

HIRING & EMPLOYMENT MONITORING REPORT

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

THIRD QUARTER | 2023



UPDATES

The Office of Executive Inspector General for the Agencies of the Illinois Governor (OEIG) provides this report each quarter on its hiring-related work.

This quarter, the OEIG Hiring & Employment Monitoring Division (HEM) issued twenty advisories, six of which combined reviews of multiple hiring sequences with similar issues. One common issue involved the Relationship

Disclosure and Conflict of Interest Certification form. HEM reminds agency staff that the form should be properly vetted by a non-participant.

As an additional reminder, requests to add exempt positions to the Exempt List should include an accurate position description. HEM also recommends providing an organizational chart and summary of the proposal, and reviewing if any exempt positions can be deleted.

OFFICE OF EXECUTIVE INSPECTOR GENERAL

Susan M. Haling
Executive Inspector General

Neil P. Olson
General Counsel

Fallon Opperman
Deputy Inspector General & Chief
of Chicago Division

Erin K. Bonales
Director, Hiring & Employment
Monitoring Division

Christine Benavente
Deputy Inspector General-
Executive Projects

Angela Luning
Deputy Inspector General &
Acting Chief of Springfield Division

Ogo Akpan
Chief Fiscal Officer & Chicago
Operations Manager

Chicago Office:

69 W. Washington St.
Suite 3400
Chicago, IL 60602
(312) 814-5600

Springfield Office:

607 E. Adams St.
14th Floor
Springfield, IL 62701
(217) 558-5600

Hotline: (866) 814-1113
TTY: (888) 261-2734
www.inspectorgeneral.illinois.gov

HEM Compliance Reviews

Between July 1 and September 30, 2023, HEM's work included the following compliance activities.

Actions Taken During the Third Quarter 2023	Count
Hiring-related reviews opened	28
Complaints referred to HEM	9
Hiring sequences monitored	2
Desk audits completed	13
Hiring reviews transferred to the OEIG Investigative Division	1
Hiring reviews administratively closed	1
Advisories issued	20

HEM Exempt List Reviews

The following chart represents the Exempt List reviews conducted by HEM this quarter.

HEM Exempt List Reviews	Count
Exempt appointment notifications/certifications received and reviewed for positions on the Exempt List	83 (No objections)
Exempt position description clarifications received and reviewed	62 (No objections)
Exempt List addition requests received this quarter	16
Exempt List addition requests approved this quarter	10
Agency withdrawal of Exempt List requests this quarter	0
Exempt List deletion requests received this quarter	0
Exempt List deletion requests approved this quarter	0
Exempt List pending requests	7

Exempt List Additions and Deletions by Agency - Third Quarter 2023		
Agency/Entity	Working Title	OEIG Determination
Illinois Criminal Justice Information Authority	Deputy General Counsel	Approved Addition
Illinois Department of Children and Family Services	Associate General Counsel for Consent Decree Compliance and Reform	Approved Addition
Illinois Department of Employment Security	Deputy Legal Counsel – General Law	Approved Addition
Illinois Department of Employment Security	Deputy Legal Counsel – Unemployment Insurance Law	Approved Addition
Illinois Department of Human Rights	Chief of Staff	Approved Addition
Illinois Department of Human Services	Deputy Chief, Office to Prevent and End Homelessness	Approved Addition
Illinois Department of Human Services	External Stakeholder Engagement Director	Approved Addition
Illinois Department of Insurance	Marketplace Director	Approved Addition
Illinois Department of Labor	Leave Rights Division Manager	Approved Addition
Illinois State Police	Deputy Director, Division of Statewide 911	Approved Addition

HEM Exempt PSC Reviews

The following chart represents the exempt personal services contract (PSC) reviews conducted by HEM this quarter.

