

# HIRING & EMPLOYMENT MONITORING REPORT

OFFICE OF EXECUTIVE INSPECTOR GENERAL FOR THE AGENCIES OF THE ILLINOIS GOVERNOR

THIRD QUARTER | 2022



## UPDATES

The Office of Executive Inspector General for the Agencies of the Illinois Governor (OEIG) provides a report each quarter on its hiring-related compliance and investigative work. Until recently, this also included compliance work with the 1972 *Shakman* Consent Decree, which was extended to the State in 2014 with the appointment of a special master. The OEIG's Hiring and Employment Monitoring (HEM) Division worked with the special master, State, and agency staff to

improve hiring practices. On August 5, 2022, the Federal Court of Appeals terminated the Court's oversight, citing HEM, the Comprehensive Employment Plan (CEP), and the Exempt List as critical components of the State's compliance. Significant strides in hiring have been made, but the work has not ended. HEM will continue to work with agencies to promote best practices and to ensure hiring is free from improper influences.

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## HEM Compliance Reviews

Between July 1 and September 30, 2022, HEM's work included the following compliance activities:

Actions Taken During the Third Quarter 2022	Count
Hiring-related reviews opened	22
Hiring sequences monitored	2
Desk audits completed	15
Hiring reviews transferred to the OEIG Investigative Division	0
Hiring reviews administratively closed	1
Advisories issued	18

## HEM Exempt Reviews

The following chart represents the various exempt reviews conducted by HEM this quarter.

HEM Exempt Reviews	Count
Exempt appointment notifications/certifications received and reviewed for positions on the Exempt List	74 (No objections)
Exempt position description clarifications received and reviewed	37 (No objections)
Exempt personal services contracts (PSCs) received for review	4
Exempt PSCs approved or not objected to this quarter	7
Exempt List addition requests received this quarter	9
Exempt List addition requests approved this quarter	5
Exempt List modification requests received this quarter	2
Exempt List deletion requests received this quarter	5
Exempt List deletion requests approved this quarter	1
Exempt List pending requests	13

Exempt List Additions and Deletions by Agency - Third Quarter 2022		
Agency/Entity	Working Title	OEIG Determination
Illinois Department of Juvenile Justice	Northern Region Assistant Chief Legal Counsel	Approved Addition
Illinois Department of Juvenile Justice	Southern Region Assistant Chief Legal Counsel	Approved Addition
Commission on Equity and Inclusion	Internal/External Communications Officer	Approved Addition
Illinois Department of Human Rights	Executive Director, Commission on Discrimination and Hate Crimes	Approved Addition
Illinois Emergency Management Agency	Deputy Director Homeland Security	Approved Addition
Illinois Emergency Management Agency	Homeland Security Policy Advisor for Critical Infrastructure	Approved Deletion

Approved Exempt PSCs by Agency - Third Quarter 2022	
Agency/Entity	Position Title
Illinois Department of Financial and Professional Regulation	Deputy Medical Coordinator
Illinois Department of Financial and Professional Regulation	Deputy Medical Coordinator
Illinois Department of Financial and Professional Regulation	Deputy Medical Coordinator
Illinois Department of Corrections	IDOC Monitor: <i>Rasho v. Baldwin</i> Amended Settlement Agreement
Illinois Department of Veterans' Affairs	Nursing Home Administrator
Illinois Department of Juvenile Justice	Expert Consultant in <i>R.J. v. Mueller</i> (Consent Decree)
Illinois Department of Juvenile Justice	Expert Consultant in <i>R.J. v. Mueller</i> (Consent Decree)

## Non-Exempt PSC Reporting

On August 26, 2022, Illinois Department of Central Management Services (CMS) Compliance provided the State's Personal Services Contract (PSC) Report for the second quarter of calendar year 2022. The following table summarizes this information:

Data from the State's Personal Services Contract (PSC) Report for the Second Quarter of CY 2022	Count
State entities that submitted a PSC report to CMS	51
State entities that decreased their use of PSCs from the previous quarter	11
State entities that increased their number of PSCs	10
State entities that did not have a change in PSCs	30
State entities that reported not utilizing any PSCs	14

## Political Contact Reporting

This quarter, HEM received **2** reports of Political Contacts, summarized below:

- One report stated that a legislative staff person for an Illinois State Representative contacted the Illinois Department of Transportation (IDOT) Secretary regarding the agency not terminating an IDOT employee, and the email was also forwarded to the CMS Director. CMS, on behalf of the CMS and IDOT recipients, reported that IDOT legislative affairs would communicate with the legislative staff person that such communications are not considered with respect to employment actions.
- One report filed by the Illinois Department of Natural Resources (IDNR) stated that an Illinois State Representative sent a letter to an IDNR Deputy Director recommending an IDNR employee for another IDNR position. CMS Compliance advised that the recipient not respond and that any reply will come from legislative affairs.

