





Message from Inspector General Susan Haling

It is my pleasure to present the 2023 Annual Hiring & Employment Monitoring (HEM) Report detailing the Office of Executive Inspector General's (OEIG) compliance and investigative work on State hiring and employment between January 1, 2023 and December 31, 2023. The report also includes a breakdown of hiring-related work conducted during the fourth quarter of 2023.

The work summarized in this report represents the OEIG's deep commitment to ensuring fair and competitive State hiring and identifying areas that can be improved upon. The HEM Division continues to utilize a variety of strategies to monitor and improve State hiring and employment, as shown in the last year, including:

- monitoring 12 hiring sequences in real-time and completing 45 desk audits of hiring sequences;
- issuing 66 Advisories to 30 different agencies, a 27% increase from the previous year;
- reviewing 392 exempt appointment notifications and 55 Exempt List modification requests; and
- handling 29 new complaint referrals.

Additionally, the OEIG Investigative Division closed 10 investigations related to hiring this year and issued one hiring-related founded report.

Beyond issuing Advisories, HEM also tracks and reviews agencies' progress on issues raised in the Advisories. In reviewing the Advisories issued this year, HEM found some common issues related to the Relationship Disclosure and Conflict of Interest Certification form, interviews, validation and screening, and documentation. HEM provides additional discussion and reminders about these hiring process tools in this report.

While there continues to be areas to improve upon, I am pleased to report that 58% of the Advisories issued this year did not require any HEM recommendation—meaning that the hire was merit-based and justifiable and HEM did not see a need for adjustment or a redo of the hire. This is a 12% increase from the prior year. HEM continues to work closely with identified agencies that need assistance or improvement with addressing systemic hiring issues, further discussed in the Developments and Updates section.

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,

Susan M. Haling

Executive Inspector General

Susan M. Haling



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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, misconduct, nonfeasance, mismanagement, 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 procedures decisions. employment and In addition, the OEIG plays a vital role in reviewing Ethics Act-mandated trainings and conducting revolving determinations. door

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.

Executive Team

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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 subpoen apower 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 2023 (FY2023), the OEIG processed 3,078 complaints, opened 450 investigations, referred 2,618 complaints and/or investigations to other agencies or appropriate entities, and administratively closed 158 complaints. The OEIG completed 214 investigations, including 147 with findings of wrongdoing, 12 resulting in a referral to the ultimate jurisdictional authority, and five resulting in a referral with recommendations to the relevant agencies. Also in FY2023, 18 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, reviews complaint referrals, and monitors 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

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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) 2023, HEM issued 66 Advisories, involving 30 different agencies. From January 1, 2023 to December 31, 2023, HEM staff monitored 12 hiring sequences and completed 45 desk audits. HEM staff also reviewed 392 exempt appointment notifications and received 55 Exempt List modification requests. The OEIG's Quarterly and Annual HEM Reports can be found on the OEIG's website here: HEM Quarterly and Annual Reports.

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.

HEM's Advisory Work

HEM strives to review a wide number and variety of hiring sequences across State government. This year, HEM increased the number of Advisories issued from the two previous years, producing 66, which is 14 more than in 2022 and five more than in 2021. Those 66 Advisories involved hiring reviews at 30 different agencies.

A significant number of Advisories issued this year did not result in HEM making recommendations. Of the 66 Advisories HEM issued, 38 or 58% did not make recommendations, meaning HEM found the hiring decisions to be merit-based and justifiable. This is a 12% increase from last calendar year which saw 46% of the issued Advisories containing no recommendations.

HEM also continues to work closely with particular agencies when necessary to address larger or systemic hiring issues. In the course of its reviews this past year, HEM met with human resources staff and agency leadership from a number of different agencies including, but not limited to, the Illinois Department of Natural Resources (IDNR), the Illinois Department of Corrections (IDOC), the Illinois Department of Human Services (IDHS), the Department of Children and Family Services (DCFS), and the Illinois Department of Veterans' Affairs (IDVA) to have more in-depth discussions regarding agency hiring issues. HEM works to assist agencies, whether it be reviewing internal policies or practices, helping staff understand requirements of the Comprehensive Employment Plan (CEP), or developing new hiring approaches. Some examples include the following:

Lengthy Contracting Work

HEM met with IDNR human resources, program and legal staff, the Illinois Department of Central Management (CMS) staff, and staff from the Governor's Office, to further discuss the over seven yearslong contracting of the Natural Resources Coordinator positions. In response to these discussions, IDNR determined that it would post the Natural Resources Coordinator positions as full-time State positions. HEM commended the agency's efforts to reconsider whether these positions could be brought back to IDNR and the coordination it required to accomplish this. (See 21-HEM-0029.)

