misconduct, nonfeasance,
15 miffeasance, malfeasance, or violations of this Act or
16 violations of other related laws and rules, except as otherwise
17 provided in this Section. Investigations may be based on
18 complaints from any source, including anonymous sources, and
19 may be self-initiated, without a complaint. The Regional
20 Transportation Authority Inspector General shall refer
21 allegations of misconduct that fall outside the scope of the
22 Regional Transportation Authority Inspector General's
23 jurisdiction to the appropriate law enforcement official,
24 agency, or Inspector General.

25 (e) If the Regional Transportation Authority Inspector
26 General, upon the conclusion of an investigation, determines

1 that reasonable cause exists to believe that fraud, waste,
2 abuse, mismanagement, misconduct, nonfeasance, misfeasance,
3 malfeasance, or violations of this Act or violations of other
4 related laws and rules, except as otherwise provided in this
5 Section, has occurred, the Regional Transportation Authority
6 Inspector General shall issue a summary report of the
7 investigation. The report shall be delivered to the appropriate
8 individual or entity pursuant to paragraph (4) of subsection
9 (f) of this Section, which shall have 45 days to provide a
10 written response to the report.

11 (1) The summary report of the investigation shall
12 include the following:

13 (A) A description of any allegations or other
14 information received by the Regional Transportation
15 Authority Inspector General pertinent to the
16 investigation.

17 (B) A description of any alleged misconduct
18 discovered in the course of the investigation.

19 (C) Recommendations for any corrective or
20 disciplinary action or policy changes in response to
21 any alleged misconduct described in the report,
22 including but not limited to discharge.

23 (D) Other information the Regional Transportation
24 Authority Inspector General deems relevant to the
25 investigation or resulting recommendations.

26 (2) If the Regional Transportation Authority Inspector

1 General issues a recommendation of corrective or
2 disciplinary action in his or her summary report, then the
3 entity responding to the summary report issued pursuant to
4 this subsection (e) shall describe the corrective or
5 disciplinary action taken, and if different than that
6 recommended by the Regional Transportation Authority
7 Inspector General, the reasons for the different action.

8 (3) Within 60 days after issuance of a final summary
9 report, the Regional Transportation Authority Inspector
10 General shall make the report and responses issued pursuant
11 to this subsection (e) available to the public by
12 presenting the report and the responses to the appropriate
13 individual or entity pursuant to paragraph (4) of
14 subsection (f) of this Section and by posting the report
15 and responses on the Regional Transportation Authority
16 Inspector General's website. The Regional Transportation
17 Authority Inspector General shall redact information in
18 the summary report and responses issued pursuant to this
19 subsection (e) that may reveal the identity of witnesses,
20 complainants, or informants or if the Regional
21 Transportation Authority Inspector General determines it
22 is appropriate to protect the identity of a person before
23 the report is made public. The Regional Transportation
24 Authority Inspector General may also redact any
25 information that he or she believes should not be made
26 public, taking into consideration the factors set forth in

1 this subsection (e) and subsection (m) and other factors
2 deemed relevant by the Regional Transportation Authority
3 Inspector General, to protect other investigations by the
4 Regional Transportation Authority Inspector General, other
5 inspector general offices, or law enforcement officials or
6 agencies. Prior to publication, the Regional
7 Transportation Authority Inspector General shall permit
8 the respondents and the appropriate individual or entity
9 pursuant to paragraph (4) of subsection (f) of this Section
10 to review the report and the documents to be made public
11 and offer suggestions for redaction or provide a response
12 that shall be made public with the summary report, except
13 that the Regional Transportation Authority Inspector
14 General has the sole and final authority to decide which
15 redactions are made. The Regional Transportation Authority
16 Inspector General may make available to the public any
17 other summary report and any such responses or a redacted
18 version of the report and responses.

19 (4) If the Regional Transportation Authority Inspector
20 General concludes that there is insufficient evidence to
21 warrant further investigation into a particular matter,
22 then the Regional Transportation Authority Inspector
23 General shall close the investigation. The Regional
24 Transportation Authority Inspector General shall provide
25 to the appropriate individual or entity as set forth in
26 paragraph (4) of subsection (f) a written statement of his

1 or her decision to close the investigation. If possible,
2 the written statement shall also be provided to the person
3 or persons who made the complaint that initiated the
4 investigation. At the request of the subject of the
5 investigation, the Regional Transportation Authority
6 Inspector General shall provide to the subject of the
7 investigation a written statement setting forth his or her
8 decision to close the investigation. Closure by the
9 Regional Transportation Authority Inspector General does
10 not bar the Regional Transportation Authority Inspector
11 General from reopening an investigation if the
12 circumstances warrant.