## HEM Advisories

The following chart lists out the Advisories issued this quarter that resulted in HEM finding that the agency’s selection for the position was merit-based and justifiable without any recommendations.

Advisories with No Recommendations – Third Quarter 2022			
Advisory	Agency	Position Title	Type of Review
22-HEM-0030	IDHS	Fiscal and Support Administrator, Developmental Center	Complaint Referral
22-HEM-0028	IDES	Unemployment and Employment Local Operations Manager	Desk Audit
22-HEM-0006	IDHS	Quality Manager, Mental Health Center	Complaint Referral
22-HEM-0034	IGB	Assistant General Counsel	Desk Audit
22-HEM-0033	DCEO	Market Development Manager	Desk Audit

## HEM Advisory Summaries

Advisories that included a HEM recommendation are summarized below. In some cases, HEM requested a formal response from the agency, which is also summarized. Responses to Advisories issued last quarter but received this quarter are included under Advisory Updates.

### **22-HEM-0023**

HEM conducted a desk audit of the hiring file for a Records Management Section (RMS) Manager at the Illinois State Police (ISP). While HEM found that the selection decision was merit-based and justifiable, HEM determined that the selected candidate had been temporarily assigned to the RMS Manager position for more than three years when ISP posted the position in March 2022. ISP provided documentation for the temporary assignment and subsequent renewals and explained that the position was previously filled by a Master Sergeant who had been permanently assigned to a different work unit. ISP further indicated that the “[t]he responsibilities of [the RMS Manager] position were and are critical[.]” As a result, HEM highly recommended that ISP promptly post and fill “critical”

positions like the RMS Manager in the future, rather than temporarily assigning employees from other positions for extended periods. HEM recommended that when an extended temporary assignment is truly required, ISP should consider rotating qualified employees in the temporary assignment. Finally, HEM reminded ISP to ensure that all temporary assignments are properly reported to CMS in accordance with the CEP, recognizing ISP represented it had already resolved this issue. While HEM did not request a response to this Advisory, ISP responded, stating it would work with all Division of Human Resources Liaisons to promptly post positions and would carefully review its use of temporary assignments going forward. ISP also indicated that if a position could not be posted due to extenuating circumstances, it would work with agency Labor Relations personnel regarding the possibility of rotating qualified positions in the temporary assignment.

### ***22-HEM-0021***

HEM completed a desk audit of the hiring file for a CMS Analysis and Resolution Unit Manager. While HEM agreed with the selection decision, HEM made recommendations regarding the timeliness of the Relationship Disclosure & Conflict of Interest Certifications (Disclosure Forms). Specifically, HEM recommended that interview panel members complete their Disclosure Forms at least three days before the first scheduled interview, as required by the CEP, and that if interviewers complete Disclosure Forms at an earlier stage in the hiring sequence before the applicants are known, they update their Disclosure Forms after the applicant pool is identified and ensure the updated form is vetted by the Agency Personnel Officer or designee before interviews begin.

### ***22-HEM-0020***

HEM conducted a desk audit of the hiring file for the Medical Claims Processing Bureau Chief at the Illinois Department of Healthcare and Family Services (HFS). While HEM's review found that the selection decision was justified, HEM made one recommendation regarding the Disclosure Forms. In this sequence, which held interviews in September 2021, the interviewers completed Disclosure Forms prior to reviewing the applicant or interview lists. HFS explained that when the hiring sequence progressed to interviews, the interviewers advised that they had no conflicts with any of the candidates, but HFS did not request that the

interviewers complete the form again. HFS acknowledged that, in the future, to ensure all records are well-documented, the agency will ensure the Disclosure Forms are updated and saved with the hiring documentation prior to the beginning of the interviews. HEM noted that in July 2022, CMS produced and trained on the revised Disclosure Forms and reminded agencies that Disclosure Forms for the interview panel need to be filled out after the interview pool has been identified.

