

Hiring & Employment Monitoring Report

Office of Executive Inspector
General for the Agencies of the
Illinois Governor



Fourth Quarter
&
Annual Report

2022



Message from Inspector General Susan Haling

I am pleased to present our Annual Hiring & Employment Monitoring Report which details the Office of Executive Inspector General's (OEIG) compliance and investigative work between January 1, 2022 and December 31, 2022 as it relates to State hiring and employment. This report also includes a breakdown of work conducted during the fourth quarter of 2022, as required by the State's Comprehensive Employment Plan (CEP).

This year, the Hiring & Employment Monitoring Division (HEM) continued utilizing a variety of strategies to monitor and improve State hiring and employment, including:

- monitoring ten hiring sequences in real-time and completing 39 desk audits of hiring sequences;
- issuing 52 Advisories;
- reviewing 346 exempt appointment notifications, 178 exempt position description clarifications, and 38 Exempt List modification requests; and
- handling 38 new complaint referrals.

Additionally, the OEIG Investigative Division closed 21 investigations related to hiring this year and issued four hiring-related founded reports.

On August 5, 2022, the United States Court of Appeals for the Seventh Circuit terminated the appointment of the federal special master overseeing State hiring, *Shakman v. Pritzker*, No. 21-1739, (7th Cir. Aug. 5, 2022), based on the State's showing of substantial compliance and the existence of a durable remedy, including OEIG/HEM. Although the federal monitor's work has ended, HEM's compliance work and the OEIG's investigations will continue in order to help ensure State hiring is free from improper or undue influences.

This also marks the four-year anniversary of the creation and HEM's oversight of the Exempt List, a finite list of approximately 1,100 positions for which hiring and employment decisions may be made on the basis of political or other non-merit factors.

These highlights and more hiring review work performed by HEM and the OEIG Investigative staff are further described in this report and demonstrate the OEIG's continued commitment to ensuring proper State hiring.

Sincerely,

A handwritten signature in blue ink that reads "Susan M. Haling".

Susan M. Haling
Executive Inspector General

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I. Overview

Office of Executive Inspector General for the Agencies of the Illinois Governor

The State Officials and Employees Ethics Act (Ethics Act), 5 ILCS 430/1, *et seq.*, established the Office of Executive Inspector General for the Agencies of the Illinois Governor (OEIG) in 2003. The OEIG is an independent executive branch State agency. The Ethics Act authorizes the OEIG to investigate allegations of fraud, waste, abuse, mismanagement, misconduct, nonfeasance, misfeasance, malfeasance, and violations of the Ethics Act (such as prohibited political activity, sexual harassment, the gift ban, and retaliation) and other related laws and rules. The OEIG also investigates allegations of hiring improprieties and conducts compliance-based reviews of employment procedures and decisions. In addition, the OEIG plays a vital role in reviewing Ethics Act-mandated trainings and conducting revolving door determinations.

The OEIG has jurisdiction over:

- more than **170,000** State employees, appointees, and officials, including the Governor and the Lieutenant Governor;
- more than **300** executive branch State agencies, departments, boards, and commissions;
- the **nine** State public universities across a dozen campuses;
- the **four** Chicago area Regional Transit Boards (the Regional Transportation Authority, the Chicago Transit Authority, Metra, and Pace); and
- vendors and contractors of any of those entities.

Susan M. Haling was appointed as Acting Executive Inspector General (EIG) in March 2018. On May 31, 2019, the Illinois Senate confirmed the appointment of Ms. Haling to EIG for the term ending on June 30, 2023.

Executive Team

Susan M. Haling,
Executive Inspector
General

Neil P. Olson,
General Counsel

Fallon Opperman,
Deputy Inspector
General and Chief of
Chicago Investigative
Division

Erin K. Bonales,
Director of Hiring &
Employment
Monitoring Division

Christine P. Benavente,
Deputy Inspector
General - Executive
Projects

Angela Luning,
Deputy Inspector
General and Acting
Chief of Springfield
Investigative Division

Ogo Akpan,
Chief Fiscal Officer
and Operations
Manager

Investigative Division

The OEIG receives complaints from many different sources, including members of the public, State employees, law enforcement officials, contractors, and individuals requesting to remain anonymous. In the absence of consent from a complainant, the OEIG is required to ensure that the identities of complainants are and will remain confidential unless otherwise required by law.

The OEIG evaluates all new complaints to determine the appropriate action. To conduct investigations, OEIG investigators interview witnesses, collect documents, analyze records, conduct surveillance, perform computer forensics, and use a variety of other investigatory tools and techniques. The OEIG also has subpoena power to obtain information relevant to an investigation. Investigations are governed by the OEIG's Investigation Policy and Procedures Manual, the Illinois Administrative Code, and other applicable laws, rules, policies, and regulations, which can be viewed on the OEIG's website.

In Fiscal Year 2022 (FY2022), the OEIG received 3,075 complaints, opened 79 investigations, referred 2,382 complaints and/or investigations to other agencies or appropriate entities, and administratively closed 188 complaints. The OEIG completed 88 investigations, including 20 with findings of wrongdoing, 21 resulting in letters of recommendations to the ultimate jurisdictional authority, and five resulting in letters of recommendations to the relevant agencies. Also in FY2022, nine founded reports were made public by the Executive Ethics Commission (EEC). Those reports can be found on the OEIG website here: [Founded OEIG Investigative Reports](#).

Anyone seeking to report wrongdoing to the OEIG may:

- file a complaint online at oeig.illinois.gov;
- call the OEIG at 866-814-1113;
- TTY at 888-261-2734; or
- mail a printed copy of a complaint form to the OEIG Springfield or Chicago offices.

The OEIG has complaint forms available in both English and Spanish.

You may report alleged violations to the OEIG anonymously. When filing a complaint, please ensure that there is sufficient detail concerning the allegations for an investigation to be initiated.

Hiring & Employment Monitoring Division

The Ethics Act directs the OEIG to “review hiring and employment files of each State agency within [its] jurisdiction to ensure compliance with *Rutan v. Republican Party of Illinois* ... and with all applicable employment laws.” 5 ILCS 430/20- 20(9). In keeping with this mandate, the OEIG created the Hiring & Employment Monitoring (HEM) Division, which conducts compliance-based reviews of State hiring and employment procedures and decisions and provides recommendations in order to help improve the efficiency and quality of State hiring. HEM monitors hiring sequences (which includes in person or virtual real-time monitoring of interviews), conducts desk audits, and reviews complaint referrals and political contacts.

In addition, HEM reviews all requests to add or delete positions from the State’s Exempt List. The Exempt List is a comprehensive list of exempt positions for which hiring and employment decisions may be made on the basis of political or other non-merit factors. In addition to approving changes to the Exempt List, HEM staff also reviews all appointments made into these at-will positions to ensure that the selected candidates are minimally qualified for their positions.