13 (f) The Regional Transportation Authority Inspector
14 General shall:

15 (1) Have access to all information, records,
16 equipment, personnel, and agency premises necessary to
17 perform the duties of the office.

18 (2) Have the power to request information related to an
19 investigation from any person if the Regional
20 Transportation Authority Inspector General deems that
21 information is relevant to an investigation.

22 (3) Have the power to subpoena witnesses and compel the
23 production of books, papers, electronic records, and
24 equipment pertinent to an investigation authorized by this
25 Section. A subpoena may be issued under this paragraph (3)
26 only by the Regional Transportation Authority Inspector

1 General and not by members of the Regional Transportation
2 Authority Inspector General's staff. Any person subpoenaed
3 by the Regional Transportation Authority Inspector General
4 has the same rights, under Illinois law, as a person
5 subpoenaed by a grand jury. The power to subpoena or to
6 compel the production of books and papers, however, shall
7 not extend to the person or documents of a labor
8 organization or its representatives insofar as the person
9 or documents of the labor organization relate to the
10 function of representing an employee subject to
11 investigation under this Section. Subject to a person's
12 privilege against self-incrimination, any person who fails
13 to appear in response to a subpoena, answer any question,
14 or produce any books or papers pertinent to an
15 investigation under this Section, except as otherwise
16 provided in this Section, or who knowingly gives false
17 testimony in relation to an investigation under this
18 Section is guilty of a Class A misdemeanor.

19 In the case of a refusal to comply with a subpoena
20 issued to any person, the Regional Transportation
21 Authority Inspector General may make application to any
22 circuit court of this State which shall have jurisdiction
23 to order the witness to appear before the Regional
24 Transportation Authority Inspector General and to produce
25 evidence if so ordered, or to give testimony touching on
26 the matter in question.

1 In any proceeding seeking enforcement of a subpoena
2 issued by the Regional Transportation Authority Inspector
3 General pursuant to paragraph (3) of this subsection (f),
4 the Regional Transportation Authority Inspector General
5 shall obtain legal representation from the Illinois
6 Attorney General.

7 Whenever the Attorney General is sick or absent, or
8 unable to attend, or is interested in the matter for which
9 he or she represents the Regional Transportation Authority
10 Inspector General, upon filing of a petition under seal by
11 any person with standing, the Supreme Court (or any other
12 court of competent jurisdiction as designated and
13 determined by rule of the Supreme Court) may appoint some
14 competent attorney to prosecute or defend that matter or
15 proceeding, and the attorney so appointed shall have the
16 same power and authority in relation to that matter or
17 proceeding as the Attorney General would have had if
18 present and attending to the same.

19 Except as otherwise provided in this Section,
20 attorneys representing the Regional Transportation
21 Authority Inspector General shall be appointed or retained
22 by the Attorney General, shall be under the supervision,
23 direction, and control of the Attorney General, and shall
24 serve at the pleasure of the Attorney General. The
25 compensation of any attorneys appointed or retained in
26 accordance with this subsection (f) shall be paid by the

1 Office of the Regional Transportation Authority Inspector
2 General.

3 (4) Submit reports as required by this Section and
4 applicable administrative rules. Final reports and
5 recommendations shall be submitted to the Executive
6 Director and members of the Board of Directors of the
7 Regional Transportation Authority. Final reports and
8 recommendations shall also be submitted to the Executive
9 Director and members of the Board of Directors of the
10 Commuter Rail Division if the subject of the investigation
11 involves an officer, board member, employee, vendor, or
12 subcontractor of the Commuter Rail Division, or others
13 doing business with the Commuter Rail Division. Final
14 reports and recommendations shall also be submitted to the
15 Executive Director and members of the Board of Directors of
16 the Suburban Bus Division if the subject of the
17 investigation involves an officer, board member, employee,
18 vendor, or subcontractor of the Suburban Bus Division, or
19 others doing business with the Suburban Bus Division. The
20 provisions of this subparagraph do not apply under the
21 following circumstances:

22 (i) If the investigation involves the Executive
23 Director or any member of the Board of Directors of the
24 Regional Transportation Authority, then final reports
25 and recommendations shall be submitted to the Chair of
26 the Regional Transportation Authority Board.

