



**OFFICE OF THE INSPECTOR GENERAL**  
*Illinois State Toll Highway Authority*

**NOTICE OF POSTING**

**November 12, 2025**

**OIG Case #IG-25-006**

**Respondent: Kayla Heath**

Pursuant to 605 ILCS 10/8.5(e)(3), the attached redacted summary report is being posted to the Illinois Toll Highway Authority's public website. As required by law, the Office of the Inspector General for the Illinois State Toll Highway Authority (OIG) sent a copy of this report to the Respondent and gave her time to provide suggested redactions and/or a written response. Respondent did not provide any response.

OIG issued a summary report on August 1, 2025, that includes findings and recommendations resulting from an investigation. This investigation established reasonable cause to find that Customer Service Representative, Kayla Heath, falsified her Family and Medical Leave Act (FMLA) leave request and fraudulently requested, accepted, and used FMLA leave, in violation of Tollway policy. Specifically, in January and March 2025, Heath requested and received approval for intermittent FMLA leave from January through July 2025, to care for a family member she identified as her spouse. FMLA only provides job-protected caregiving leave to care for immediate family members – a child, parent, or spouse. However, this investigation established that the person Heath identified as requiring care is not her spouse or even an immediate family member.

OIG's investigation found Heath was untruthful and abused the Tollway's Leave policy in multiple ways: (1) she requested and used intermittent FMLA leave to care for an individual who is not a family member, as defined by FMLA, (2) she did not use her FMLA leave for its certified and intended purpose – regularly requesting to use her FMLA leave on Fridays, to extend her weekends, while informing people in her department she was taking her child to the doctor, and (3) she attempted to use FMLA leave to vacation in Turks and Caicos, providing no advance notice to her department of her trip. In addition to violating Tollway policies, Heath's improper actions created staffing issues, undermined morale of other staff, and adversely impacted the Tollway's ability to provide customer service.

OIG recommended that the Tollway issue discipline commensurate with the gravity of her violations, and any other relevant considerations, up to and including termination.

The Tollway initiated disciplinary proceedings, and Heath resigned, effective August 20, 2025; the Tollway placed Heath on the do not re-hire list.



**OFFICE OF THE INSPECTOR GENERAL  
SUMMARY REPORT OF INVESTIGATION  
OIG Case # IG-25-006  
August 1, 2025**

This report provides a summary of evidence set out in the attached investigative materials, and the Office of the Inspector General's (OIG's) analysis of that evidence. An index of these investigative materials is attached.

**I. INTRODUCTION**

OIG initiated an investigation after learning, on June 25, 2025, that Illinois State Toll Highway Authority (Tollway) Customer Service Representative (CSR) Kayla Heath (Heath) had been placed on a 45-day suspension pending investigation of her alleged misuse of Leave. OIG's investigation has established reasonable cause to find that Heath falsified her Family and Medical Leave Act (FMLA) leave request and fraudulently requested, accepted, and used FMLA leave, both in violation of Tollway policy on employee conduct. Specifically, in January and March 2025, Heath requested and received approval for intermittent FMLA leave from January through July 2025<sup>1</sup> to care for a family member she identified as [REDACTED] ([REDACTED]), who she verbally informed FMLASource (the Tollway's third-party FMLA vendor) was her spouse.<sup>2</sup> FMLA only provides job-protected caregiving leave to care for immediate family members – a child, parent, or spouse. However, [REDACTED] is not Heath's spouse or even an immediate family member. In an August 1, 2025 interview, Heath informed OIG that she is not married to [REDACTED], he does not reside with her, and she does not know what [REDACTED] does for a living.

Further, even had Heath's FMLA request been legitimate, the balance of evidence suggests that she did not use her leave for FMLA-covered purposes. Tollway records reflect that Heath requested leave between January and June 2025 on a weekly basis; most often on Fridays. Heath's consistent use of leave on Fridays caused staffing issues, and supervisors reported the pattern to Tollway Administration. Tollway Administration reported the concern to FMLASource, and on June 18, 2025, FMLASource determined that her approved leave should expire on June 18. Tollway Administration informed Heath that her FMLA leave end date was revised to June 18, 2025, and that she needed to recertify her leave in order to continue receiving intermittent FMLA leave.

On Friday, June 20, 2025<sup>3</sup>, Heath informed her supervisor that she was taking FMLA leave and requested vacation. He responded, reminding her that she needed to recertify her FMLA leave. On

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<sup>1</sup> Heath's original FMLA request was approved for January through March, and her request was re-certified to extend between March and July 2025

<sup>2</sup> According to Senior Manager [REDACTED] [REDACTED] Heath informed her that requested FMLA time off was to care for Heath's child.

<sup>3</sup> Thursday, June 19, 2025 was a regular Tollway holiday.

Monday, June 23, 2025, Heath again informed her supervisor that she was taking FMLA leave and requested that it be unpaid. Later that morning, Tollway IT informed Toll Operations that Heath attempted to access her Tollway Outlook email on Sunday, June 22, 2025<sup>4</sup> from an IP address geo located in Turks and Caicos.

Tollway Operations consulted Tollway Administration with concerns about Heath's use of leave, and determined that Heath's Kronos timekeeping records would be edited to ULWOP for those two days. On June 25, 2025, Heath was placed on suspension pending investigation.

OIG's investigation found Heath was untruthful and abused the Tollway's Leave policy in multiple ways: (1) she requested and used intermittent FMLA leave to care for an individual who is not a family member, as defined by FMLA, (2) she did not use her FMLA leave for its certified and intended purpose – regularly requesting to use her FMLA leave on Fridays, to extend her weekends, while informing people in her department she was taking her child to the doctor, and (3) she attempted to use FMLA leave to vacation in Turks and Caicos, providing no advance notice to her department of her trip. In addition to violating Tollway policies, Heath's improper actions created staffing issues, undermined morale of other staff, and adversely impacted the Tollway's ability to provide customer service.