HEM TEAM

Erin K. Bonales, Director

Tonya Neal, Supervising Analyst

Claire Roche, Attorney

Natale Fuller, Attorney

Porsha Winters, Attorney

Viktorija Legge, Analyst

Amanda Thomet, Analyst

Keshia Wrightsell, Analyst

Daria Hernandez, Analyst

Jackie Mullings, Project Manager

Furthermore, HEM ensures compliance with the State’s Comprehensive Employment Plan (CEP), which sets forth general principles applicable to all hiring and implements hiring processes for both exempt and non-exempt positions.

HEM reports on its work by issuing quarterly and annual reports as well as Advisories which summarize HEM’s review and make recommendations. In Calendar Year (CY) 2022, HEM issued 52 Advisories, involving 24 different agencies. From January 1, 2022 to December 31, 2022, HEM staff monitored ten hiring sequences and completed 39 desk audits. HEM staff also reviewed 346 exempt appointment notifications and 178 exempt position description clarifications and received 38 Exempt List modification requests.¹ The OEIG’s Quarterly and Annual HEM Reports can be found on the OEIG’s website here: [HEM Quarterly and Annual Reports](#).

¹ This number does not include a deletion erroneously counted as received in the Third Quarter HEM Report; that deletion was not a request received from the Governor’s Office but rather was initiated by HEM.

II. Developments & Updates

Throughout this year, there have been significant developments in the area of State hiring and employment. HEM has played an important role in these developments and training as detailed below.

State Reaches Substantial Compliance

Over the course of the past 50 years, the *Shakman* consent decree has resulted in the federal court's examination of hiring and employment practices of various Illinois governmental entities to assess and remedy any undue political influence. In 2014, the OEIG issued Founding Report No. 11-01567, an investigation addressing the political patronage hires of individuals into improperly designated "exempt" Staff Assistant positions at the Illinois Department of Transportation (IDOT) during the Blagojevich and Quinn Administrations. This case resulted in the appointment of a special master in the *Shakman* case to examine hiring and employment practices at agencies under the Governor.

During the *Shakman* litigation, HEM worked with the special master and two different gubernatorial administrations to review and create a finite list of properly designated exempt positions in State agencies; develop a Comprehensive Employment Plan (CEP) that includes processes for exempt and non-exempt hires; and provide significant training on these new processes and policies to agency human resources personnel. HEM also worked extensively on the review and proper classification of positions at IDOT. During this time, HEM began - and continues - to conduct real-time monitoring of State hiring processes and issues Advisories to agencies when it identifies a potential problem. HEM also issues quarterly reports of its activities, which include summaries of the Advisories. As a result of this work, the State now has a conflict check process for hiring and a portal for reporting political contacts made during a non-exempt hiring process.

These new and unprecedented measures were key to the Seventh Circuit's conclusion that the State had achieved compliance with the *Shakman* decree. The Court of Appeals opinion recognized the role of the OEIG in ensuring State hiring decisions are free from political and other types of manipulation, noting:

Beyond the development of a Comprehensive Employment Plan, the [S]tate now has in place the Hiring & Employment Monitoring Division within the Office of Inspector General and a limited Rutan exempt list, among other things. That many of these measures have remained in place for several years with no findings of constitutional violations in or across individual or employment decisions speaks to the stability of the [S]tate's, and by extension, the Governor's reform measures.

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Significant strides have been made in State hiring through the efforts of all those involved in the *Shakman* litigation, as well as numerous State personnel. While the litigation may have ended, the OEIG and HEM's work has not. HEM continues its comprehensive monitoring and reporting; HEM also continues to work with agencies to ensure hiring compliance and best practices; and the OEIG continues to investigate hiring allegations to ensure State hiring is free of undue influences.

This report describes many examples of the OEIG and HEM's work, such as the number of hiring sequences monitored and reviews completed as well as summaries of the resulting Advisories. Through its compliance reviews, HEM also identifies larger or systemic issues in hiring and works with the Illinois Department of Central Management Services (CMS) and agencies to resolve these, often over a period of time that includes meetings and reviewing drafts of policies and guidance. For instance, HEM worked on clarifying confusion regarding the timely completion of Relationship Disclosure and Conflict of Interest Certification forms (Disclosure Forms) by addressing this in individual Advisories, working with CMS to hold additional agency trainings on the subject, and including this and other HEM recommendations on its weekly agency personnel staff calls. HEM continues to work with agency staff as sequences progress to ensure that relationships are timely disclosed and appropriately vetted.

Additionally, HEM continues to monitor agency actions taken to implement or revise hiring practices based on HEM's Advisories or OEIG investigations. For example, this year, HEM has been working on updating and improving the selection processes for the Shift Supervisor and Correctional Lieutenant positions located within the Illinois Department of Corrections (IDOC).

In 2022, HEM also continued to monitor the State's transition to SuccessFactors, an electronic system for hiring, and was able to utilize SuccessFactors for most of its compliance reviews. The system proved to add more transparency to the hiring process, and HEM continues to monitor the system's use for issues and areas needing more efficiency or transparency.

Exempt List Four-Year Anniversary

The Exempt List was first entered via federal court order on January 22, 2019 and delineated a finite list of nearly 1,100 positions for which hiring and employment decisions could be made on the basis of political factors. To create this inaugural list, HEM worked closely with the State and other *Shakman* participants to determine which positions should appropriately and legally be considered exempt.

Four years later, HEM continues to track and review appointments to these positions and carefully vet additions, deletions, or other modifications to the Exempt List. The list has been minimally expanded but not without careful review by HEM. Since 2020, the overall Exempt List has only gained a net total of approximately 49 positions, despite a change in administration during the first year the Exempt List was instituted.² The percentage of exempt positions as compared to the total relevant agency headcount has consistently remained at 2% statewide. The table that follows reflects that percentage each year as compared to the agency headcount.

Percentage of Exempt Positions			
	2020	2021	2022
Total Agency Headcount³	50,942	50,173	49,060
Total Exempt Positions	1,120	1,137	1,169
Overall % of Exempt Positions Based on Agency Headcount⁴	2%	2%	2%

² Slight discrepancies between the Exempt List and HEM's records exist, but no new exempt positions have been added without the requisite notice to or approval from HEM.

³ The agency headcount was obtained from the SERS Headcount in the Fiscal Year Budget Summary for the relevant agencies.

⁴ The percentage was obtained using the number of exempt positions on the relevant December 2020, December 2021, and January 2023 Exempt Lists and the agency headcount.

SuccessFactors

Many of the sequences HEM reviewed in 2022 were completed in SuccessFactors, the State's new electronic hiring system. Unlike the previous, paper-based hiring system, in which applicants for State employment applied to broad position classifications, individuals now apply online for specific vacancies.