### ***22-HEM-0024***

HEM completed a desk audit of the hiring file for the Labor Relations & Human Resources Manager at the Abraham Lincoln Presidential Library and Museum (ALPLM). During its review, HEM discovered that one of the twelve applicants whom CMS deemed qualified was not invited to interview due to an inadvertent administrative mistake. While HEM found the selection decision merit-based and justifiable, HEM highlighted this for CMS and ALPLM to help avoid it from happening in the future.

### ***22-HEM-0022***

HEM conducted a desk audit of the hiring file for the Interview & Selection Manager at the Illinois Department of Innovation and Technology (DoIT). While HEM's review found that the selection decision was merit-based and justifiable, HEM had one recommendation regarding the Disclosure Forms. Here, one of the interviewer's Disclosure Forms were signed and vetted two days after the interviews began. HEM reminded DoIT that interviewer Disclosure Forms should be completed at least three days before the first scheduled interview, and if it is completed at an earlier stage in the hiring sequence before the position is posted, as was done here, the interviewer should update his or her Disclosure Form after the applicant pool is identified and the form should be vetted again. HEM explained that this allows the agency sufficient time to review the Disclosure Forms and replace a conflicted panel member, if necessary.

### ***22-HEM-0031***

HEM completed a desk audit review of the hiring file for a Special Assistant for Research at the Illinois Department on Aging (IDOA). While HEM agreed with the selection decision, HEM recommended that IDOA ensure that any hiring sequence changes, such as changing the assigned Subject Matter Expert (SME), are

accurately reflected in SuccessFactors. HEM also recommended that IDOA instruct interview panel members that if they encounter technical issues during the hiring sequence, they can and should contact CMS or IDOA Human Resources personnel for assistance. While HEM did not request a response to the Advisory, IDOA responded that it had recently added Human Resources staff, which should help the agency ensure the accuracy of information in SuccessFactors. IDOA also acknowledged that staff had experienced technical difficulties using the SuccessFactors scoring tool and as a result, the agency had conducted training on common scoring tool issues and how to resolve these issues. While HEM did not request a response to this Advisory, IDOA responded, stating it plans to add additional Human Resources personnel by the end of the year, which should allow for timely submissions and cross-checking work and calculations.

### **22-HEM-0025**

HEM conducted a desk audit of the hiring file for the Chief of Logistics position at the Illinois Emergency Management Agency (IEMA). While HEM's review found that the selection decision was justified, HEM made one recommendation. In this sequence, the Hiring Manager's Disclosure Form was vetted by the individual serving as the agency SME, whose form the Hiring Manager vetted. IEMA explained that the SME had been assigned to Human Resources temporarily because Human Resources did not have a manager. HEM did not take issue with the agency's need to reallocate personnel resources; however, HEM recommended that such a reallocation needs to safeguard the roles of those involved in a hiring sequence so that actual or apparent conflicts do not occur. HEM stated that in the future, if there is not enough human resources staff to vet Disclosure Forms, the agency should reach out to CMS Compliance or a sister agency for assistance.

### **22-HEM-0041**

HEM completed a desk audit of the hiring file for an ISP Assistant Bureau Chief, Radio Network Services Bureau. While HEM found that the selection decision was merit-based and justifiable, HEM reiterated its recommendations from Advisory 22-HEM-0023 regarding temporary assignments, acknowledging that the instant hiring sequence occurred before HEM issued the previous Advisory. HEM also strongly recommended that ISP ensure going forward that veterans' preference points are added to the application scores of qualifying veteran applicants.



### ***22-HEM-0033***

HEM conducted a desk audit of the hiring file for the Market Development Manager position at the Illinois Department of Commerce and Economic Opportunity (DCEO). HEM found that this sequence had been reviewed by CMS Compliance, who identified issues with the Disclosure Forms and the scoring tools. CMS Compliance recommended that DCEO contact one interviewer to revise his form, which was completed, and provide further explanation as to why the interviewers did not select the “Interview Complete” button. HEM did not identify any additional issues other than those identified by the CMS Hiring Lead and DCEO and CMS Compliance. Since these issues were not only addressed but also corrected, HEM did not have any further recommendations.

### ***22-HEM-0019***

HEM conducted a desk audit of the hiring file for a Fiscal Officer at the Illinois Department of Natural Resources (IDNR). While HEM found the selection decision merit-based and justifiable, HEM reminded the agency to continue completing its Disclosure Forms three days prior to the first interview.