1 (ii) If the investigation involves the Chair of the
2 Board of Directors of the Regional Transportation
3 Authority, then final reports and recommendations
4 shall be submitted to the remaining members of the
5 Board of Directors of the Regional Transportation
6 Authority.

7 (iii) If the investigation involves the Executive
8 Director of the Commuter Rail Division or any member of
9 the Board of Directors of the Commuter Rail Division,
10 then final reports and recommendations shall be
11 submitted to the Board of Directors of the Regional
12 Transportation Authority and to the Chair of the Board
13 of Directors of the Commuter Rail Division.

14 (iv) If the investigation involves the Chair of the
15 Board of Directors of the Commuter Rail Division, then
16 final reports and recommendations shall be submitted
17 to the Board of Directors of the Regional
18 Transportation Authority.

19 (v) If the investigation involves the Executive
20 Director of the Suburban Bus Division or any member of
21 the Board of Directors of the Suburban Bus Division,
22 then final reports and recommendations shall be
23 submitted to the Board of Directors of the Regional
24 Transportation Authority and the Chair of the Board of
25 Directors of the Suburban Bus Division.

26 (vi) If the investigation involves the Chair of the

1 Board of Directors of the Suburban Bus Division, then
2 final reports and recommendations shall be submitted
3 to the Board of Directors of the Regional
4 Transportation Authority.

5 (vii) If the investigation involves any member of
6 the Board of Directors of the Chicago Transit
7 Authority, then final reports and recommendations
8 shall be submitted to the Board of Directors of the
9 Regional Transportation Authority and to the Chair of
10 the Board of Directors of the Chicago Transit
11 Authority.

12 (viii) If the investigation involves the Chair of
13 the Board of Directors of the Chicago Transit
14 Authority, then final reports and recommendations
15 shall be submitted to the Board of Directors of the
16 Regional Transportation Authority.

17 (5) Participate in or conduct, when appropriate,
18 multi-jurisdictional investigations provided that the
19 investigations involve the Regional Transportation
20 Authority, the Suburban Bus Division, the Commuter Rail
21 Division, or the Board of the Chicago Transit Authority in
22 some way, including, but not limited to, joint
23 investigations with the Office of the Governor's Executive
24 Inspector General, the Cook County Independent Inspector
25 General, or with state, local, or federal law enforcement
26 authorities.

1 (6) Serve as the Regional Transportation Authority's
2 primary liaison with law enforcement, investigatory, and
3 prosecutorial agencies for investigations undertaken by
4 the Regional Transportation Authority Inspector General
5 pursuant to this Section. In that capacity, the Regional
6 Transportation Authority Inspector General may request any
7 information or assistance that may be necessary for
8 carrying out the duties and responsibilities provided by
9 this Section from any local, state, or federal governmental
10 agency or unit thereof.

11 (7) Review hiring and employment files of the Regional
12 Transportation Authority, the Suburban Bus Division, and
13 the Commuter Rail Division to ensure compliance with Rutan
14 v. Republican Party of Illinois, 497 U.S. 62 (1990), and
15 with all applicable employment laws.

16 (8) Establish a policy that ensures the appropriate
17 handling and correct recording of all investigations
18 conducted by the Office of the Regional Transportation
19 Authority Inspector General, in order that individuals
20 seeking to report suspected wrongdoing are familiar with
21 the process and that the subjects of investigations are
22 treated fairly. A written copy of the policy shall be made
23 accessible on the Regional Transportation Authority
24 Inspector General's website.

25 (9) Receive and investigate complaints or information
26 concerning the possible existence within the Regional

1 Transportation Authority, the Suburban Bus Division, the
2 Commuter Rail Division, or the Board of the Chicago Transit
3 Authority of fraud, waste, abuse, mismanagement,
4 misconduct, nonfeasance, misfeasance, malfeasance, or
5 violations of this Act or violations of other related laws
6 and rules, except as otherwise provided in this Section.
7 Any employee of the Regional Transportation Authority, the
8 Suburban Bus Division, or the Commuter Rail Division who
9 knowingly files a false complaint or files a complaint with
10 reckless disregard for the truth or falsity of the facts
11 underlying the complaint may be subject to discipline under
12 the disciplinary procedures of the Regional Transportation
13 Authority, the Suburban Bus Division, or the Commuter Rail
14 Division, as applicable.