Her improper actions also bring discredit on the Tollway, erode public confidence in government institutions and clearly fall well below the standards of conduct expected from Tollway employees like Heath. Therefore, OIG recommends that the Tollway issue discipline, commensurate with the gravity of her violations, and any other relevant considerations, up to and including termination.

OIG also recommends that, in accordance with U.S. Department of Labor guidance, the Tollway and FMLASource consider requiring that employees provide written certification or documentation of a family relationship when seeking FMLA approval.

## **II. APPLICABLE RULES, REGULATIONS, LAW**

### **A. Family Medical Leave Act**

The Family and Medical Leave Act (FMLA) is a federal law that provides eligible employees up to 12 workweeks of unpaid leave a year, and requires group health benefits to be maintained during the leave as if employees continued to work instead of taking leave.<sup>5</sup> Employees are also entitled to return to their same or an equivalent job at the end of their FMLA leave.

A covered employer, like the Tollway, must grant an eligible employee up to a total of 12 workweeks of unpaid, job-protected leave in a 12-month period for one or more of the following reasons:

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<sup>4</sup> UTC stands for Coordinated Universal Time and is the international reference time used to standardize time internationally. During the summer, when Daylight Savings Time is in effect, UTC is five hours ahead of Central Daylight Time (CDT), the time zone for Chicago. The alert was at 4:09am UTC time which with time change, meant the login was Saturday, June 21 at 11:09pm CDT.

<sup>5</sup>See US Department of Labor website: [FMLA Frequently Asked Questions | U.S. Department of Labor](#) (last accessed 07/28/2025)

- for the birth of a son or daughter, and to bond with the newborn child;
- for the placement with the employee of a child for adoption or foster care, and to bond with that child;
- to care for an immediate family member (spouse, child, or parent – but not a parent “inlaw”) with a serious health condition;
- to take medical leave when the employee is unable to work because of a serious health condition; or
- for qualifying exigencies arising out of the fact that the employee’s spouse, son, daughter, or parent is on covered active duty or call to covered active duty status as a member of the National Guard, Reserves, or Regular Armed Forces.

The FMLA also allows eligible employees to take up to 26 workweeks of unpaid, job-protected leave in a “single 12-month period” to care for a covered servicemember with a serious injury or illness.

1. Code of Federal Regulations, 29 CFR 825 – The Family and Medical Leave Act of 1993

- a. 29 CFR 825.122, Definitions of covered servicemember, spouse, parent, son or daughter, next of kin of a covered servicemember, adoption, foster care, son or daughter on covered active duty or call to covered active duty status, son or daughter of a covered servicemember, and parent of a covered servicemember, in relevant part:

(b) *Spouse, as defined in the statute*, means a husband or wife. For purposes of this definition, husband or wife refers to the other person with whom an individual entered into marriage as defined or recognized under state law for purposes of marriage in the State in which the marriage was entered into or, in the case of a marriage entered into outside of any State, if the marriage is valid in the place where entered into and could have been entered into in at least one State. This definition includes an individual in a same-sex or common law marriage<sup>6</sup> that either:

- (1) Was entered into in a State that recognizes such marriages; or
- (2) If entered into outside of any State, is valid in the place where entered into and could have been entered into in at least one State.

(k) *Documenting relationships*. For purposes of confirmation of family relationship, the employer may require the employee giving notice of the need for leave to provide reasonable documentation or statement of family relationship. This documentation may take the form of a simple statement from the employee, or a child's birth certificate, a court document, etc. The employer is entitled to examine

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<sup>6</sup> Illinois does not offer common law marriage, but recognizes common law marriages properly established in other states.

documentation such as a birth certificate, etc., but the employee is entitled to the return of the official document submitted for this purpose.

- b. 29 CFR 825.301(b), Designation of FMLA leave, in relevant part:

An employee giving notice of the need for FMLA leave must explain the reasons for the needed leave so as to allow the employer to determine whether the leave qualifies under the Act. If the employee fails to explain the reasons, leave may be denied. In many cases, in explaining the reasons for a request to use leave, especially when the need for the leave was unexpected or unforeseen, an employee will provide sufficient information for the employer to designate the leave as FMLA leave. [in relevant

- c. 29 CFR 825.302, Employee notice requirements for foreseeable FMLA leave, in relevant part:

(a) *Timing of notice.* An employee must provide the employer at least 30 days advance notice before FMLA leave is to begin if the need for the leave is foreseeable based on... planned medical treatment for a serious health condition... of a family member[.] If 30 days notice is not practicable, such as because of a lack of knowledge of approximately when leave will be required to begin, a change in circumstances, or a medical emergency, notice must be given as soon as practicable.

(b) *As soon as practicable* means as soon as both possible and practical, taking into account all of the facts and circumstances in the individual case. When an employee becomes aware of a need for FMLA leave less than 30 days in advance, it should be practicable for the employee to provide notice of the need for leave either the same day or the next business day. In all cases, however, the determination of when an employee could practicably provide notice must take into account the individual facts and circumstances.