HEM Exempt PSC Reviews	Count
Exempt PSCs received for review	0
Exempt PSCs approved or not objected to this quarter	0

Non-Exempt PSC Reporting

On July 17 and September 18, 2023, the Compliance Office at the Illinois Department of Central Management Services (CMS) provided the State's Personal Services Contract (PSC) Report for the first and second quarters, respectively, of calendar year 2023. The following table summarizes this information:

Data from the State's PSC Report - 2023	1 st Qtr. Count	2 nd Qtr. Count
State entities that submitted a PSC report to CMS	52	51
State entities that decreased their use of PSCs from the previous quarter	11	7
State entities that increased their number of PSCs	11	17
State entities that did not have a change in PSCs	30	27
State entities that reported not utilizing any PSCs	13	13

Political Contact Reporting

This quarter, HEM received **5** Political Contact reports, summarized below.

- One report stated that an applicant for an Office Assistant position at the Illinois Department of Human Services (IDHS) included a letter of reference from an Illinois State Senator with her application. CMS Compliance responded that the agency should disregard the letter of recommendation.
- One report identified a resume submitted for an IDHS Bureau Chief position, which referenced recommendations received from an Illinois State Senator and a U.S. President. In response, CMS Compliance stated that the references did not appear to meet the definition of "attempting to affect" a hiring action by any elected or appointed official nor was it an unsolicited contact.
- One report filed by a CMS employee stated that an Illinois State Representative visited a CMS booth at the Illinois State Fair. In response to the report, CMS Compliance explained that since this was a brief encounter at a public event that did not involve a question about any particular candidate or position, the contact did not appear to be an attempt to affect a hiring sequence.

- Two separate reports were filed by two different CMS Governmental Affairs staff regarding inquiries made by a politician’s staff on behalf of an applicant.
 - One report stated that an Illinois State Representative staff member inquired about issues a constituent was having applying for a position. CMS Compliance asked how the CMS Liaison responded, and the Liaison stated that although he told the Representative’s staffer that he would look into the issue, he never followed up with more information. CMS Compliance then reminded the Liaison to not divulge any information on a specific candidate for non-exempt positions and, if the staffer reaches back out, to not provide the requested information.
 - Another report stated that an Illinois State Senator staff member contacted a CMS Liaison about a Health Facilities Surveillance Nurse position on behalf of an applicant. In response, CMS Compliance staff reminded the agency to advise requesters of only information that is publicly available and not report any information on a specific candidate.

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 2023			
Advisory	Agency	Position Title	Type of Review
23-HEM-0003	IGB	Property Control Officer	Desk Audit
23-HEM-0009	DoIT	Contract Executive, Executive I	Desk Audit
22-HEM-0039	IDNR	Hiring Team Manager	Hiring Sequence Monitoring
23-HEM-0020	ICJIA	Accountant Supervisor	Desk Audit
23-HEM-0031	IDHS	Rehabilitation Customer and Community Field Services Supervisor	Desk Audit
23-HEM-0025	AGR	Executive I	Desk Audit
23-HEM-0029	HFS	Associate Administrator	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-0036

In response to a complaint referral, HEM reviewed the personnel history and exempt documentation for two exempt employees at the Illinois Department of Human Services (IDHS), finding that that while appointed to exempt positions, Employee A had been on a leave of absence from a non-exempt, Code-covered position for four years and three months, and Employee B, for six years. HEM then reviewed all of IDHS's exempt appointees and found that in total, sixteen were currently on a leave of absence from a Code-covered State position ranging from five months to eight years.

In the Advisory, HEM noted that it understood it was within an agency's discretion to decide whether to leave a Code-covered position vacant during an employee's leave of absence and that the situation may be different depending on the needs of the vacant position, the exempt position, and the agency. However, HEM also noted that some of IDHS's exempt appointees have been on a leave of absence from a Code-covered position for a significant time period. Furthermore, IDHS appears to have a noticeably higher number of exempt appointees on leaves of absence than some other agencies. Thus, HEM requested a response from IDHS and the Illinois Department of Central Management Services (CMS) regarding the twelve exempt IDHS employees currently on a leave of absence from a Code-covered position for over a year explaining the following:

- the need/basis for the continuation of the leave of absence;
- the length of time IDHS believes leaves of absence should reasonably continue;
- how the duties of the Code-covered positions, from which the exempt employees are on a leave of absence, are being completed; and
- whether IDHS has a process or mechanism for identifying or re-evaluating when an exempt appointee should continue to be on a leave of absence.