Until mid-2022, only non-union positions were being filled through SuccessFactors. However, all union positions posted after July 1, 2022 were also processed through SuccessFactors. The implementation of SuccessFactors is a significant departure from the manner in which the State has hired employees for decades. The use of SuccessFactors has resulted in efficiencies and the elimination of problematic areas raised in HEM Advisories including:

- Providing more transparency in State hiring based on the system's audit trail feature, reflecting material changes – and who made them – to a sequence. All hiring paperwork is either completed electronically or uploaded by the agency in the regular course of the hiring sequence.
- Providing more accessibility. HEM and CMS Compliance have access to all hiring sequences in SuccessFactors allowing for easier and more efficient compliance reviews of hiring sequences.
- Increasing ease for applicants who are not already State employees to be considered and hired for State employment allowing for more competitive hiring sequences and a wider selection of qualified candidates.
- Eliminating the need for a Screening Justification Form; instead, applicants first score themselves through use of application questions; a CMS validator validates whether the minimum required experience is met; and the agency screener reviews the preferred experience, documenting any changes to application scores.
- Revising the scoring process to ensure interviewers complete their scoring immediately after each interview during the designated time period. Additionally, the scoresheet provides areas for the interviewer to identify any changes to scores and the reasons why.

III. HEM Compliance Reviews

To ensure State hiring complies with governing policy and law, HEM uses multiple strategies and a variety of resources to evaluate and make recommendations on the State's hiring practices and processes. Some of these tools include monitoring hiring sequences in real-time, conducting desk audits of hiring files, utilizing the State's electronic hiring system, and accessing the State's human resources or personnel information systems. HEM also works closely with agency personnel staff, the Illinois Department of Central Management Services (CMS) Hiring Reform Team members, and CMS Compliance. HEM's work includes reviewing a hiring sequence for a single hire as well as reviews of systemic issues with a particular process, position, hiring unit, or agency. While some HEM compliance reviews are selected randomly, such as many desk audits, other reviews are based on complaint referrals or on recurring issues or issues that need further review. HEM also uses its previous reviews, including its previous Progress Reviews, to determine which agencies and issues may need attention.

Hiring Sequence Monitoring

One of the ways HEM assesses agency compliance with the CEP and other governing authority is by monitoring hiring sequences at State agencies in real-time. HEM selects sequences to monitor in various ways; some are selected based on HEM's review of agency postings in SuccessFactors, the State's electronic hiring system, or communication with CMS Compliance or agency human resources personnel. When HEM monitors a hiring sequence, in addition to observing all interviews, HEM is involved with the agency from the beginning to the end of the hiring sequence, starting with reviewing the work that occurs before the agency posts the position, which includes updating the position description and drafting application questions, screening criteria, interview questions and ideal answers, and ending with the hire of the successful candidate.

3	Number of Hiring Sequences Monitored During the Fourth Quarter of 2022
10	Number of Hiring Sequences Monitored During the 2022 Calendar Year

Desk Audits

In addition to monitoring interviews, HEM completes desk audits of agency hiring sequences. When HEM conducts a desk audit of a hiring sequence, HEM reviews all documentation related to the sequence, as it would for a monitored sequence, but does not observe the actual interviews, instead thoroughly reviewing the interview paperwork to ensure the selection decision was merit-based and justifiable. This review can take place as the hire is proceeding or after a sequence has concluded. HEM generally selects these sequences by reviewing SuccessFactors or in response to a complaint referral.

10

Number of Desk Audits Completed During the Fourth Quarter for 2022

39

Number of Desk Audits Completed During the 2022 Calendar Year

Complaint Referrals

Upon receipt of a complaint, the OEIG's Investigative Division performs an initial review of the allegations, which must be completed within 30 days. After this initial review, the OEIG has the discretion to open an investigation, refer to HEM for a hiring compliance review, and/ or refer to other entities, as it deems appropriate. A complaint is often referred to HEM if it involves allegations of a violation of the CEP or a breach of a hiring-related procedure or policy. HEM's compliance function and knowledge of State hiring procedures allow HEM to efficiently evaluate whether a hiring sequence was conducted appropriately. If a violation is discovered that may have impacted the outcome of a hiring sequence, HEM can often intervene before, during, or shortly after the violation occurred, to remedy the issue.

13

Number of Hiring-Related Complaints Referred to HEM During the Fourth Quarter

38

Number of Hiring-Related Complaints Referred to HEM During the 2022 Calendar Year

Other HEM Reviews and Actions

HEM's reviews are not limited to requesting hiring files and frequently require follow-up with the agency personnel staff or CMS. HEM may analyze issues ranging from administration of the hiring process to issues with how individual applicants are evaluated by interviewers. The results of HEM's reviews are described in written Advisories issued to the agency and the Governor's Office.

During the course of a HEM review, if HEM identifies issues of possible hiring-related wrongdoing that reveal misconduct or may involve political manipulation, as opposed to hiring errors, HEM may transfer the matter to the OEIG Investigative Division for a more in-depth investigation involving OEIG interviews.

0

Number of HEM Reviews Transferred to the OEIG Investigative Division During the Fourth Quarter

2

Number of HEM Reviews Transferred to the OEIG Investigative Division During the 2022 Calendar Year

Summary of HEM Compliance Actions Taken

Fourth Quarter 2022	Count
Hiring-related reviews opened	26
Hiring sequences monitored	3
Desk audits completed	10
Complaints referred intra-Office to HEM	13
Hiring reviews transferred to the OEIG Investigative Division	0
Hiring reviews administratively closed	1
Advisories issued	13

Calendar Year 2022	Count
Hiring-related reviews opened	79
Hiring sequences monitored	10
Desk audits completed	39
Complaints referred intra-Office to HEM	38
Hiring reviews transferred to the OEIG Investigative Division	2
Hiring reviews administratively closed	2
Advisories issued	52

IV. HEM Advisories

At the conclusion of a HEM review, HEM issues a written Advisory that is transmitted to the chief agency personnel officer and the Illinois Department of Central Management Services (CMS) Compliance Officer, with copies to the Governor's Office and the head of the Agency, and includes:

- a summary detailing the subject and scope of the review;
- a description of HEM's conclusions regarding compliance with applicable rules and procedures; and
- recommendations on how to proceed, if necessary.

Advisories Issued in 2022					
	First Quarter	Second Quarter	Third Quarter	Fourth Quarter	Total
Total Advisories Issued	10	11	18	13	52
Advisories with No Recommendations	2	8	5	9	24

Some Advisories result in HEM finding that the agency's selection for the position was merit-based and justifiable without any recommendations.