15 (10) Coordinate with the Regional Transportation
16 Authority's Ethics Officer in the development of ethics
17 training specific to the Regional Transportation
18 Authority, the Suburban Bus Division, the Commuter Rail
19 Division, and the members of the Board of the Chicago
20 Transit Authority. The ethics training must be conducted on
21 a regular basis for Board members, officers, and employees
22 of the Regional Transportation Authority, the Suburban Bus
23 Division, and the Commuter Rail Division. The ethics
24 training must also be conducted on a regular basis for
25 members of the Board of the Chicago Transit Authority. The
26 training shall include, at a minimum, a review of the

1 following: (i) the process for filing a complaint with the
2 Regional Transportation Authority Inspector General and
3 (ii) the scope of the Regional Transportation Authority
4 Inspector General's authority under this Section.

5 (11) Review, coordinate, and recommend methods and
6 procedures to increase the integrity of the Regional
7 Transportation Authority, the Suburban Bus Division, the
8 Commuter Rail Division, and the Board of the Chicago
9 Transit Authority.

10 For purposes of this subsection (f), the term "persons"
11 shall mean entities or individuals as specified in subsection
12 (d).

13 (g) Within 6 months after appointment, the initial Regional
14 Transportation Authority Inspector General shall propose rules
15 establishing minimum requirements for initiating, conducting,
16 and completing investigations. The rules must establish
17 criteria for determining, based upon the nature of the
18 allegation, the appropriate method of investigation, which may
19 include, but is not limited to, site visits, telephone
20 contacts, personal interviews, or requests for written
21 responses. The rules must establish the process, contents, and
22 timing for summary reports and recommendations issued by the
23 Regional Transportation Authority Inspector General and for
24 the responses to the summary reports and recommendations issued
25 by the appropriate individual or entity pursuant to paragraph
26 (4) of subsection (f). The rules must also clarify how the

1 Office of the Regional Transportation Authority Inspector
2 General shall interact with other local, state, and federal law
3 enforcement authorities and investigations. The rules shall
4 provide that investigations and inquiries by the Office of the
5 Regional Transportation Authority Inspector General must be
6 conducted in compliance with the provisions of any collective
7 bargaining agreement that applies to the affected employees of
8 the Regional Transportation Authority, the Suburban Bus
9 Division, or the Commuter Rail Division and that any
10 recommendation for discipline or other action against any
11 employee by the Office of the Regional Transportation Authority
12 Inspector General must comply with the provisions of any
13 applicable collective bargaining agreement.

14 (h) The Office of the Regional Transportation Authority
15 Inspector General shall be an independent office of the
16 Regional Transportation Authority. Within its annual budget,
17 the Board shall provide a clearly delineated budget for the
18 Office of the Regional Transportation Authority Inspector
19 General. The budget of the Office of the Regional
20 Transportation Authority Inspector General shall be adequate
21 to support an independent and effective office. The budget may
22 not be less than \$2,000,000, not including start-up expenses,
23 in the initial year of the office. Except with the consent of
24 the Regional Transportation Authority Inspector General, the
25 Board shall not reduce the budget of the Office of the Regional
26 Transportation Authority Inspector General by more than 10% (i)

1 within any fiscal year or (ii) over the 5-year term of any
2 Regional Transportation Authority Inspector General. To the
3 extent allowed by law and the Board's policies, the Regional
4 Transportation Authority Inspector General shall have sole
5 responsibility for organizing and staffing the Office of the
6 Regional Transportation Authority Inspector General within the
7 budget established by the Board, including the recruitment,
8 supervision, and discipline of the employees of that office.
9 The Regional Transportation Authority Inspector General shall
10 report directly to the Board with respect to the prompt and
11 efficient operation of the Office of the Regional
12 Transportation Authority Inspector General.

13 For the purposes of this subsection (h), "start-up
14 expenses" include, but are not limited to, information
15 technology equipment and infrastructure, website development,
16 and executive search firm services.

17 (i) No Regional Transportation Authority Inspector General
18 or employee of the Office of the Regional Transportation
19 Authority Inspector General may, during his or her term of
20 appointment or employment:

21 (1) become a candidate for any elective office;

22 (2) hold any other elected or appointed public office
23 except for appointments on governmental advisory boards or
24 study commissions or as otherwise expressly authorized by
25 law;

26 (3) be actively involved in the affairs of any

1 political party or political organization; or

2 (4) advocate for the appointment of another person to
3 an appointed public office or elected office or position or
4 actively participate in any campaign for any elective
5 office.