HEM also requested that if future exempt appointments—whether interim or permanent—result in the exempt employee being placed on a leave of absence from

a covered position for any agency, the exempt certification paperwork provided to HEM should include notification of the leave of absence. CMS and IDHS responses have not yet been provided due to the agencies' request for an extension.

22-HEM-0008 & 22-HEM-0017

In response to three complaint referrals, HEM reviewed the hiring sequences for two Correctional Lieutenant positions at the Illinois Department of Corrections (IDOC). HEM also monitored an active sequence for a Correctional Lieutenant position. Based on HEM's review of these various Correctional Lieutenant hiring sequences, HEM found related issues with regard to IDOC's hiring process for this position and made several recommendations.

First, because it was unclear whether Relationship Disclosure and Conflict of Interest Certification forms (Disclosure Forms) were being used in all Correctional Lieutenant sequences, HEM recommended IDOC ensure that interviewers complete Disclosure Forms in all Correctional Lieutenant hiring sequences and consider ways to identify potential conflicts by asking follow-up questions when vetting the forms.

Second, HEM recommended that IDOC ensure the evaluation of categories 1 through 5 of the Lieutenant Promotional Instrument (Promotional Instrument) is completed prior to the interview, as stated in the agreed upon Promotional Instrument. For category 6, the Interview, HEM recommended that IDOC consider leaving a window of time after each interview for scoring and requested that IDOC follow up with its Human Resources (HR) and facilities staff and other employees, especially interviewers, to ensure they understand the requirement to score category 6 independently and then average their scores. To help ensure this takes place, HEM recommended that IDOC consider modifying the scoresheet for category 6 to include separate, clearly defined spaces for interviewers to document their initial and adjusted scores and provide explanations for any scoring changes.

Lastly, HEM recommended that IDOC consider whether and how it can safeguard its interview materials, including interview questions and ideal responses, to ensure candidates are not able to access these items before their interviews. Additionally, HEM noted that IDOC should consider whether ideal answers are truly needed for every hiring sequence, or whether there are positions for which candidate responses can be appropriately assessed without the use of ideal answers. HEM also recommended that IDOC provide clear instructions to interviewers for how to proceed if they suspect during an interview that a

candidate may have improperly accessed confidential interview materials, including the interview questions and any ideal responses. HEM requested a response from IDOC.

IDOC responded, agreed with HEM's recommendations, and provided an explanation of how these adjustments would be implemented. IDOC also noted these changes will be communicated and guidance will be provided to all involved in the Correctional Lieutenant hiring process.

22-HEM-0055 & 23-HEM-0005

HEM conducted desk audits of hiring files for a Stationary Engineer and a Nursing Supervisor at the Illinois Department of Veterans' Affairs (IDVA). HEM found the selection decisions to be merit-based and justifiable but repeated the recommendation that IDVA ensure the position descriptions, job postings, and conditions of employment are all updated, accurate, and consistent prior to posting. In HEM Advisories 20-HEM-0043, 21-HEM-0017, and 20-HEM-0046, issued September 2020, August 2021, and December 2021, respectively, HEM previously noted issues with inconsistent candidate qualification assessments and outdated position descriptions, including failing to note conditions of employment.

23-HEM-0029

HEM conducted a desk audit of the hiring file for an Associate Administrator at the Illinois Department of Healthcare and Family Services (HFS). HEM found the selection decision to be merit-based and justifiable but suggested that CMS might consider adding to the application instructions that an applicant may be disqualified for not answering the application questions.