### ***22-HEM-0038***

In response to a complaint referral, HEM reviewed the hiring file for a Correctional Casework Supervisor (CCS) position at an Illinois Department of Corrections (IDOC) Correctional Center. While HEM found that the selection decision was merit-based and justifiable, HEM recommended that IDOC consider modifying two interview questions in future CCS hiring sequences to ensure candidate education and training is appropriately credited.

### ***22-HEM-0029***

HEM conducted a desk audit of the hiring file for the IDOA Deputy General Counsel. While HEM found the selection decision merit-based and justifiable, HEM reminded IDOA that interviewers should complete Disclosure Forms after the applicant pool is identified and have the forms vetted before interviews begin. HEM also recommended that interviewers certify that summaries and scores are accurately documented in finalized assessment materials uploaded to SuccessFactors.

## 22-HEM-0043

HEM conducted a desk audit of the hiring file for a Fire Prevention Inspector I position at the Office of the Illinois State Fire Marshal (OSFM). While HEM found that the selection decision was merit-based and justifiable, HEM recommended that in the future, if an employee participant updates his or her Disclosure Form after Human Resources has already reviewed the form, the Human Resources reviewer also update the review date on the Disclosure Form to document that this review occurred. HEM also recommended OSFM document the reason(s) for any changes to the hiring sequence, such as changes to the composition of the interview panel, and upload this documentation to SuccessFactors.

## 22-HEM-0045

HEM conducted a desk audit review of the hiring file for a Laboratories Division Chief at the Illinois Department of Public Health (IDPH). While HEM found the selection decision merit-based and justifiable, HEM recommended the agency ensure that pertinent staff, including interviewers, take or review the July 2022 CMS training regarding Disclosure Forms to help ensure compliance with the CEP.

# HEM Advisory Updates

## *Disclosure Form Issues*

Based on its reviews, HEM has recently seen an increase in issues regarding different agencies' Disclosure Forms, as shown in the Advisories issued this quarter discussing this issue. Based on the apparent confusion by agency staff and interviewers on how and when to complete the Disclosure Forms, HEM urged CMS to address this again with agencies. This resulted in CMS holding another training on the Disclosure Forms on July 6, 2022. For the sequences summarized above, all of the interviews occurred prior to this July training, and each Advisory involved different interviewers. HEM expects that the recent CMS training will alleviate some of the confusion regarding the timing and vetting of forms, particularly that interviewers must document any relationships **after** the applicant list is known. HEM will continue to monitor the Disclosure Form process, and reminds agencies to be aware of this issue and help ensure forms are being completed correctly, especially considering interviewers vary from sequence to sequence.

## **22-HEM-0010**

On July 29, 2022, IDOC and CMS provided a joint response to HEM Advisory 22-HEM-0010, issued last quarter on June 15, 2022, which discussed HEM's review of an IDOC Regional Corrections Compliance Coordinator hiring sequence. In its review, HEM found that the CMS validator erroneously disqualified two applicants. Since HEM did not find any undue influence in the disqualification nor was IDOC involved in these decisions, HEM did not require a repost, but requested that IDOC and CMS review to determine the necessity or feasibility of a repost. HEM also recommended that the agency consider requiring candidates to reschedule their virtual interview for a time when they are available to participate through video and reminded the agency that the Agency Personnel Officer's Disclosure Form review should include following up with participants on any questions or corrections regarding the form.

In response, IDOC and CMS stated that CMS will remind validators to seek out guidance if they are unsure how to evaluate a particular qualification. CMS and IDOC also stated that after reviewing the Advisory and sequence, the agencies decided to repost the subject position. The response stated that IDOC will notify all applicants that there was a technical issue with the sequence and invite the applicants to reapply. The response also addressed that all interviews in a sequence should be conducted via the same modality and stated that IDOC staff have been reminded to thoroughly review the Disclosure Forms and to follow up if there are any questions. The response noted that CMS revamped the Disclosure Forms, making them clearer and more detailed, in July 2022, after this sequence held interviews.