Advisories with No Recommendations – Fourth Quarter 2022			
Advisory	Agency	Position Title	Type of Review
22-HEM-0064	IDFPR	Associate General Counsel, Division of Financial Institutions	Desk Audit
22-HEM-0063	AGR	Assistant Public Information Officer	Desk Audit
20-HEM-0090	IDPH	Regional Engineer for Environmental Health/Regional Supervisor	Term Appointment/Hiring Sequence Monitoring
22-HEM-0042	IDNR	Site Superintendent III	Desk Audit
22-HEM-0026	IDOT	Vehicle Compliance Inspector	Complaint Referral
22-HEM-0058	IDES	Migrant and Seasonal Farmworkers Program Manager	Desk Audit
22-HEM-0044	IEPA	Deputy Section Manager, Bureau of Water Infrastructure Financial Assistance	Desk Audit
22-HEM-0057	IDJJ	Health Care Unit Administrator	Desk Audit
22-HEM-0040	IDOC	Regional Corrections Compliance Coordinator	Hiring Sequence Monitoring

Advisory Summaries

Summaries of the Advisories that made recommendations in the first three quarters of the year are available in the previously issued quarterly reports available on the OEIG website.

22-HEM-0067

HEM conducted a desk audit of the hiring file for the Deputy Chief – Office of Law Enforcement at the Illinois Department of Natural Resources (IDNR). HEM found that the selection decision was merit-based and justifiable but made two recommendations. First, HEM recommended IDNR ensure position qualifications are consistently defined across all position documentation, noting the preferred qualification for education in the position description differed substantively from the job posting and related application question. Second, HEM recommended that employees who complete Relationship Disclosure and Conflict of Interest Certifications (Disclosure Forms) before the position is posted update their Disclosure Forms after the posting closes and the applicant pool is identified. Although HEM did not request a response to this Advisory, IDNR responded, acknowledging that the position description language regarding the preferred education could be ambiguous and agreeing to modify this language in future hiring sequences. IDNR further responded that the employee had updated her Disclosure Form after the posting closed but acknowledged it had failed to upload the updated form to SuccessFactors.

22-HEM-0053

In response to a complaint referral, HEM reviewed the hiring files for four vacancies for the Sex Offender Therapist I position at the Illinois Department of Corrections (IDOC). HEM recognized and appreciated that IDOC has a practice to not allow candidates to interview who do not respond by the deadline regardless of the reason, which reduces the resources and time delay that could result from having to track down all non-responders. However, in this case, IDOC did not follow its own practice with regard to one candidate after a request was made by management to allow the candidate to still interview. HEM recommended that if an exception to an IDOC practice is appropriate based on a legitimate employment need, IDOC should ensure that the exception is applied to all similarly situated applicants or candidates. Thus, HEM requested that IDOC reach

out to another candidate who had not responded to the interview invitation before continuing with the hire. HEM stated that going forward, IDOC management and human resources, on their own accord, should make sure that practices are followed and any exceptions to those practices should be applied equitably. This will help ensure the integrity of the sequence and help reduce any actual, or appearance of, improper influence.

Additionally, the Interview Scoring Tool reflected a 70 minimum interview score, but IDOC wanted to hire a candidate who fell below this score. HEM requested that IDOC seek CMS Compliance approval on this deviation. HEM also recommended that, in the future, IDOC should be sure that the Hiring Plan and Interview Scoring Tool contain the same minimum interview score, and if there is no minimum score, or a lower minimum than 70, the agency should be sure the Hiring Plan reflects this. Additionally, HEM reminded IDOC that if the agency wants to change any of the minimum scores during the sequence, it must seek CMS Compliance approval. HEM requested a response from IDOC and CMS which was not yet due this quarter.

22-HEM-0046

HEM conducted a desk audit of the hiring file for the Child Support Account Reconciliation Operations Bureau Chief at the Illinois Department of Healthcare and Family Services (HFS). While HEM found the selection decision to be merit-based and justifiable, HEM made recommendations regarding the Disclosure Forms and interim assignments. HEM reminded HFS that interviewers must document any relationships after the applicant list is known and that HFS should help ensure forms are being completed correctly, especially considering interviewers vary from sequence to sequence. HEM noted that last quarter HEM issued Advisory 22-HEM-0020 to HFS on a sequence with similar Disclosure Form issues. HEM subsequently urged CMS to address the Disclosure Form again with agencies. The subject sequence occurred prior to HEM issuing that Advisory and CMS conducting trainings on the Disclosure Forms on July 6, 2022 and November 2, 2022.

HEM also reminded HFS to ensure all interim and temporary assignments are properly reported to CMS in accordance with the Comprehensive Employment Plan (CEP), which should include a justification for the assignment and each renewal so that proper compliance audits can be completed.

22-HEM-0071

HEM conducted a desk audit of the hiring file for three Account Technician vacancies at the Illinois Capital Development Board (CDB). While HEM found that the selection decisions were merit-based and justifiable, HEM identified several discrepancies between the minimum and preferred qualifications listed in the position description and those identified in the job posting and related application questions. As a result of these discrepancies, HEM recommended that CDB ensure a common understanding of minimum and preferred qualifications and consistent assessment of the same throughout the interview and selection process. HEM requested a response from CDB to this Advisory, which was not yet due this quarter.

V. HEM Exempt Reviews

Exempt List

In 2019, Federal court orders entered in the *Shakman* litigation led to the creation of: the Exempt List, a comprehensive list of exempt positions for which hiring and employment decisions may be made on the basis of political or other non-merit factors; and an Exempt Employment Plan for filling positions on the Exempt List. The Exempt Employment Plan provides that candidates selected for exempt positions must meet the minimum qualifications and perform the duties of the exempt position being filled as set forth in the underlying position description. HEM staff reviews notification paperwork (also referred to as the exempt certification paperwork) for all exempt appointments to ensure compliance with the Exempt Employment Plan.

The Exempt Employment Plan also sets forth procedures for adding or deleting positions to or from the Exempt List, providing that only the Governor or the Executive Inspector General may initiate such a change. HEM reviews all Exempt List addition and deletion requests from the Governor's Office and recommends approval of or objection to the proposed change to the EIG, who must respond to the Governor's request within ten business days.

In recommending approval of or objection to each request from the Governor's Office to add a position to the Exempt List, HEM conducts a comprehensive review of all available information related to the position and request. HEM also reviews the Exempt List to determine the agency's percentage of exempt positions and assess whether any existing exempt positions within the agency could perform the duties of the proposed exempt position. Prior to making a final recommendation, HEM regularly communicates or meets with agency staff with questions about the position's history, duties, reporting structure, and necessity.