23-HEM-0021

HEM conducted a desk audit of the hiring file for a Developmental Disabilities Training and Event Program Specialist at the Illinois Council on Developmental Disabilities (ICDD). HEM found the selection decision to be merit-based and justifiable but recommended that agency personnel, other than those participating as the subject matter expert (SME) or an Interviewer, vet the Disclosure Forms. If additional agency personnel are not available, especially in a small agency such as ICDD, the agency should continue to reach out to CMS Compliance, or HEM, for guidance.

23-HEM-0008 & 23-HEM-0017

In response to two separate complaint referrals, HEM reviewed hiring sequences for the Operations Supervisor and Program Coordinator positions at the Illinois Department of Transportation (IDOT). In sequences for both positions, HEM was able to intervene so that originally disqualified applicants who met the minimum requirements were added to the candidate pool. Nevertheless, HEM made several recommendations to CMS.

HEM noted that for the Operations Supervisor position sequences reviewed, the CMS validators interpreted the language, “of which three years is supervisory” differently, which resulted in applicants having different eligibility outcomes for the same position. HEM noted that while there can be differences of opinion between validators on interpreting requirements or the experience that may meet the requirement, it is important that validators – and Subject Matter Experts and interviewers who are also involved in evaluating requirements to varying extents – understand this possibility and attempt to minimize inconsistencies so the State does not miss out on qualified candidates. HEM recommended that when there is an element of interpretation in the qualifications, there may need to be discussion of the position’s minimum qualifications –most appropriately before the sequence starts – to ensure consistent interpretation and application. HEM also suggested that CMS encourage validators to review a previous sequence related to the position to assist in interpretations. Additionally, HEM recommended that CMS and agencies continue to work on ensuring clear, easily validated language is used in the requirements prior to the posting of a position.

HEM also recommended that CMS ensure validators understand the limitations of the drop-down menu when determining if an applicant’s degree(s) meets the requirements. In the Program Coordinator sequence, HEM noted that it appeared that applicants were disqualified because they selected a degree that was not seen as applicable even though their resumes showed they had relevant degrees. HEM recommended that if the electronic system has limited degree fields, then validators need to look further than the drop-down and cannot rely on these narrow options.

Although HEM did not request a response to this Advisory, CMS responded to the Advisory accepting both of HEM’s recommendations.

23-HEM-0013

HEM conducted a desk audit of the hiring sequence for a Climate and Equitable Jobs Act (CEJA) Southern Regional Administrator position at the Illinois Department of Commerce and Economic Opportunity (DCEO). Although a candidate was hired, this individual vacated the position shortly after starting upon being hired for a different DCEO position. Because none of the other interviewees met the minimum interview score, DCEO reposted the CEJA Southern Regional Administrator position. HEM monitored the July 2023 interviews for the reposted position. After the interviews, DCEO sought permission from CMS Compliance to lower the minimum interview score from 85 to 75, on a 100-point scale. CMS approved this request, and DCEO hired a candidate who started in September 2023. While HEM found the selection decision to be merit-based and justifiable, HEM made two recommendations.

First, in monitoring the scoring discussions for the July interviews, HEM observed that one of the interviewers adjusted her initial scores for two candidates for one question each based on the post-interview discussion with her co-interviewer. However, upon reviewing this interviewer's scoresheet after it was uploaded to SuccessFactors, HEM saw that the interviewer did not properly document the scoring changes or the reasons for the scoring changes. HEM recommended that DCEO ensure that interviewers properly document their initial and adjusted candidate scores and include a detailed explanation for any scoring change.

Second, HEM recommended that DCEO consider utilizing a lower minimum interview score in future hiring sequences. The two sequences HEM reviewed were the second and third sequences for this position; DCEO had also canceled the initial hiring sequence for the Southern Regional Administrator because the single candidate interviewed did not meet the minimum interview score of 85. DCEO also obtained CMS Compliance approval to lower the interview score for the position's Central Regional Administrator counterpart.

Although HEM did not request a response to this Advisory, DCEO responded to the Advisory accepting both of HEM's recommendations.