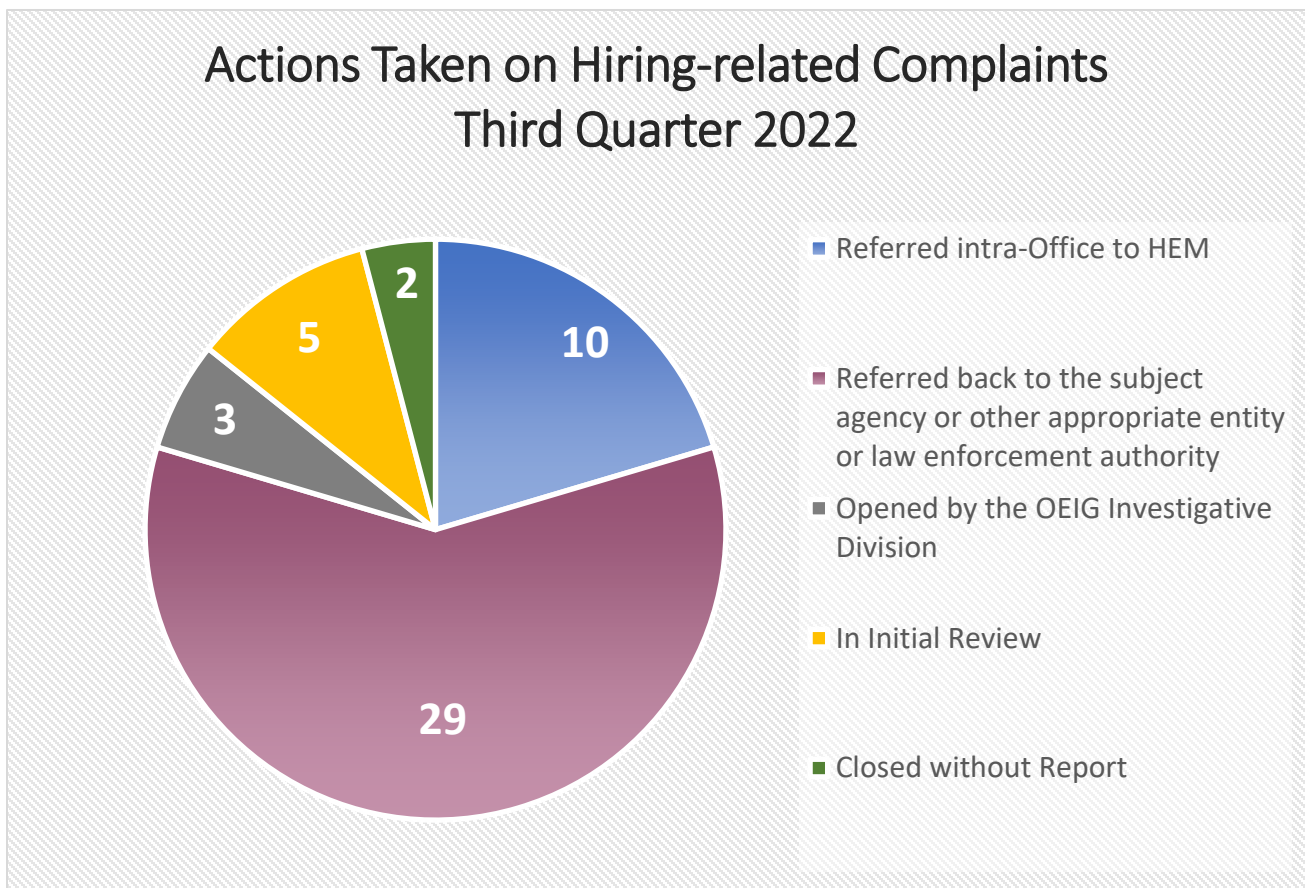
After receiving the response, the HEM Director spoke with IDOC's Deputy Director of Human Resources, who confirmed that IDOC was going to contact all the applicants from the previous posting as well as post the sequence externally. IDOC notified HEM in August that the position was being posted, and HEM plans to monitor the interviews and issue an Advisory (22-HEM-0040) once HEM's review is completed.

## Investigative Division

The OEIG’s Investigative Division receives approximately 2,500 to 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.

### Hiring-Related Complaints

For the third quarter of 2022, the OEIG received **46** hiring-related complaints. Also, in this quarter, the following actions were taken with regard to hiring-related complaints:



## Hiring Investigations

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

Hiring-related Investigations	Count
Hiring-related investigations pending at the close of the quarter	16
Hiring-related investigations closed this quarter	5
Founded reports related to hiring issued this quarter	1
Founded reports related to hiring made available to the public this quarter	2

This quarter, the Executive Ethics Commission (EEC) made two OEIG founded reports related to hiring available to the public, which are summarized below. The redacted reports, as well as previous publicly released reports, are available at [www.inspectorgeneral.illinois.gov](http://www.inspectorgeneral.illinois.gov).