6 As used in this subsection (i), "appointed public office"
7 means a position authorized by law that is filled by an
8 appointing authority as provided by law and does not include
9 employment by hiring in the ordinary course of business.

10 (i-5) No Regional Transportation Authority Inspector
11 General or employee of the Office of the Regional
12 Transportation Authority Inspector General may, for one year
13 after the termination of his or her appointment or employment:

14 (1) become a candidate for any elective office;

15 (2) hold any elected public office; or

16 (3) hold any appointed State, county, or local judicial
17 office.

18 The requirements of item (3) of this subsection may be
19 waived by the Selection Committee.

20 (j) All members of the Board of directors for the Regional
21 Transportation Authority, the Suburban Bus Division, the
22 Commuter Rail Division, and the Chicago Transit Authority, and
23 all officers, employees, vendors, subcontractors, and others
24 doing business with the Regional Transportation Authority, the
25 Suburban Bus Division, and the Commuter Rail Division have a
26 duty to cooperate with the Regional Transportation Authority

1 Inspector General and employees of the Office of the Regional
2 Transportation Authority Inspector General in any
3 investigation undertaken pursuant to this Section. Failure to
4 cooperate includes, but is not limited to, intentional
5 omissions and knowing false statements. Failure to cooperate
6 with an investigation pursuant to this Section is grounds for
7 disciplinary action, including termination of employment.
8 Nothing in this Section limits or alters a person's existing
9 rights or protections under State or federal law.

10 (k) All members of the Board of directors for the Regional
11 Transportation Authority, the Suburban Bus Division, the
12 Commuter Rail Division, and the Chicago Transit Authority and
13 all officers and employees of the Regional Transportation
14 Authority, the Suburban Bus Division, and the Commuter Rail
15 Division have a duty to report, directly and without undue
16 delay, to the Regional Transportation Authority Inspector
17 General's Office any information concerning conduct which they
18 know or should reasonably know to involve corruption or other
19 criminal activity by (i) a Board member, officer, employee,
20 vendor, subcontractor, or others doing business with the
21 Regional Transportation Authority, Suburban Bus Division, or
22 Commuter Rail Division or (i) a Board member of the Chicago
23 Transit Authority. Failure to report corrupt or other criminal
24 activity to the Regional Transportation Authority Inspector
25 General's Office is grounds for disciplinary action, including
26 termination of employment.

1 (l) The Regional Transportation Authority Inspector
2 General shall establish and maintain an independent public
3 website and whistleblower hotline. A report made through the
4 Regional Transportation Authority Inspector General's website
5 or to the whistleblower hotline shall be considered a report to
6 the Office of the Regional Transportation Authority Inspector
7 General.

8 (m) The identity of any individual providing information to
9 or reporting any possible or alleged fraud, waste, abuse,
10 mismanagement, misconduct, nonfeasance, misfeasance,
11 malfeasance, or violations of this Act or violations of other
12 related laws and rules, except as otherwise provided in this
13 Section, to the Regional Transportation Authority Inspector
14 General shall be kept confidential, unless the individual
15 consents to disclosure of his or her name or unless disclosure
16 of the individual's identity is otherwise required by law. The
17 confidentiality granted by this subsection does not preclude
18 the disclosure of the identity of a person in any capacity
19 other than as the source of an allegation.

20 Subject to the provisions of subsection (e) of this
21 Section, the Regional Transportation Authority Inspector
22 General, and employees and agents of the Office of the Regional
23 Transportation Authority Inspector General, shall keep
24 confidential and shall not disclose information exempted from
25 disclosure under the Freedom of Information Act or by this Act.

26 (n) If the Regional Transportation Authority Inspector

1 General determines that any alleged misconduct involves any
2 person not subject to the jurisdiction of the Regional
3 Transportation Authority Inspector General, then the Regional
4 Transportation Authority Inspector General shall refer the
5 reported allegations to the appropriate inspector general,
6 appropriate ethics commission, or other appropriate law
7 enforcement authority. If the Regional Transportation
8 Authority Inspector General determines that any alleged
9 misconduct may give rise to criminal penalties, then the
10 Regional Transportation Authority Inspector General may refer
11 the allegations to the appropriate law enforcement authority.
12 If a Regional Transportation Authority Inspector General
13 determines that any alleged misconduct resulted in the loss of
14 public funds in an amount of \$5,000 or greater, then the
15 Regional Transportation Authority Inspector General shall
16 refer the allegations regarding that misconduct to the Attorney
17 General, the relevant State's Attorney, and any other
18 appropriate law enforcement authority.