23-HEM-0027

HEM conducted a desk audit of the hiring file for the contractually filled Special Education Disability Rights Manager at the Illinois Guardianship and Advocacy Commission (IGAC). While HEM agreed with the selection decision, HEM noted inconsistencies between the preferred qualifications set forth in Box 19 of the position description and those identified in the job posting. HEM recommended IGAC ensure that the position description contain the preferences the agency seeks, and that the related job posting reflects these preferred qualifications. Additionally, HEM noted that had this sequence gone to interviews, agency screening decisions could have been impacted by applying the incorrect or misunderstood preferences.

22-HEM-0048

In response to a complaint referral, HEM reviewed the personnel history and personal services contract (PSC) documentation for an employee at the Illinois Department of Labor (IDOL) and found that the employee had been employed via a PSC for over five years. HEM noted that while the State's Comprehensive Employment Plan does not provide a limit to how long a PSC can be in place, the PSC Description of Services serves as a CMS Compliance approval form, stating that there must be a rationale to using a PSC in lieu of retaining a State employee and that the project/work will be of a limited duration. While the rationale for each separate PSC, in the instant review, appeared individually justifiable, the HR Director has now been in his position since April 2022, the HR Associate started on July 1, 2023, and a new HR Specialist started in August 2023, so there no longer appeared a need for this PSC. HEM requested an explanation if IDOL expected to take a different approach before any additional PSC is signed. IDOL responded that it agreed and would not renew the PSC when it expires in December.

23-HEM-0032

HEM conducted a desk audit of the hiring file of a Carnival Manager position at the Illinois Department of Labor (IDOL). HEM found that the selection decision was merit-based and justifiable but recommended that IDOL modify its current Disclosure Form process. In reviewing this and other recent IDOL sequences, HEM observed that IDOL had a practice of listing all candidate names on the Disclosure Forms *before* sending the form to the individual hiring sequence participant to review and identify whether they had any relationships with any of

the individuals listed on the form. HEM previously discussed this practice with IDOL in January 2023 and advised it was problematic. In this Advisory, HEM recommended that IDOL refrain from listing candidate names directly on the Disclosure Forms and instead provide the names to the hiring sequence participants via email or a separate written list if manually distributing the forms.

23-HEM-0028

HEM conducted a desk audit of an Administrative Assistant I position at the Illinois Commission on Equity and Inclusion (CEI). HEM found that the selection decision was merit-based and justifiable but made several recommendations regarding the Disclosure Forms. First, HEM recommended that CEI ensure that Disclosure Forms are timely completed and reviewed before the participant acts on the hiring sequence, such as screening applicant qualifications or conducting interviews. Second, HEM recommended that CEI ensure that screeners or meaningful participants (non-interviewers) review and disclose relationships with the entire applicant or candidate pool, not just the interviewees. Lastly, HEM noted that it is best practice for individuals who are not otherwise involved in the hiring sequence to review the Disclosure Forms. HEM advised that if additional agency personnel are not available to vet the forms, the agency may reach out to CMS Compliance or HEM for guidance.

HEM Advisory Updates

21-HEM-0052

On July 12, 2023, HEM received a response from CMS and the Illinois Department of Children and Family Services (DCFS) to HEM Advisory 21-HEM-0052, issued last quarter on June 7, 2023. In the Advisory, HEM discussed its review of the DCFS Deputy Chief Administrative Law Judge (ALJ) hiring sequence. While HEM did not object to the hire, HEM made several recommendations. HEM recommended that CMS Hiring Leads and agency HR staff be sure that application questions are specific and well-defined, either by providing examples or requesting the specific type and amount of experience required or preferred. Additionally, HEM underscored the need for a Subject Matter Expert (SME) to be consistent in their evaluation to help ensure it does not appear as though they are trying to influence the outcome of the sequence. HEM recommended that if there is a question about the intention of an application question, then the SME should define the experience required or preferred at the

outset and ensure that every applicant is evaluated against those same criteria, making note of it in their SuccessFactors comments. HEM also recommended that the SME ensure that they are reviewing all components of the application – application question responses, resume, and cover letter, if applicable – and consistently so for all applicants. HEM made several suggestions for improving consistency, including that CMS consider providing additional training workshops for SMEs.