(c) *Content of notice.* An employee shall provide at least verbal notice sufficient to make the employer aware that the employee needs FMLA-qualifying leave, and the anticipated timing and duration of the leave. . . . When an employee seeks leave due to a FMLA-qualifying reason, for which the employer has previously provided FMLA-protected leave, the employee must specifically reference the qualifying reason for leave or the need for FMLA leave. In all cases, the employer should inquire further of the employee if it is necessary to have more information about whether FMLA leave is being sought by the employee, and obtain the necessary details of the leave to be taken. In the case of medical conditions, the employer may find it necessary to inquire further to determine if the leave is because of a serious health condition and may request medical certification to support the need for such leave. *See* § 825.305. . . . When an employee has been previously certified for leave due to more than one FMLA-qualifying reason, the employer may need to inquire

further to determine for which qualifying reason the leave is needed. An employee has an obligation to respond to an employer's questions designed to determine whether an absence is potentially FMLA-qualifying. Failure to respond to reasonable employer inquiries regarding the leave request may result in denial of FMLA protection if the employer is unable to determine whether the leave is FMLA-qualifying.

(d) *Complying with employer policy.* An employer may require an employee to comply with the employer's usual and customary notice and procedural requirements for requesting leave, absent unusual circumstances. For example, an employer may require that written notice set forth the reasons for the requested leave, the anticipated duration of the leave, and the anticipated start of the leave. . .

(e) *Scheduling planned medical treatment.* When planning medical treatment, the employee must consult with the employer and make a reasonable effort to schedule the treatment so as not to disrupt unduly the employer's operations, subject to the approval of the health care provider. Employees are ordinarily expected to consult with their employers prior to the scheduling of treatment in order to work out a treatment schedule which best suits the needs of both the employer and the employee. For example, if an employee who provides notice of the need to take FMLA leave on an intermittent basis for planned medical treatment neglects to consult with the employer to make a reasonable effort to arrange the schedule of treatments so as not to unduly disrupt the employer's operations, the employer may initiate discussions with the employee and require the employee to attempt to make such arrangements, subject to the approval of the health care provider. See §§ 825.203 and 825.205.

(f) Intermittent leave or leave on a reduced leave schedule must be medically necessary due to a serious health condition or a serious injury or illness. An employee shall advise the employer, upon request, of the reasons why the intermittent/reduced leave schedule is necessary and of the schedule for treatment, if applicable. The employee and employer shall attempt to work out a schedule for such leave that meets the employee's needs without unduly disrupting the employer's operations, subject to the approval of the health care provider.



## **B. Illinois Tollway Policy and Procedure Manual**

1. Chapter VII. Employee Conduct and Discipline: Section A: Employee Conduct, in relevant part:
  - Falsification of insurance claims, including workers' compensation claims or FMLA
  - Fraudulent request, acceptance or use of leave time
  - Other conduct unbecoming a Tollway employee

## **III. BACKGROUND**

### **A. Subjects/Parties Involved**

1. Kayla Heath, Customer Service Representative

According to Tollway records, Heath began her employment with the Tollway on April 17, 2023, as a Customer Service Representative. Tollway records reflect Heath's marital status as single.

## **IV. SUMMARY OF INVESTIGATION**

### **A. Documents<sup>7</sup>**

1. June 23, 2025 Immediate Suspension Pending Investigation memorandum

Memorandum to Heath from Deputy Chief [REDACTED] and Chief [REDACTED]

Effective immediately, you are hereby suspended from employment with the Tollway without pay pending Investigation In accordance with Illinois Tollway Policy and Procedure Manual Chapter 7, Section A. Employee Conduct. Once the investigation is completed, you will be provided written documentation fully explaining the reasons for your suspension. You will also be provided an opportunity to respond based on the findings and disposition. A Loudermill Response Form will accompany this documentation in order for you to respond.

2. FMLA Leave Request #5342481

- a. Decision Letter January 30, 2025

On January 30, 2025, Heath's FMLA leave was approved from January 17, 2025, to March 17, 2025. The estimated frequency of absence states:

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<sup>7</sup> OIG subpoenaed additional, relevant financial records, all of which have not yet returned. OIG will update as necessary.

On an intermittent basis for up to 1 treatment(s) or appointment(s) per week lasting up to 1 day(s) per treatment/appointment and for up to 2 episodic incapacitation(s) per week lasting up to 2 day(s) per episode.

b. Medical Certification January 27, 2025.

The certification submitted by Heath requests intermittent leave due to “Family Member’s Serious Health Condition” to care for patient [REDACTED]. Typewritten on the first page of the request are leave dates of January 10, 2025, to February 21, 2025. Handwritten dates on the second page of the request are leave dates from January 17, 2025, through March 17, 2025. The form is divided into three steps – Patient Condition, Dates of Leave, and Signature – Health Care Provider Information.

Step 1, Section A describes the appropriate medical facts about [REDACTED] condition and treatment.

Step 2 provides January 17, 2025, as the start date for care and March 17, 2025, as the end date. It states appointments or treatments occur “up to one time per week lasting up to a day.” And that Heath may have to miss work to care for the patient for flare-ups or incapacity up to two times per week, lasting up to two days.

In Step 3, Dr. [REDACTED] signed the form as the healthcare provider. She lists her specialty as [REDACTED] and her address as [REDACTED] Olympia Fields, Illinois 60461. She dated the form January 27, 2025.

c. Decision Letter March 21, 2025

On March 21, 2025, Heath’s FMLA leave was approved from March 18, 2025 to July 18, 2025. The estimated frequency of absence states:

On an intermittent basis for up to 1 treatment(s) or appointment(s) per week lasting up to 1 day(s) per treatment/appointment and for up to 2 episodic incapacitation(s) per week lasting up to 2 day(s) per episode”

d. Medical Certification March 14, 2025

The certification requests intermittent leave due to “Family Member’s Serious Health Condition” to care for patient [REDACTED]. Typewritten on the first page of the request are leave dates of March 18, 2025, to May 18, 2025. Handwritten dates on the second page of the request are leave dates from March 18, 2025, through July 18, 2025.