HEM addressed a similar issue of contractual staff being used in lieu of hiring full-time State employees at the Illinois Department of Labor (IDOL). There, a personal services contract (PSC) had been used for over six years. The agency has since ended the PSC and is using a 75-day temporary appointment. (See 22-HEM-0048.)

Temporary Assignments

HEM also continues to review interim and temporary assignment use and follows-up on previous Advisories to ensure our recommendations are effectuated, as seen with 21-HEM-0051. This Advisory was issued in 2022, but follow-up continued until 2023 to ensure termination of a long-standing interim assignment at the Illinois Department of Juvenile Justice (IDJJ).

OEIG Investigation Follow-Up

HEM also works to ensure that agencies are implementing recommendations that may stem from founded OEIG investigations. For example, in OEIG Case 20-00408, the OEIG found that IDOC had for years engaged in mismanagement by failing to use a competitive selection process for assigning employees to the agency's Investigations and Intelligence Division (IID). In the founded report, the OEIG recommended the Governor's Office work with IDOC and CMS to ensure IID assignments are appropriately categorized and follow competitive hiring principles and practices, including with regard to supervision of employees assigned to IID. The OEIG also recommended IDOC ensure everyone involved in candidate selection fills out a Relationship Disclosure and Conflict of Interest Certification form (Disclosure Form).

In response to the founded report, IDOC and the Governor's Office have worked with HEM over the past year to establish and implement a standardized competitive selection process for all IID assignments. HEM also worked with IDOC and the Governor's Office to develop post descriptions for each type of IID assignment delineating the specific duties, responsibilities, and supervisory reporting structure of the assignment. Going forward, IDOC has agreed to provide HEM with a current list of all IID assignments on a quarterly basis.

Political Contacts

HEM continues to review political contacts to ensure there is not any improper political influence during a hiring sequence. This year, based on an alleged political contact via an applicant's letter of reference, HEM conducted a desk audit of the IDHS sequence. Although no issues were found, HEM will continue this type of follow-up on alleged political contacts to ensure fair hiring. (See 23-HEM-0047.)

Common Issues/Agency Reminders

In reviewing the 28 Advisories that included recommendations this year, HEM found some other common issues, as follows:

Disclosure Forms

The Disclosure Form was first implemented in 2019 and revisions and additional training followed to help ensure proper application. Issues of failing to properly complete the Disclosure Forms were seen in the following Advisories issued this past year: 22-HEM-0008 & 22-HEM-0017 (IDOC); 23-HEM-0021 (Illinois Council on Developmental Disabilities [ICDD]); 23-HEM-0032 (IDOL); 23-HEM-0028 (Ilinois Commission on Equity and Inclusion [CEI]); 23-HEM-0015 (Illinois Department of Transportation [IDOT]); and 23-HEM-0051 (IDOC).

Reminder: HEM reminds agency staff that for a hire to be merit-based and justifiable, decisions made throughout a hiring sequence need to be free from improper influence, manipulation, or steering. Improper influence or manipulation, within hiring, is not always obvious and may

be misperceived. One way to reduce or limit this from taking place is to ensure those working on a hiring sequence do not have any actual or apparent conflicts of interest. To effectively accomplish this, all employees working on the hire need to identify any relationships by timely (3 days before interviews) filling out the Disclosure Form so the Agency Personnel Officer (APO), or designee, can adequately review it, make further inquiry if necessary, and determine whether an actual or perceived conflict exists.

Interviews

Some of the recommendations made this year addressed decision-making that occurred during the interview process. Issues with how the interview was conducted, not including Disclosure Form issues, are discussed in the following Advisories: 22-HEM-0079 (Illinois Environmental Protection Agency [IEPA]), 22-HEM-0008 & 22-HEM-0017 (IDOC), 23-HEM-0013 (Illinois Department of Commerce and Economic Opportunity [DCEO]), 23-HEM-0033 (Illinois Department of Employment Security [IDES]), 23-HEM-0052 (IDJJ), and 23-HEM-0053 (IDOT).