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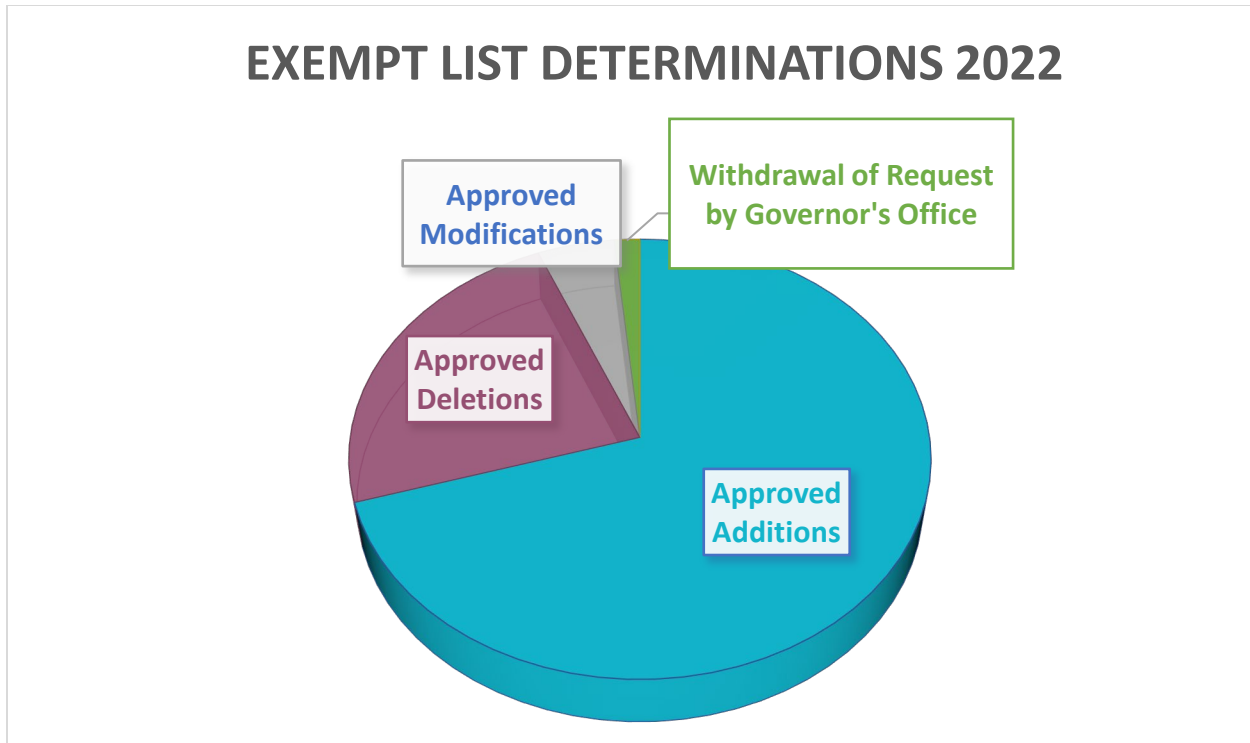
Exempt Reviews Conducted	Fourth Quarter 2022	Calendar Year 2022
Exempt appointment notifications/certifications received and reviewed for positions on the Exempt List	89 (No objections)	346
Exempt position description clarifications received and reviewed	46 (No objections)	178
Exempt List addition requests received	1	31
Exempt List addition requests approved	6	42⁵
Exempt List modification requests received	1	3
Exempt List modification requests approved	2	3
Exempt List deletion requests received	0	4⁶
Exempt List deletion requests approved	5⁷	15⁸
Agency withdrawal of Exempt List requests	0	1
Exempt List pending requests	2	2
Exempt personal services contracts (PSCs) received for review	1	13
Exempt PSCs approved or not objected to	1	13

⁵ This number includes requests initially received in 2021.

⁶ In the Third Quarter 2022 HEM Report, one reported "deletion request received" should not have been counted; this deletion request was initiated by HEM rather than by the agency.

⁷ One of the approved deletions included in the fourth quarter's numbers should have been counted in the third quarter's numbers.

⁸ This number includes requests initially received in 2021 and deletions initiated by HEM.



The table below reflects HEM's determinations on Exempt List change requests by agency during the Fourth Quarter of 2022.

Exempt List Additions and Deletions by Agency - Fourth Quarter 2022		
Agency/Entity	Working Title	OEIG Determination
Commission on Equity and Inclusion	Associate Deputy Director	Approved Deletion
Illinois Department of Commerce and Economic Opportunity	Small Business Financial Assistance Manager	Approved Addition
Illinois Department of Commerce and Economic Opportunity	Chief of Business Attraction and Development	Approved Addition
Illinois Department of Commerce and Economic Opportunity	Electric Mobility and Innovation Director	Approved Addition

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Agency/Entity	Working Title	OEIG Determination
Illinois Department of Commerce and Economic Opportunity	Communications Assistant Deputy Director	Approved Addition
Illinois Department of Commerce and Economic Opportunity	Asian American Business Manager	Approved Addition
Illinois Department of Commerce and Economic Opportunity	Marketing, Promotion & Grants Bureau - Hong Kong Foreign Trade Office	Approved Deletion
Illinois Department of Commerce and Economic Opportunity	Marketing, Promotion & Grants Bureau - Mexico Foreign Trade Office	Approved Deletion
Illinois Department of Commerce and Economic Opportunity	Manager of Foreign Direct Investment Program & European & Africa Offices	Approved Deletion
Illinois Department of Commerce and Economic Opportunity	Managing Director of the Office of Trade & Investment, Toronto, Canada	Approved Deletion
Illinois Department of Commerce and Economic Opportunity	Energy Business Advocacy Manager	Approved Modification
Illinois State Police	Executive Director – FOID Review Board	Approved Addition
Illinois State Police	Firearms Safety Counsel	Approved Modification

Exempt Personal Services Contracts

Effective July 15, 2021, the amended Comprehensive Employment Plan (CEP) requires agencies that seek to hire an individual to perform duties that are consistent with exempt work through use of a personal services contract (PSC) to submit the request in writing to the Illinois Department of Central Management Services (CMS) Chief Compliance Officer, HEM, Plaintiffs' Counsel, and the special master, while acting. (See paragraph 68 of the amended CEP.) The request – which must be submitted prior to the individual starting work under the PSC – must include the rationale for the PSC, a copy of the contract, and certification that the work to be performed is exempt work and the contractor is minimally qualified to perform that work.

HEM reviews this documentation as well as any available information related to the basis for the request, scope and exempt nature of the work, and the appropriateness of the minimum requirements. HEM often contacts the agency or CMS for additional background information or requests a meeting to discuss the request further. HEM must respond within five business days to the agency and the Governor's Office.

This quarter, HEM approved one exempt PSC: a Project Manager for the Illinois Gaming Board.