Step 1, Section A again provides information about [REDACTED] qualifying medical condition and treatment.

Step 1, Section C provides additional information about [REDACTED] condition and that he needs a family member to care for him. “



Step 2 provides March 18, 2025, as the start date for care and July 18, 2025, as the end date. It states appointments or treatments occur “up to one time per week lasting up to a day.” And that Heath may have to miss work to care for the patient for flare-ups or incapacity up to two times per week, lasting up to two days.

██████████ again signed the form in Step 3, as the healthcare provider, and dated in March 14, 2025.

3. ██████████ Alert

██████████<sup>8</sup> alerted Tollway IT that a login was attempted on Sunday, June 22, 2025, between 4:08 a.m. and 4:09 a.m. UTC from source kheath@getipass.com.<sup>9</sup> The alert shows that the application attempted to be accessed was One Outlook Web from an IP address 204.13.105.2, which geo locates to Turks and Caicos.<sup>10</sup>

4. Heath’s I-PASS Transponder Data

I-PASS records reflect that Heath has three different accounts: a personal transponder associated with a Lexus RX license plate ██████████, a pay-by-plate account, and a Tollway-issued transponder.

I-PASS transponder data for Heath’s personal I-PASS # ██████████ reflects on June 19, 2025, the following:

Transaction Date and Time	Posting Date and Time	Agency	Tag ID	Lic. Plate	Facility Description	Location	Loc. Description	Lane Description	Direction
6/19/2025 6:21	7/4/2025 16:27	14	102462	██████████ <sup>11</sup>	I-294	41	163rd St	TRI-163ST-55	N
6/19/2025 6:32	7/4/2025 16:26	14	102462	██████████	I-294	39	83rd St	TRI-83ST-56	N
6/19/2025 6:44	7/4/2025 16:26	14	102462	██████████	I-294	35	Cermak Rd	TRI-CRMKR-55	N
6/19/2025 6:54	7/4/2025 16:21	14	102462	██████████	I-294	32	Ohare East	TRI-OHRE-01	N

On June 19, 2025, all Tollway employees had the day off for the Juneteenth holiday. The transponder information shows Heath’s vehicle traveling north on I-294 and ultimately using the O’Hare I-PASS plaza at O’Hare Airport.

<sup>8</sup> ██████████ is a program that detects attempted Tollway logins outside of the United States. If an employee attempts to login to their Tollway programs from outside the United States without prior authorization, an alert is sent to Tollway IT Security.

<sup>9</sup> As noted in footnote 2, this translates to a login on Saturday, June 21, 2025, between 11:08 p.m. and 11:09 p.m. CDT, Chicago’s time zone.

<sup>10</sup> Turks and Caicos is a group of islands in the Atlantic Ocean, located southeast of the Bahamas.

<sup>11</sup> License plate ██████████ comes back to a 2024 Lexus RX registered to Kayla Heath

No transponders associated with Heath have any activity from June 19, 2025, to June 23, 2025.

5. Personnel Policies and Procedures Manual Acknowledgment, Disclaimer and Receipt

Heath signed the document on April 15, 2025, attesting “I acknowledge that it is my responsibility to read and understand the contents of this manual.”

6. Illinois Tollway Emergency Contact Information for Employees form

The form is undated. The form lists Heath’s father [REDACTED], and Heath’s friend [REDACTED] as her emergency contacts.

7. In Case of Emergency form

The form, located in Heath’s Tollway personnel file, is signed and dated by Heath on October 8, 2024. The form lists Heath’s father [REDACTED] as her emergency contact.

**B. Correspondence/Interviews**

1. IT Security Analyst [REDACTED]

On June 25, 2025, OIG spoke with Tollway IT Security Analyst [REDACTED] ([REDACTED]) and learned the following:

The Tollway has a contract with an internet security company named [REDACTED] that monitors when Tollway devices or accounts are accessed outside of the county or under suspicious circumstances. [REDACTED] stated that when a Tollway device or account is accessed outside of the country without prior approval from IT, [REDACTED] will provide an alert that includes who accessed the account, what Tollway account was used, when it was accessed, the IP address, location of the attempted login, and what Tollway system was accessed. The system also monitors suspicious U.S. use. [REDACTED] gave an example of if the device was used in Chicago and then an hour later used in California, the system would flag that as well, since there the device could be in both of those places within that time frame..

[REDACTED] provided OIG with the alert for Heath. He stated that, in her case, she used a cell phone to login to her Tollway Outlook account using her Tollway login credentials. The IP address came back to a wireless provider located in Turks and Caicos. [REDACTED] said it appeared Heath checked her email but did not attempt to access any other Tollway systems.

2. Deputy Chief [REDACTED] [REDACTED]

On July 22, 2025, OIG interviewed Deputy Chief [REDACTED] ([REDACTED]). [REDACTED] was asked orally and in writing for consent to audio record the interview, to which he consented. [REDACTED] was also provided Administrative Advisements for non-union employees, which he reviewed, acknowledged, and signed.



██████ has been in the role of Deputy Chief ██████████ for almost two years. He oversees compensation, professional learning, and some discipline. The Chief ██████████ (██████) has the final decision with respect to discipline, but ████████ ensures discipline is consistent and equal. He is also the backup for ████████ and fills in for her when she is out of the office.

Heath was suspended after Toll Operations requested an OIG investigation into possible fraudulent FMLA usage. Per the CBA guidelines, she was suspended pending investigation. The information Toll Operations provided to Administration was that she called off on a Friday and a Monday using FMLA. IT found that she tried to access the Tollway network from Turks and Caicos, which is outside of the country. ████████ was present for the issuing of her suspension. Also present was Heath and Union Representative ██████████ (██████). ████████ did not disclose to Heath what she was suspended for. When issuing a suspension pending investigation, the employee is told they will receive more information about why they are suspended at a later date. Heath had no questions and made no statements. She refused to sign the suspension document and Tollway Security escorted her out.