Reminder: If a conflict is identified between an interviewer and a candidate, the interviewer should be removed from all further involvement in the sequence, not just the one interview.

If it is suspected that an interviewee has improperly accessed interview materials, then the interviewers can notify the lead interviewer or proctor so they can determine whether to ask the candidate to turn on the candidate's video; interviewers should also take detailed notes to discuss and report to HEM as soon as possible. Further, agencies should take precautions such as 1) developing new interview questions; and 2) ensuring limited access to interview questions or ideal answers.

Validation & Screening

HEM has also noted inconsistencies in position descriptions, postings, and/or application questions as well as validation and screening within and among sequences HEM reviewed this year. To reference Advisories containing recommendations regarding unclear or inconsistent language in the position description, posting, and/or application questions, see 22-HEM-0079 (IEPA), 23-HEM-0002 (IDNR), 22-HEM-0055 & 23-HEM-0005 (IDVA), 23-HEM-0027 (Illinois Guardianship and Advocacy Commission [GAC]), and 23-HEM-0052 (IDJJ); for Advisories containing recommendations regarding inconsistent validation or Subject Matter Expert (SME) screening, see 21-HEM-0052 (DCFS), and 23-HEM-0008 & 23-HEM-0017 (IDOT).

Reminder: Agencies can and should take the lead on ensuring that preferred experience and application questions are drafted in a way that the SME understands what experience is preferred, and SMEs should define how they are interpreting the questions at the outset if the questions can be interpreted differently. HEM also reminds agencies to ensure that what is listed in the posting is consistent with the position description and other sequence-related documentation. This consistency helps to avoid actual, or the appearance of, unfair or inconsistent screening.

Documentation

In Advisories this year, HEM also discussed the issue of insufficient documentation in SuccessFactors or in the hiring file. This issue was discussed in the following Advisories: 22-HEM-0037 (IDOL), 22-HEM-0070 (CMS), 22-HEM-0004 (Illinois Department of Revenue [IDOR]), 23-HEM-0023 (IEPA), 23-HEM-0038 (Department of Innovation & Technology [DoIT]), and 23-HEM-0013 (DCEO).

Reminder: HEM continues to recommend that all documentation related to the hire, including relevant communications with CMS Compliance, interview notes, and special skills interview notes, are uploaded to SuccessFactors. This saves the agency time and resources if questions arise in the future, not only from compliance reviews, but also due to grievances and potential lawsuits.

III. HEM's 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, 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.

Number of Hiring Sequences Monitored During the Fourth Quarter of 2023

Number of Hiring Sequences Monitored During the 2023 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.

12

Number of Desk Audits Completed During the Fourth Quarter of 2023

45

Number of Desk Audits Completed During the 2023 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.

10

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

29

Number of Hiring-Related Complaints Referred to HEM During the 2023 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 of 2023

1

Number of HEM Reviews Transferred to the Investigative Division During the 2023 Calendar Year

Summary of HEM Compliance Actions Taken

Fourth Quarter 2023	Count
Hiring-related reviews opened	22
Hiring sequences monitored	2
Desk audits completed	12
Complaints referred intra-Office to HEM	10
Hiring reviews transferred to the OEIG Investigative Division	0
Hiring reviews administratively closed	0
Advisories issued	18

Calendar Year 2023	Count
Hiring-related reviews opened	72
Hiring sequences monitored	12
Desk audits completed	45
Complaints referred intra-Office to HEM	29
Hiring reviews transferred to the OEIG Investigative Division	1
Hiring reviews administratively closed	1
Advisories issued	66

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. The Advisory 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 2023								
First Second Third Fourth Quarter Quarter Quarter Quarter								
Total Advisories Issued	15	13	20	18	66			
Advisories with No Recommendations 12 9 7 10 38								

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 2023				
Advisory	Agency	Position Title	Type of Review	
23-HEM-0035	IDVA	Stationary Engineer	Desk Audit	
23-HEM-0047	IDHS	Office Assistant	Desk Audit	
23-HEM-0038	DolT	Infrastructure Portfolio Manager	Desk Audit	
23-HEM-0034	IDES	State Monitor Advocate (Spanish Speaking)	Desk Audit	
23-HEM-0060	DOC	Internal Affairs Officer	Complaint Referral	
23-HEM-0037	IDOR	Labor Relations Specialist	Desk Audit	
23-HEM-0030	Lottery	Regional Coordinator	Desk Audit	
23-HEM-0055	IDOI	Office Coordinator	Desk Audit	
23-HEM-0040	IDNR	Conservation Police Sergeant	Desk Audit	
23-HEM-0041	IGB	Gaming Unit Supervisor	Desk Audit	

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.