1

Number of Exempt PSCs HEM Approved or Did Not Object to During the Fourth Quarter

13

Number of Exempt PSCs HEM Approved or Did Not Object to During the 2022 Calendar Year

VI. Non-Exempt PSC Reporting

As agreed upon and stated in the Comprehensive Employment Plan (CEP), agencies are required to report all PSCs (Personal Services Contracts), including renewals or amendments to such contracts, to the Compliance Office at the Illinois Department of Central Management Services (CMS) and HEM on a quarterly basis. On January 12, 2023, CMS Compliance provided the State's PSC Report for the third quarter of calendar year 2022. The following table summarizes this information:

Data from the State's Personal Services Contract (PSC) Report for the Third Quarter of CY 2022	Count
State entities that submitted a PSC report to CMS	52
State entities that decreased their use of PSCs from the previous quarter	9
State entities that increased their number of PSCs	16
State entities that did not have a change in PSCs	27
State entities that reported not utilizing any PSCs	14

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The following is a summary showing CMS' reports regarding PSCs reported in the last quarter of 2021 and first three quarters of 2022:⁹

Agency	# of PSCs Reported Q4 2021	# of PSCs Reported Q1 2022	# of PSCs Reported Q2 2022	# of PSCs Reported Q3 2022
Abraham Lincoln Presidential Library and Museum	1	0	0	0
Arts Council Agency	0	0	0	0
Capital Development Board	1	1	1	2
Civil Service Commission	0	0	0	0
Council on Developmental Disabilities	0	0	0	0
Criminal Justice Information Authority	18	14	13	15
Deaf and Hard of Hearing Commission	1	1	1	1
Department of Agriculture	18	31	59	66
Department of Central Management Services	10	12	6	6
Department of Children and Family Services	1	1	1	2
Department of Commerce and Economic Opportunity	10	6	13	14
Department of Corrections	8	8	9	3
Department of Employment Security	45	39	36	34
Department of Financial and Professional Regulation	41	39	39	43
Department of Healthcare and Family Services	23	25	22	24
Department of Human Rights	2	1	1	1
Department of Human Services	79	82	87	99
Department of Innovation & Technology	9	8	9	9
Department of Insurance	1	0	0	0
Department of Juvenile Justice	11	11	10	9
Department of Labor	1	1	1	2
Department of Lottery	1	1	1	1
Department of Military Affairs	131	0 ¹⁰	0	0

⁹ The report does not include PSCs used to pay for the support necessary to meet the accommodations for persons with disabilities. Individuals employed in this way are hired by the person in need of the accommodation without the State's involvement. Thus, the CEP does not apply to these types of contracts.

¹⁰ As of the first quarter 2022, the Illinois Department of Military Affairs (DMA) no longer included DMA's federally funded or self-funded contracts (non-appropriated funds) in the state PSC totals.

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Agency	# of PSCs Reported Q4 2021	# of PSCs Reported Q1 2022	# of PSCs Reported Q2 2022	# of PSCs Reported Q3 2022
Department of Natural Resources	34	31	69	93
Department of Public Health	102	93	81	80
Department of Revenue	2	1	4	7
Department of Transportation	3	3	3	2
Department of Veterans' Affairs	1	2	2	5
Department on Aging	8	8	8	9
Educational Labor Relations Board	3	3	1	2
Emergency Management Agency	8	8	5	5
Environmental Protection Agency	0	0	0	0
Gaming Board	5	6	5	6
Guardianship and Advocacy Commission	1	2	2	2
Human Rights Commission	0	0	0	0
Illinois Comprehensive Health Insurance Plan	4	4	5	4
Independent Tax Tribunal	0	0	0	0
Labor Relations Board	1	0	0	0
Law Enforcement Training and Standards Board	3	3	2	2
Liquor Control Commission	3	4	4	3
Pollution Control Board	0	0	0	0
Power Agency	0	0	0	0
Prisoner Review Board	2	2	2	3
Property Tax Appeal Board	3	3	3	3
Racing Board	1	1	7	7
Sentencing Policy Advisory Council	0	0	0	0
State Employees' Retirement System	3	2	4	4
State Fire Marshal	1	1	1	1
State Police	15	15	15	14
State Police Merit Board	0	0	0	0
Torture Inquiry and Relief Commission	33	35	27	16
Workers' Compensation Commission	5	3	3	3
Total PSCs Reported	653	511	562	602

VII. Political Contact Reporting

State employees are required to report instances where an elected or appointed official of any political party or any agent acting on behalf of an elected or appointed official or political party attempts to affect any hiring or employment action for any Non-Exempt Position by contacting State personnel involved in an employment action whether in person, in writing, by telephone, by facsimile, by e-mail, or any other means. Pursuant to the CEP, any State employee who receives or has reason to believe such Political Contact has occurred, or is occurring, is required to report it to CMS or HEM within 48 hours of learning of such Political Contact. CMS is required by the CEP to maintain records documenting all reports of Political Contacts and Political Discrimination.

This quarter, HEM received four reports of Political Contacts, summarized below:¹¹

- One report identified a staff person from a State Senator's office who inquired about the seasonal employment hiring process at the Illinois Department of Transportation (IDOT). CMS Compliance replied that IDOT should only provide information that is publicly available.
- One report stated that a staff person for a State Representative contacted IDOT about a constituent who believed the constituent's application had been denied in error. CMS Compliance agreed with IDOT's response to advise the applicant to contact CMS directly.
- One report identified a State Representative who inquired on behalf of an IDOT former employee about the former employee's dismissal for having an expired CDL. CMS Compliance agreed with IDOT's response to advise the former employee to contact IDOT Human Resources.
- One report stated that a staff person from a State Senator's office inquired about a current IDOT employee's transfer request to another yard. CMS Compliance advised IDOT to direct the State Senator's office to have the employee contact IDOT Human Resources for an update.

¹¹ Prior reports of Political Contacts made in 2022 are summarized in the previous quarterly reports.

VIII. Investigative Division

The OEIG's Investigative Division receives approximately 3,000 complaints every fiscal year from members of the public, State employees, contractors, bidders, and anonymous sources. The OEIG evaluates all new complaints to determine the appropriate action, including opening an investigation, referring the allegations to the appropriate entity, or making a referral to HEM. In addition, the OEIG also has the authority to self-initiate an investigation based on information discovered in other investigations or available via public sources. Cases may also be transferred to the Investigative Division from HEM when a HEM review reveals evidence of intentional wrongdoing that requires a more in-depth inquiry, or evidence of unlawful political discrimination.

After an investigation, the OEIG issues (1) a summary report concluding reasonable cause exists to believe a violation has occurred (a “founded summary report”), or (2) a statement of the decision to close the investigation when there is insufficient evidence that a violation has occurred (an “unfounded summary report”). Founded summary reports document:

- the allegations of wrongdoing;
- facts confirmed by the investigation;
- an analysis of the facts in comparison to the applicable law, rule, or policy; and
- findings and recommendations.