### 3. Customer Service Manager ██████████.

On July 24, 2025, OIG interviewed Customer Service Manager ██████████ (██████). ████████ was asked orally and in writing for consent to audio record the interview, to which he did not consent. ████████ was also provided Administrative Advisements for Non-union employees, which he reviewed, acknowledged, and signed. ████████ provided the following:

██████ has served as a Customer Service Manager ██████████. He manages seven to nine people, including the front counter of customer service.

Heath contacts ████████ if she wants to use FMLA. ████████ knew Heath had FMLA-approved leave but was not aware of what Heath's FMLA was for and never asked her for details. She never mentioned what the FMLA was for and never mentioned a spouse. Heath always texts ████████ with her leave requests. She tells him if she needs to use FMLA, if it is an episode or treatment, and if she wants to use vacation or no pay. The texts always come in two to three hours prior to her shift. ████████ never asks for a doctor's note for her time off, based on training he has received.

On June 20, 2025, at 5:52 a.m., Heath texted ████████ to use FMLA and stated it was for an episode and she wanted to use vacation pay. He responded by text that her FMLA had expired and that she would need to recertify her FMLA leave. She did not respond to ████████.

On June 23, 2025, Heath texted ████████ at 5:07 a.m. stating she would not be in to work for an FMLA episode and she wanted no pay status.

When Heath uses time off, ████████ sends an email to Scheduling Manager ██████████, Leave of Absence (LOA), Sr. Manager ██████████ (██████), ████████



Administrative Manager [REDACTED], and I [REDACTED] Support Associate [REDACTED]. [REDACTED] was not aware of what Heath's time off bank consisted of.

[REDACTED] stated he noticed a pattern of her time off and that she was heavily using her FMLA leave on Fridays. [REDACTED] escalated his concern to [REDACTED].

[REDACTED] is unaware of any denied time off and Heath sends her sick time and vacation time requests to [REDACTED]. [REDACTED] might be copied on some of those emails.

There is a negative impact of Heath calling off for FMLA on the rest of the department. Mondays and Fridays are the busiest days for customer service, and they struggle to cover shifts when she calls off. This results in longer wait times and delays in responding to customer complaints. [REDACTED] also stated it is a morale killer when she calls off and other employees have to cover for her. Other employees are not happy when it happens.

4. Senior Manager [REDACTED] [REDACTED]

On July 24, 2025, OIG interviewed Senior Manager [REDACTED] [REDACTED] ([REDACTED]). [REDACTED] was asked orally and in writing for consent to audio record the interview, to which she did consent. [REDACTED] was also provided Administrative Advisements for Non-union employees, which she reviewed, acknowledged, and signed. [REDACTED] provided the following:

[REDACTED] has been with the Tollway for eleven years. [REDACTED] [REDACTED]. She oversees around 60 people. Her duties include overseeing the entire I-PASS department which includes employee management, customer issues, signed check requests, government past paid accounts, and testing new I-PASS products and features.

Currently, when Heath needed to use time off, she would contact [REDACTED], but prior to that, Heath would send [REDACTED] text messages. Heath primarily texts using her personal phone when she wanted to use time off. Heath does not have a Tollway issued work phone. Twice a year employees bid for vacation, and [REDACTED] recalled having denied her vacation time request in the past. Before she had FMLA, Heath would call off for appointments for her child. [REDACTED] could not recall the child's name and stated she never heard of a spouse related to Heath. [REDACTED] brought it to Heath's attention that FMLA was available, and Heath started using FMLA.

Initially, [REDACTED] noticed that Heath was regularly calling off and using her FMLA time on Fridays. So [REDACTED] asked Heath for a list of appointments that could be put on the calendar to schedule around. Heath did not provide a list and stated she was not using more than her allotment of FMLA time.

After that conversation, Heath started using "episode" as her explanation for using her FMLA leave time. Then she would alternate between saying the leave was for a treatment/appointment or an episode. [REDACTED] said it is hard for them to ask for additional documentation other than recertification. Vacation time or no pay status for FMLA can only be used after sick time has



been exhausted. Once Heath started using FMLA, her requests for vacation time pretty much stopped.

Heath continued to regularly take off on Fridays, and [REDACTED] brought the pattern to Deputy Chief [REDACTED] who agreed Heath should have her FMLA recertified. Scheduling Manager [REDACTED] then submitted the request to [REDACTED], who then sent it to FMLASource. [REDACTED] subsequently learned that Heath's FMLA leave was ended on June 18 and that Heath had to get re-certified.

[REDACTED] learned from [REDACTED] that Heath sought to use FMLA leave on June 20, 2025, and June 23, 2025. [REDACTED] knew that Heath sent texts to [REDACTED], but could not recall what reason Heath provided. [REDACTED] stated Heath was made aware on June 20, 2025, that her FMLA had ended and that she needed to re-certify.

[REDACTED] said she received an email on June 23, 2025, from IT stating that Heath attempted to log in to the network and it showed her in Turks and Caicos. [REDACTED] believes that since the schedule is posted on Thursday, Heath likely was logging in to see her schedule for the next week. [REDACTED] had no conversations with Heath about the phone pinging outside the country.

[REDACTED] said that when Heath would call off, it caused problems because she had to be replaced at the counter or at an oasis location and overtime was needed to cover her shifts. [REDACTED] was not aware of any negative impacts to morale caused by Heath calling off. Heath was very knowledgeable of her job and on time for work.