In response to a request from the Illinois Department of Agriculture (AGR), HEM reviewed two hiring sequences within the Meat & Poultry Inspection Bureau. During HEM's review, HEM found that a participant in the sequences had been the subject of a previous OEIG founded report (OEIG Case 20-01251). In response to the OEIG report, AGR represented that this employee would no longer participate as an interviewer for hiring sequences. However, according to records HEM reviewed, the employee had or was participating as an interviewer, including for the subject sequences. HEM requested additional information about the direction provided to the employee, an explanation as to why the employee had been conducting interviews, a list of other sequences that involved the employee, and the agency's proposal for the employee's participation going forward.

AGR responded and stated that it had taken steps to rectify the situation, including removing the employee from participation in interviews and sharing this with his supervisor and human resources. AGR also stated that it would repost the two subject sequences and alert HEM so that monitoring could occur, if desired. AGR also noted that AGR leadership planned to meet with the Governor's Office to discuss the situation and ensure the mistake is not repeated. In response, HEM followed up with AGR to monitor the reposted sequences, which are currently in process.

In response to a complaint referral regarding an upcoming hiring sequence at the Illinois Department of Transportation (IDOT), HEM monitored the interviews for a Technical Manager VII Commercial Vehicle Safety Section Manager. HEM found the selection decision to be merit-based and justifiable, but recommended IDOT ensure all Relationship Disclosure and Conflict of Interest Certification forms (Disclosure Forms) are reviewed and signed by IDOT human resources personnel to document that an independent review occurred.

23-HEM-0033

HEM conducted a desk audit review of the hiring file for a Senior Purchasing Manager at the Illinois Department of Employment Security (IDES). Prior to the start of interviews, the IDES Human Resources Manager determined that a potential conflict existed between one of the interviewers and one of the candidates. As a result, the interviewer was removed from the interview of that candidate; however, the interviewer participated in the interviews of the other five candidates. While HEM found the selection decision to be merit-based and justifiable, HEM recommended that an interviewer removed due to a potential or actual conflict of interest before the start of interviews be removed from the entire hiring sequence, in compliance with the CEP, and to ensure consistency.

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HEM conducted a desk audit review of the hiring file for a Physical Education Instructor at the Illinois Department of Juvenile Justice (IDJJ). HEM found the selection decision to be merit-based and justifiable but made two recommendations. First, HEM recommended that in future sequences for Educator positions, IDJJ identify the specific Professional Educator License endorsement required in the job posting. Second, HEM recommended that if IDJJ has fewer candidates to interview than the minimum number required by the CEP, IDJJ timely seek small pool approval from CMS Compliance (i.e., before interviewing the available candidates). While HEM did not request a response to this Advisory, IDJJ responded, stating it would work with CMS to ensure position requirements are clearly identified in future job postings. IDJJ also acknowledged that the human resources staff member assigned to this sequence erred in not seeking affirmative small pool approval from CMS. IDJJ stated this individual was new to this role and still being trained in human resources processes when this sequence occurred.

23-HEM-0053

In response to a complaint referral, HEM reviewed SuccessFactors for recent hiring sequences in a specific IDOT Bureau. HEM found only one relevant sequence, for a Personnel Officer position. HEM reviewed the hiring file for the Personnel Officer position and agreed with the candidate scores and rankings. HEM made one recommendation regarding interviewer selection. Specifically, HEM recommended IDOT refrain from assigning employees to serve as interviewers when a candidate is related to a supervisor within the employees' chain of command. While HEM did not request a response to this Advisory, IDOT responded, stating the agency has guidelines regarding the review of prospective interviewers' chains of command and indicated what occurred in this hiring sequence "represent[ed] an isolated incident . . ." which IDOT would take steps to prevent from happening again.