### *Case No. 20-00408*

The OEIG received an anonymous complaint alleging that a senior IDOC employee had directed staff at the Illinois River Correctional Center to assign a family member to an Intelligence Officer position over other employees seeking that role. Based on the investigation, the OEIG found that the senior IDOC employee was, in fact, improperly involved in his family member’s selection for the Intelligence Officer role. More significantly, however, through further investigation, the OEIG learned that there had been a longstanding practice of improper hiring into the intelligence and investigative roles at IDOC. In sum, the OEIG found that IDOC had, for years, engaged in mismanagement by effectively creating investigative positions that did not follow appropriate hiring protocols and policies.

Through its investigation, the OEIG learned that IDOC improperly characterized certain intelligence and investigative roles as “details” or “assignments” when, in fact, the OEIG’s investigation revealed that employees were assigned to these investigative and intel roles indefinitely—sometimes for years—and were often

hand-picked by management for these roles. Once in those “assignments,” these employees had very different duties and followed a different chain of command than other employees with the same job title, and received specialized training and experience that was often used to advance their career within IDOC to positions up to warden and assistant warden. In sum, the evidence gathered in this case established that these intelligence and investigative roles were, in effect, distinct positions without any defining position descriptions, and thus, were filled without proper competitive selection that followed IDOC policy or State hiring procedures. Moreover, as shown in the IDOC family member hiring scenario, this practice allowed for the filling of these positions to be easily manipulated. As of May 2020, IDOC had over 80 individuals performing full-time intelligence work as “assignments.” The OEIG found that IDOC’s failure to follow appropriate hiring and employment policies and principles with respect to these roles amounted to mismanagement.

In addition to appropriate disciplinary action, the OEIG recommended that the Governor’s Office work with IDOC and CMS to ensure that these “assignments” are either appropriately treated as positions such that they must follow competitive hiring principles and practices or else adhere to applicable collective bargaining agreement provisions with respect to “details.” In response to this report, the Governor’s Office reported that the senior IDOC employee who was involved in his family member’s selection as an Intelligence Officer was suspended for 30 days. The Governor’s Office also reported that it, along with IDOC, determined that a new direction and leadership change in the Investigations and Intelligence Division (IID) were appropriate and that they were working to identify a new candidate for the IID Chief position. While that search continued, the Governor’s Office reported that it was working with IDOC staff to implement immediate changes concerning the selection and documentation of staff assignments to IID and that it would keep the OEIG apprised of its efforts to hire a new IID Chief and its longer-term work to improve staffing of IID.

### ***Case No. 20-01184***

The OEIG investigated an allegation that an IDOC Correctional Lieutenant submitted a Promotional Employment Application to CMS with false information about his work history in order to receive a promotional grade to qualify for an IDOC Shift Supervisor position.

During the investigation, the OEIG confirmed that the Correctional Lieutenant submitted three CMS promotional applications reflecting that he served for the prior five years as the Assistant Tactical Commander for an IDOC Tactical Unit. The Correctional Lieutenant then certified with his signature on each application that all of the information in each application was true and accurate. Ultimately, CMS rejected all three of the Correctional Lieutenant's promotional applications because he did not possess the training and experience required for the Shift Supervisor position.

The OEIG confirmed through Tactical Unit rosters and staff appointment memoranda, as well as interviews of Tactical Unit command staff, that the Correctional Lieutenant had never held or filled, even temporarily, the position of Assistant Tactical Commander. During an interview with the OEIG, the Correctional Lieutenant admitted that he lied about serving as the Assistant Tactical Commander on the CMS promotional applications because he hoped it would "push [him] over" if he was close to having the five years of supervisory experience that was required for the Shift Supervisor position.

The OEIG concluded that the Correctional Lieutenant violated IDOC policy, the Illinois Administrative Code, and the State of Illinois Code of Personal Conduct by providing false information and making knowing misrepresentations on State employment documents about his work experience, and recommended that IDOC discipline the Correctional Lieutenant up to and including discharge. In response to the report, the Correctional Lieutenant was ultimately suspended for 20 days.