##### 5. Deputy Chief [REDACTED]

On July 31, 2025, OIG interviewed Deputy Chief [REDACTED] ([REDACTED]). [REDACTED] was asked orally and in writing for consent to audio record the interview, to which he did consent. [REDACTED] was also provided Administrative Advisements for Non-union employees, which he reviewed, acknowledged, and signed. [REDACTED] provided the following:

[REDACTED] His job duties include responsibility for the IT Security Program. He manages the team that protects the Tollway's IT infrastructure from any external penetration or malicious events.

[REDACTED] provided information about [REDACTED] It is an external security operations center that the Tollway uses to monitor IT infrastructure 24/7, 365 days a year. It blocks any intrusion attempt during any time of the day. If it detects an anomaly – such as a log in from outside of the United States – [REDACTED] sends a notification to the Tollway IT Security Team through email or a phone call. The emails alert Tollway IT Security of a concern and then IT Security validates the reason for the employee's login and contacts the employee's manager to verify if the employee was on vacation. If the IT Security finds that the employee should not be accessing the account or are using a laptop, they block access. If an employee is found to have been on vacation and trying to access their email through their work phone, then IT allows the access. The system also tracks employee behavior.



There have been times where attempts are made to access the Tollway system using an employee's credentials. This happens often and is an everyday occurrence. If an employee attempts to use login using a personal phone, it will require a [REDACTED]. The [REDACTED] needs to provide credentials to access the Tollway system. Without the [REDACTED] they cannot access the Tollway network. The [REDACTED] has to be placed on an employee's personal phone by IT. [REDACTED] says very few employees, mostly upper management have the [REDACTED] with Tollway access on their personal phones. However, an employee can use a web browser to access their email. This can be done on a laptop or personal phone by using a web browser. This is called using a mobile [REDACTED]. An employee can try to access their Tollway email outside of the country by using the correct credentials, but IT Security would be alerted. Both login and attempted logins are captured and generate alerts.

[REDACTED] reviewed a June 21, 2025, [REDACTED] alert for login attempt for kheath@getipass.com. [REDACTED] reviewed the alert and stated the attempted login was from Turks and Caicos which is an unusual login region. The login attempt used the [REDACTED] which is the same application on Tollway phones. It was not a browser login attempt, but the login used a [REDACTED]. [REDACTED] stated you can download the [REDACTED] on to your personal phone to access personal emails. But if you use that [REDACTED] and attempt to access your Tollway email, you would be denied access unless IT provides access. An attempted login using the [REDACTED] without having Tollway access granted by IT would generate an [REDACTED] alert. You can install the [REDACTED] but you can only get so far without granted access from IT.

[REDACTED] stated [REDACTED] provided the log in location based on the IP address and it is fairly confident that is where the log in originated. [REDACTED] said [REDACTED] does a good job of determining where alerts originate. [REDACTED]

## 6. Customer Service Representative Kayla Heath

### *a. Interview Attempts*

OIG attempted to set up the interview with Heath starting on Wednesday, July 23, 2025, for Monday, July 28, 2025. Despite phone calls to Heath on July 23, 2025, and July 24, 2025, she did not disclose her availability for an interview until July 25, 2025. Heath told OIG that she was available starting Friday, August 1, 2025, and that OIG should reach out to [REDACTED] ([REDACTED]), who is [REDACTED] of AFSCME. OIG called [REDACTED] on July 25, 2025, and July 28, 2025, to schedule the interview. Despite leaving two voicemails for Mr. [REDACTED], he did not respond to OIG. On July 28, 2025, OIG followed up with [REDACTED] via email; he responded and suggested interviewing Heath on August 1, 2025. On July 29, 2025, he confirmed the August 1, 2025 interview for Heath.

### *b. August 1, 2025 interview*

On August 1, 2025, OIG interviewed Customer Service Representative Kayla Heath (Heath). Also present for the interview was AFSCME Union [REDACTED], who served as Heath's

union representative. Heath was asked orally and in writing for consent to audio record the interview, to which she did not give consent. Heath was also provided Administrative Advisements for Union Employees, which she reviewed acknowledged understanding and verbally declined to sign. In summary, Heath provided the following:

Heath has worked for the Tollway since 2023. She currently works as a Customer Service Representative and described her duties as working at the front counter in customer service and assisting customers. She works Monday through Friday from 9:00 a.m. to 5:00 p.m.

Heath has not been issued a Tollway cell phone and she accesses her Tollway email from her laptop. She stated that other people in her household have access to her laptop and that her credentials are saved to her laptop in a “password key.” She does not believe anyone other than her has access to her Tollway email account.

Heath acknowledged that she previously had an active FMLA leave, but did not recall when the leave started, if or when it was approved, why it was approved, how many times she requested FMLA leave, any details regarding the reason she needed FMLA leave, how long the leave was for, or the process of obtaining her FMLA leave. She stated she could not recall meeting with a doctor or FMLASource. She stated she could not recall how to call in to use FMLA leave or if she called or texted her supervisor to use the leave. Heath reviewed the medical certifications for her FMLA leave, but continued to maintain that she did not recall anything related to the FMLA leave.

Heath said [REDACTED], the patient on her FMLA medical certification, was someone she considered her husband and spouse. She stated their relationship operates in a married capacity, but she is not legally married to him. She said he is the emergency contact for her and her children, including her children’s schools. After reviewing her emergency contact paperwork in her Tollway personnel file, which did not include [REDACTED], Heath amended her statement to say that [REDACTED] is her emergency contact everywhere except the Tollway.