In accordance with State law, the OEIG provides founded reports to the head of each agency affected by or involved with the investigation and the appropriate ultimate jurisdictional authority. The agency or ultimate jurisdictional authority is required to respond to the report and its recommendations within 20 days. Within 30 days after receiving the agency response, the OEIG must forward a copy of the founded report and the agency response to the Executive Ethics Commission (EEC).¹² Pursuant to the Ethics Act, the EEC is the only entity permitted to determine the public release of OEIG founded summary reports.

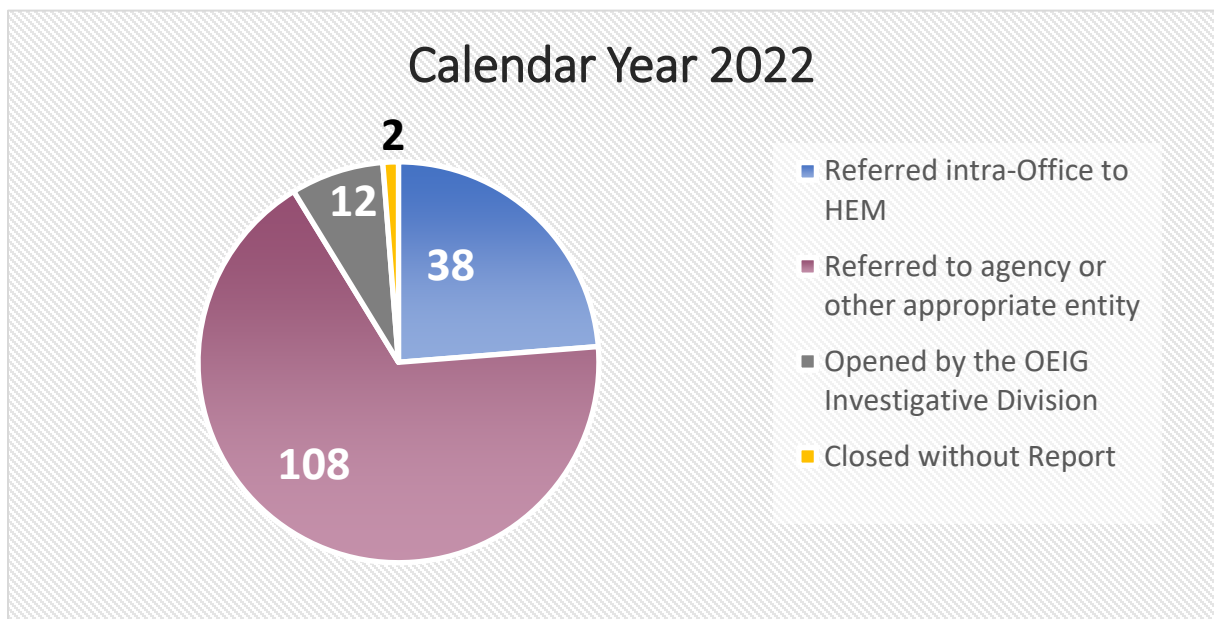
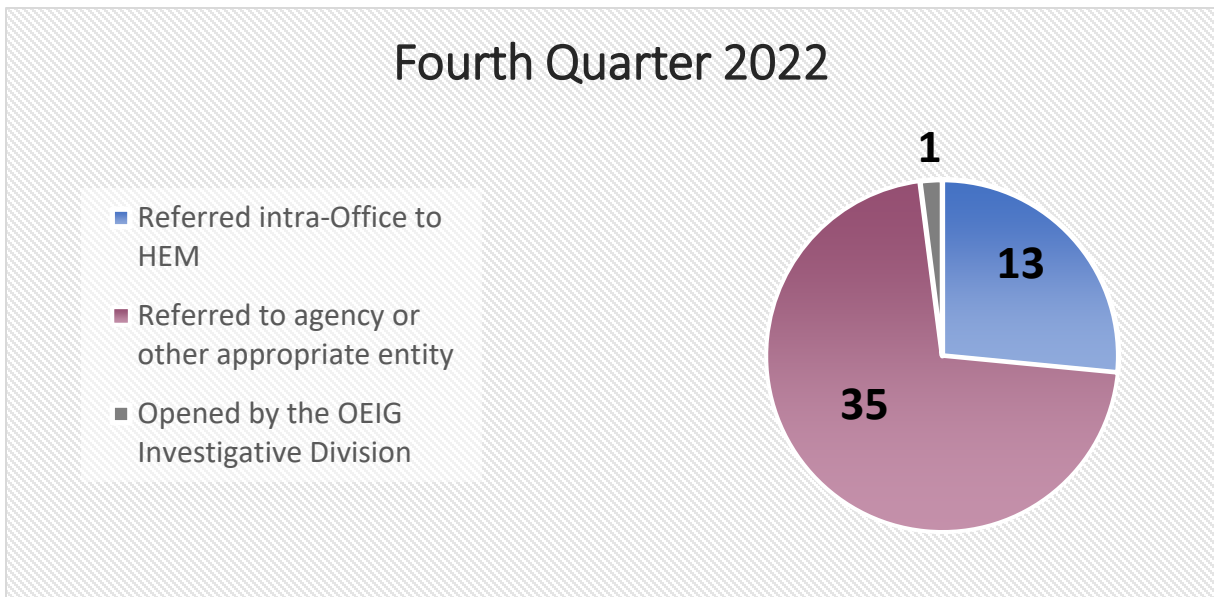
¹² The exception is when the OEIG forwards a complaint to the Attorney General's Office to pursue an Ethics Act violation before the EEC.

Hiring-Related Complaints

30 Number of Hiring-Related Complaints the OEIG Received During the Fourth Quarter

132 Number of Hiring-Related Complaints the OEIG Received During the 2022 Calendar Year

Actions Taken On Received Complaints



Hiring Investigations

The following are the Investigative Division's numbers at the close of this quarter.

Hiring-related Investigations	Fourth Quarter 2022	Year-End 2022
Hiring-related investigations pending at the close of the quarter/year	17	17
Hiring-related investigations closed	2	21
Founded reports related to hiring issued	0	4
Founded reports related to hiring made available to the public	0	2

This quarter, the EEC did not make any OEIG founded reports related to hiring available to the public. Previous publicly released reports are available at www.inspectorgeneral.illinois.gov.