In response, CMS and DCFS stated that DCFS staff currently create application questions that are now more specific and match the job description preferred qualifications and follow up the preferred qualification questions with additional questions that directly ask how the applicant gained the specific experience. The response stated that this will ensure the application questions are specific and well-defined.

The response also stated that DCFS will have staff work with those identified as SMEs if there is a question about the intention of an application question. DCFS staff will help the SME define the experience required or preferred at the outset and ensure that every applicant is evaluated against the same criteria, making note of it in their SuccessFactors comments. Additionally, DCFS staff will remind the SMEs to review all components of the application – application question responses, resume, and cover letter, if applicable – and to do so consistently for all applicants. Lastly, the response noted that DCFS staff will recommend to SMEs that they utilize a spreadsheet or some other tracker, when applicable, to organize how the SME has evaluated each candidate and whether all components of the application have been reviewed to ensure that applicants are being evaluated in the same manner. CMS will also remind agencies about the existing SME training materials that are available and evaluate what other trainings might aid SMEs in their review to ensure uniformity and accuracy.

Investigative Division

The OEIG's Investigative Division typically receives over 2,500 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 2023, the OEIG received 42 hiring-related complaints. The following chart reflects the actions that were also taken with regard to hiring-related complaints during this quarter.



Hiring-Related 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	15
Hiring-related investigations closed this quarter	0
Founded reports related to hiring issued this quarter	0
Founded reports related to hiring made available to the public this quarter	1

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

Case No. 20-01251

The OEIG investigated a complaint alleging that an Illinois Department of Agriculture (AGR) employee in the Bureau of Meat and Poultry Inspection, Interviewer A, approached another interviewer after participating in interviews for an Inspector Trainee hiring sequence and indicated that a specific candidate was a supervisor's preferred candidate and should be selected.

The OEIG investigation revealed that AGR's Bureau of Meat and Poultry Inspection had a practice of allowing supervisors who were not interview panel members to observe hiring interviews and provide input to interviewers. Various supervisors were invited to observe the interviews for their respective counties in the Inspector Trainee hiring sequence and, although they did not score the candidates, they were allowed to express their opinions of the candidates with the interview panelists after interviews were completed. In addition, the attendance of observers did not appear to be documented in the hiring files, nor did they complete conflict of interest forms, allowing for the opportunity for influence or input in the selection without being part of the appropriate scoring process.

The OEIG learned that, after the interviews were completed, Interviewer A emailed one of the invited observers asking her to provide the names of candidates in her preferred order. Subsequently, Interviewer A approached his co-interviewer and told her they should take the opinion of the observers into consideration when scoring the candidates and informed her of the observer's preferred candidate. Specifically, during OEIG interviews, Interviewer A and the observer admitted to speaking with each other regarding the candidates and the observer confirmed that Interviewer A asked her to rank the candidates, so she told him that she preferred the second candidate, who had a college degree. Furthermore, Interviewer A admitted to changing his scores based on input from the observers, and the OEIG's review of Interviewer A's scoresheets confirmed that he significantly raised his scores of the preferred candidate while lowering another candidate's scores, without documenting why he did so.

The OEIG concluded that Interviewer A failed to independently evaluate candidates for the Inspector Trainee hire and tried to influence another interviewer's scores based on improper input from others, in violation of the Comprehensive Employment Plan. In response to this report, AGR indicated Interviewer A would receive a written reprimand and no longer participate as an interviewer for hiring sequences at AGR. Furthermore, the interviews did not result in any hires and the hiring sequence was ultimately canceled following the involvement of the OEIG's Hiring & Employment Monitoring Division.