Heath asserted that she served as [REDACTED] caretaker after his medical treatment. She did not report [REDACTED] to the Tollway as her spouse or add him to her employee benefits. When asked why she had not done so, she responded, “Why would I?” [REDACTED] does not reside with her, and she could not recall where he works.

Heath could not recall what she did or what care she provided when [REDACTED] had an episode or flare up, stating “I can’t recall, I haven’t been here for a while.” She did not recall scheduling any appointments for [REDACTED] or if any supervisors talked to her about providing a list of future appointments to the Tollway for scheduling purposes.

Heath said she could not recall taking any vacations since May 2025. She could not recall if she requested any time off for a vacation. She could not recall anything related to Juneteenth weekend. Heath reviewed her personal I-PASS transponder data from June 19, 2025, which showed her traveling on I-294 North and using the O’Hare toll lane at 6:54 a.m. The records reflected the license plate of the car using the toll lane belonged to her Lexus RX. OIG explained to her that the records reflected that her personal and Tollway-issued I-PASS transponders, as well as her pay-by-plate, showed no activity from June 19, 2025, to June 23, 2025. She was then told that a flight

from O'Hare to Turks and Caicos was scheduled to depart at 10:55 a.m. that day. Heath could not recall anything related to the information OIG provided, but said she is not the only person who drives her vehicle.

Heath reviewed the [REDACTED] alert of the attempted login to her Tollway email account from Turks and Caicos and stated she could not recall anything related to the Turks and Caicos information shown to her. OIG again asked, "So to be clear you're not saying, 'no,' that you were not in Turks and Caicos?" She replied, "No, I'm saying I don't recall."

Heath next reviewed text messages from herself to her supervisor, showing that she requested to use FMLA leave on June 20, 2025, and June 23, 2025, both for the reason of episodes. She stated she could not recall those text messages. Heath was asked for consent to obtain flight manifests for the flight from O'Hare to prove she was not on the flight to Turks and Caicos, which she did not provide. She said she had no idea whether the flight manifest would show her on the flight.

### **C. Charts of Heath's FMLA use from March 18, 2025, to June 18, 2025**

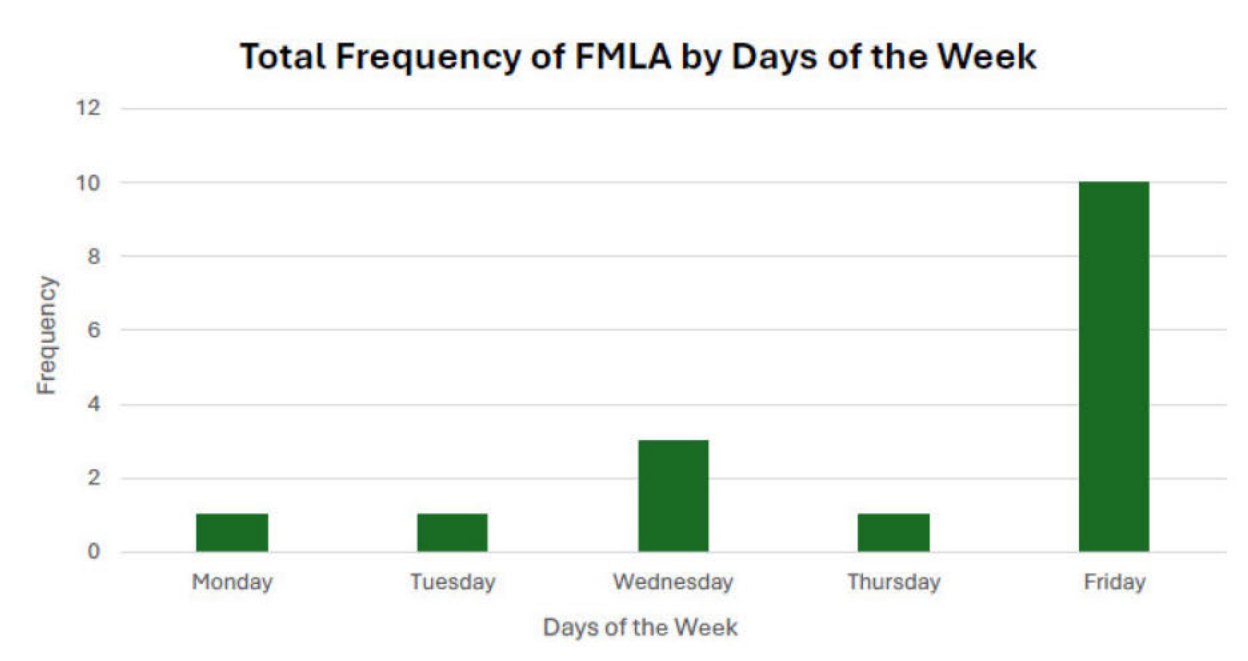
The following charts show Heath's FMLA use as found in Kronos. As seen below, a majority of her FMLA usage happened on Fridays.

<b>Day of the Week:</b>	<b>Date:</b>	<b>Type of FMLA:</b>	<b>Hours Used:</b>
Friday	3/28/2025	FMLA - NO PAY	8
Wednesday	4/9/2025	FMLA - NO PAY	8
Friday	4/18/2025 <sup>12</sup>	FMLA - NO PAY	4
Wednesday	4/23/2025	FMLA - NO PAY	4
Friday	5/2/2025	FMLA - SICK+	8
Friday	5/9/2025	FMLA - NO PAY	8
Friday	5/9/2025	FMLA - SICK+	3
Thursday	5/15/2025	FMLA - NO PAY	5
Friday	5/16/2025	FMLA - NO PAY	8
Wednesday	5/21/2025	FMLA - NO PAY	8
Friday	5/30/2025	FMLA - NO PAY	8
Monday	6/2/2025 <sup>13</sup>	FMLA - SICK+	3
Friday	6/6/2025	FMLA - NO PAY	3
Friday	6/6/2025	FMLA - SICK+	5
Friday	6/13/2025	FMLA - NO PAY	8
Tuesday	6/17/2025 <sup>14</sup>	FMLA - NO PAY	4

<sup>12</sup> On Friday 4/18/2025, Heath clocked in at 9:00 AM and clocked out at 1:00 PM.