IX. Appendices

Leadership

Percentage of Exempt Positions by Agency

OEIG Leadership

Susan M. Haling, Executive Inspector General

Ms. Haling was nominated as Executive Inspector General in March 2018 and confirmed by the Illinois Senate in May 2019. She first joined the OEIG in December 2011 as Special Counsel and served as the First Assistant Inspector General beginning in 2015. In addition, she has more than nine years of experience as an Assistant U.S. Attorney in Chicago, where she tried over 20 criminal trials. Ms. Haling also previously worked for the U.S. Justice Department, Criminal Division, in Washington, D.C. Ms. Haling was a law clerk for the Honorable James F. Holderman, a former U.S. District Judge for the Northern District of Illinois. Ms. Haling received her BA from the University of Notre Dame and obtained her law degree from the DePaul University College of Law, where she graduated Order of the Coif, served as editor for the Law Review, and was a member of the Moot Court Trial Team.

Neil P. Olson, General Counsel

Mr. Olson returned to the OEIG in May 2018 and serves as General Counsel. Mr. Olson previously worked at the OEIG as Deputy Inspector General and Chief of Springfield Division before leaving the OEIG in 2013 to serve as General Counsel in the Office of the Illinois State Treasurer. Prior to his return to the OEIG, Mr. Olson also served as an Assistant Attorney General and then the Deputy Public Access Counselor in the Office of the Illinois Attorney General. He also previously worked for the Massachusetts Attorney General's Office, the Massachusetts Commission on Judicial Conduct, as a litigator in private practice, and as the law clerk to the Honorable Kenneth Laurence of the Massachusetts Appeals Court. Mr. Olson is a graduate of Grinnell College and Northeastern University School of Law and is licensed to practice law in Massachusetts and Illinois.

Fallon Opperman, Deputy Inspector General and Chief of Chicago Investigative Division

Ms. Opperman joined the OEIG as an Assistant Inspector General in June 2008 and then served as Chief of the Regional Transit Board Division. As Deputy Inspector General and Chief of Chicago Division since February 2015, Ms. Opperman manages the investigative activities of the OEIG's Chicago office, including oversight of the Regional Transit Board Division. Ms. Opperman received a BA from North Central College and obtained her law degree from the DePaul University College of Law.

Erin K. Bonales, Director of Hiring & Employment Monitoring

Ms. Bonales is responsible for directing the OEIG's Hiring & Employment Monitoring Division, which engages in compliance reviews and monitoring activities related to hiring and employment decisions, policies, and practices. Ms. Bonales previously worked for the OEIG for nearly eight years, including serving as Deputy Inspector General and Chief of the Chicago Investigative Division. Prior to joining the OEIG in May 2006, Ms. Bonales was an Assistant General Counsel for the Illinois Department of Human Services for approximately five years. Ms. Bonales received a JD from the University of Illinois College of Law, and a BA in Political Science from Southern Illinois University.

Christine P. Benavente, Deputy Inspector General - Executive Projects

Ms. Benavente joined the OEIG as an Assistant Inspector General in August 2011 and later served as a Legislative Assistant Inspector General. As Deputy Inspector General-Executive Projects, Ms. Benavente leads numerous executive projects, including overseeing the Division of External Compliance & Outreach, serving as the legislative attorney for all legislative matters pertaining to the OEIG, and serving as the Diversity, Equity, and Inclusion Coordinator. Prior to working at the OEIG, she was an Associate at Jenner & Block, LLP. Ms. Benavente obtained her law degree from DePaul University College of Law, where she graduated Order of the Coif and magna cum laude. During law school, she served as Editor-in-Chief of the Women's Law Caucus Digest and Moot Court Representative for the Hispanic National Bar Association. She obtained BAs from the University of Iowa.

Angela Luning, Deputy Inspector General and Acting Chief of Springfield Investigative Division

Ms. Luning joined the OEIG as an Assistant Inspector General in 2012, became a Deputy Inspector General for Investigations in 2015, and currently also serves as Acting Chief of the Springfield Division. Ms. Luning previously served as an Assistant State's Attorney in the Will County State's Attorney's Office, an Assistant Attorney General, and an Assistant Corporation Counsel for the City of Chicago; she also was a law clerk to the Hon. George W. Lindberg in the U.S. District Court for the Northern District of Illinois. Ms. Luning has a BA from Yale University, and received her law degree from Loyola University Chicago, where she served as the Executive Editor for Lead Articles on the Loyola University Chicago Law Journal.

Ogo Akpan, Chief Fiscal Officer and Operations Manager

Ms. Akpan joined the OEIG as Chief Fiscal Officer/Chicago Operations Manager in December 2021. She provides leadership and management of all financial operations of the agency and is also responsible for administrative operations of the Chicago office. Prior to the OEIG, she worked as a Certified Public Accountant for the Illinois Office of the Comptroller. She previously held finance leadership roles in the private sector responsible for accounting, finance, and data analytics functions. Ms. Akpan received her Bachelor of Science in Accounting from the University of Nigeria, obtained her MBA from Schulich School of Business, York University Toronto Canada, and is a Certified Public Accountant in the State of Illinois.

Percentage of Exempt Positions by Agency Fourth Quarter 2022		
Agency	Agency Headcount¹³	% Exempt Positions¹⁴
Abraham Lincoln Presidential Library and Museum	86	15%
Aging	146	11%
Agriculture	396	5%
Arts Council	16	25%
Capital Development Board	129	16%
Central Management Services	693	7%
Children and Family Services	3057	2%
Civil Service Commission	4	25%
Commerce and Economic Opportunity	278	17%
Commission on Equity and Inclusion	18	33%
Corrections	11676	1%
Council on Developmental Disabilities	7	14%
Criminal Justice Information Authority	97	12%
Deaf and Hard of Hearing Commission	4	50%
Emergency Management Agency	208	9%
Employment Security	1116	3%
Environmental Protection Agency	691	3%

¹³ The agency headcount was obtained from the FY2022 SERS Headcount Tracker Table (June 2022) provided in the FY2023 Budget Summary.

¹⁴ The percentage was obtained using the number of exempt positions on the January 1, 2023 Exempt List and the agency headcount.

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Agency	Agency Headcount	% Exempt Positions
Financial and Professional Regulation	433	15%
Gaming Board	157	10%
Guardianship and Advocacy Commission	110	10%
Healthcare and Family Services	1863	2%
Human Rights	119	13%
Human Services	12611	1%
Innovation & Technology	812	8%
Insurance	205	13%
Juvenile Justice	728	6%
Labor	90	12%
Liquor Control Commission	40	25%
Lottery	147	5%
Military Affairs	209	2%
Natural Resources	1336	2%
Prisoner Review Board	24	4%
Property Tax Appeal Board	37	14%
Public Health	1166	4%
Revenue	1277	3%
Sentencing Policy Advisory Council ¹⁵	6	17%
State Fire Marshal	149	6%
State Police	2844	0.5%
Transportation	4935	2%
Veterans' Affairs	1162	2%
Total	49060	2%

¹⁵ The agency headcount was based on information found on the agency's website.