19 (o) The Regional Transportation Authority Inspector
20 General shall provide to the Board a summary of reports and
21 investigations made under this Section no later than March 31
22 and September 30 of each year. The summaries shall detail the
23 final disposition of the Regional Transportation Authority
24 Inspector General's recommendations. The summaries shall also
25 include detailed recommended administrative actions and
26 matters for consideration by the Board. The summaries shall not

1 contain any confidential or identifying information concerning
2 the subjects of the reports and investigations. The summaries
3 required under this subsection shall be posted on the Regional
4 Transportation Authority Inspector General's website.

5 (p) Any investigation or inquiry by the Regional
6 Transportation Authority Inspector General or any agent or
7 representative of the Regional Transportation Authority
8 Inspector General must be conducted in accordance with the
9 rights of the employees as set forth in State and federal law
10 and applicable judicial decisions. Any recommendations for
11 corrective or disciplinary action toward any employee by the
12 Regional Transportation Authority Inspector General or any
13 representative or agent of the Regional Transportation
14 Authority Inspector General must comply with the provisions of
15 any collective bargaining agreement that may apply to the
16 employee.

17 (q) Nothing in this Section shall diminish the rights,
18 privileges, or remedies of a State employee or any employee of
19 the Regional Transportation Authority, the Suburban Bus
20 Division, or the Commuter Rail Division under any other federal
21 or State law, rule, or regulation or under any collective
22 bargaining agreement.

23 (r) If a complaint is made in which the Regional
24 Transportation Authority Inspector General or an employee of
25 the Office of the Regional Transportation Authority Inspector
26 General could be reasonably deemed to be the subject or that

1 presents a conflict of interest for the Regional Transportation
2 Authority Inspector General or an employee of the Regional
3 Transportation Authority Inspector General, then the Regional
4 Transportation Authority Inspector General shall, as
5 appropriate, refer the matter to the State's Attorney with
6 jurisdiction, the Illinois Attorney General, the United States
7 Attorney, or other appropriate law enforcement official or
8 agency.

9 (s) The Office of the Regional Transportation Authority
10 Inspector General shall be subject to peer review every 3 years
11 by a qualified association selected by the Section Committee.
12 The peer review shall be paid for from funds appropriated to
13 the Office of the Regional Transportation Authority Inspector
14 General. The Chair of the Board of Directors for the Regional
15 Transportation Authority shall provide the written report from
16 the peer review to the Board of Directors for the Regional
17 Transportation Authority and the Selection Committee, and post
18 the report on the Regional Transportation Authority Inspector
19 General's website.

20 Section 15. The Whistleblower Act is amended by changing
21 Section 5 as follows:

22 (740 ILCS 174/5)

23 Sec. 5. Definitions. As used in this Act:

24 "Employer" means: an individual, sole proprietorship,

1 partnership, firm, corporation, association, and any other
2 entity that has one or more employees in this State, including
3 a political subdivision of the State; a unit of local
4 government; a school district, combination of school
5 districts, or governing body of a joint agreement of any type
6 formed by two or more school districts; a community college
7 district, State college or university, or any State agency
8 whose major function is providing educational services; any
9 authority including a department, division, bureau, board,
10 commission, or other agency of these entities; the Office of
11 the Regional Transportation Authority Inspector General; and
12 any person acting within the scope of his or her authority
13 express or implied on behalf of those entities in dealing with
14 its employees.

15 "Employee" means any individual who is employed on a
16 full-time, part-time, or contractual basis by an employer.
17 "Employee" also includes, but is not limited to, a licensed
18 physician who practices his or her profession, in whole or in
19 part, at a hospital, nursing home, clinic, or any medical
20 facility that is a health care facility funded, in whole or in
21 part, by the State.

22 (Source: P.A. 95-128, eff. 1-1-08; 96-1253, eff. 1-1-11.)

23 Section 99. Effective date. This Act takes effect upon
24 becoming law.