<sup>13</sup> On Monday 06/02/2025, Heath clocked in at 8:58 AM and clocked out at 2:00 PM

<sup>14</sup> On Tuesday 06/17/2025, Heath clocked in at 9:00 AM and clocked out at 1:00 PM



## **V. ANALYSIS**

OIG's investigation confirmed that Heath falsified her FMLA request and fraudulently requested, accepted, and used leave time. Her actions constitute conduct unbecoming a Tollway employee and violate Chapter VII, Section A of the Tollway Policy and Procedure Manual.

### **1. Heath was not entitled to the FMLA Leave she sought and accepted**

FMLA provides job-protected leave for qualifying reasons, including to care for an immediate family member. Immediate family member is defined as a spouse, child, or parent. Spouse is defined in the Act as, "husband or wife... the other person with whom an individual entered into marriage as defined or recognized under state law for purposes of marriage in the State in which the marriage was entered into or, in the case of a marriage entered into outside of any State, if the marriage is valid in the place where entered into and could have been entered into in at least one State." The definition allows for common law marriages if the marriage "was entered into in a State that recognizes that marriage[.]"

Heath submitted a request seeking approval for FMLA leave to care for family member [REDACTED] after medical treatment he received. Heath subsequently verbally informed FMLA Source that [REDACTED] was her spouse.

However, during her interview, Heath informed OIG that while she considered [REDACTED] to be her husband, they were not legally married. In fact, Heath admitted that they do not live together, he is not listed on any of her Tollway paperwork, he is not covered by her employee benefits, and she does not know where he works. Heath claimed that [REDACTED] is listed as an emergency contact for her children at their schools. This does not rise to the definition of spouse in FMLA.

Heath and [REDACTED] were not legally married, nor were they in a common law marriage.<sup>15</sup> Nor is [REDACTED] any kind of immediate family member of Heath's. Therefore, when Heath submitted paperwork to FMLASource requesting FMLA leave to care for a family member and verbally informed FMLASource that [REDACTED] was her husband, she falsified her FMLA request and made a fraudulent request. By accepting and using this fraudulent, false FMLA leave, she further violated Tollway policy.

## 2. Heath's use of FMLA was improper

Even had Heath and [REDACTED] been married, and he had a medical condition for which she was eligible to take FMLA leave, the preponderance of the evidence reflects that Heath did not use her FMLA leave in a manner consistent with its granting. Heath requested FMLA leave to provide care to [REDACTED] after medical treatment, yet it appears that she used the leave as a means to extend her weekends. Heath could not recall anything about the care she claims to have provided to [REDACTED] for almost six months. Further, evidence – including I-PASS records and the [REDACTED] alert – support the conclusion that Heath attempted to use two FMLA days after travelling to Turks and Caicos. Heath, when asked to respond to this conclusion, could not recall whether she had traveled to the Caribbean nation approximately seven weeks ago. Notably, Heath said she did not deny travelling to Turks and Caicos, she just could not recall.

After noticing Heath's pattern of absences on Fridays, her supervisors and Toll Operations management attempted to work out a consistent leave schedule for Heath so they could plan accordingly. After making this request, Heath changed the reasons for her requested days and did not set up a schedule. Instead, she typically would text 2 to 3 hours prior to the start of her shift, informing the department that she would need to use FMLA, and leaving the department without much notice. As a result, the department would scramble to cover shifts and move people around to ensure all duties were covered. This caused long wait times for customers and delayed responding to customer complaints and questions. The pattern was significant enough that the Tollway notified FMLASource of possible misuse of FMLA resulting in Heath's leave ending a month early on June 18, 2025, requiring re-certification from the medical provider. Even after being notified by her supervisors that her leave ended on June 18, 2025, Heath called off June 20, 2025, and June 23, 2025, attempting to used FMLA.

Her improper actions also bring discredit on the Tollway, erode public confidence in government institutions and clearly fall well below the standards of conduct expected from Tollway employees like Heath. Therefore, OIG recommends that the Tollway issue discipline, commensurate with the gravity of her violations, and any other relevant considerations, up to and including termination.

## 3. Process recommendation

OIG also recommends that the Tollway and FMLASource consider requiring employees to provide written certification of a family relationship when providing FMLA documentation, using a affidavit based on a template suggested by the Department of Labor. The certification

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<sup>15</sup> Illinois does not recognize common law marriages, except those performed in a state that permits common law marriage. Heath and [REDACTED] did not enter into a common law marriage in any state that recognizes common law marriage.



documentation provided by Heath for this leave reflected that [REDACTED] was a family member, but did not specify the family relationship. Heath verbally informed FMLASource that [REDACTED] was her husband, but did not confirm that information in writing. FMLA regulations limit what an employer can ask to document family relationships when an employee seeks FMLA-protected leave, but it does allow employers to request documentation of that relationship (*see* 29 CFR 825.122(k)). That documentation can be an official document or “a simple statement from the employee.” Federal guidance states that it is the employee’s choice how to provide that documentation.<sup>16</sup>

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<sup>16</sup> Wage and Hour Division, US Department of Labor, “The Employer’s Guide to the Family and Medical Leave Act,” p. 25.