23-HEM-0038

HEM conducted a desk audit review of an Infrastructure Portfolio Manager position at the Illinois Department of Innovation and Technology (DoIT). While HEM did not make any formal recommendations, HEM recommended in a footnote that the agency upload sequence-related documentation directly to the requisition in SuccessFactors.

In response to a complaint referral, HEM reviewed a 2022 hiring sequence for an AGR position (Sequence 1) and monitored the interviews for a separate AGR sequence (Sequence 2). HEM found the selection decisions in both sequences to be merit-based and justifiable but made one recommendation pertaining to HEM's review of Sequence 1. HEM recommended that in discussing hiring sequence requests with CMS Compliance, AGR ensure CMS has all pertinent information, such as the status of the sequence, to be able to appropriately respond to the request. Although HEM did not request a response to this Advisory, AGR responded, accepting the recommendation.

23-HEM-0051

HEM conducted a desk audit review of the hiring sequence for an Administrative Assistant II Confidential Assistant to the Warden at an Illinois Department of Corrections (IDOC) facility. HEM found the selection decision to be merit-based and justifiable. However, HEM confirmed an IDOC employee was removed from serving as an interviewer in this sequence based on a relationship with a candidate, but the employee had not completed a Disclosure Form. HEM recommended IDOC ensure relationship disclosures and conflict determinations are accurately and timely documented on the Disclosure Form and uploaded to SuccessFactors.

23-HEM-0044

In response to a complaint referral, HEM reviewed a hiring sequence for a Quality Assurance Administrator at the Illinois State Police (ISP). HEM found the selection decision to be merit-based and justifiable but made one recommendation regarding a related complaint referral to ISP by the OEIG. The OEIG previously referred a complaint to the ISP Division of Internal Investigation (IID) with a response requested. A response was not provided, but IID provided a status of the complaint which included an internal IID email stating that IID would not be investigating and that the matter should be handled within the "chain of command and/or union steward." HEM recommended that if IID does not believe it should investigate hiring-related referrals, the allegations should be forwarded to the appropriate ISP personnel, or the information should be provided to the OEIG so that the allegations can be sent directly to the appropriate personnel.

HEM Advisory Updates

22-HEM-0036

On November 1, 2023, HEM received an initial response from the Illinois Department of Human Services (IDHS) to Advisory 22-HEM-0036, which was issued on July 11, 2023. In the Advisory, HEM requested additional information from IDHS and CMS regarding 12 exempt IDHS employees currently on a leave of absence from a Code-covered position. HEM specifically asked for 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 are being completed, and whether IDHS has a process or mechanism for identifying when an exempt appointee should continue to be on a leave of absence.

HEM also requested that if future exempt appointments 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. IDHS and CMS requested an extension for the response. The initial response provided on November 1 stated that IDHS agreed with HEM's recommendation to notate on exempt certification paperwork whether an exempt appointee will be on a leave of absence.

The response also stated that IDHS, in partnership with CMS and the Governor's Office, will evaluate the continued necessity of each of the leaves of absence flagged by HEM over the next 60 days. Additionally, IDHS, CMS, and the Governor's Office are developing criteria/guidelines to utilize for future leave of absence extension requests beyond the initial period of up to one year set out in the Personnel Code.

IDHS also provided a spreadsheet reflecting each of the twelve employees in question and information about how the employees' covered position's duties were being completed. HEM followed up with IDHS regarding clarifying questions about this list.

On December 19, 2023, the Governor's Office responded that they and IDHS would need more time to provide the final response and plan to respond by the end of January 2024.



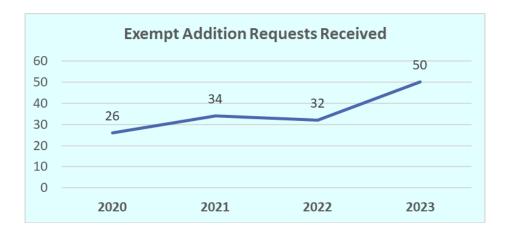
Exempt List

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 (EIG) 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.

Increase of Exempt List Requests

While Exempt List modification requests have been submitted since its inception in 2019, CY 2023 saw a record-high in the number of Exempt List addition requests.



When HEM reviews these requests, it conducts a comprehensive review of all available information related to the position and request. In addition to determining whether the duties of the proposed position(s) are exempt in nature, such that political affiliation or support is an appropriate consideration in candidate selection – it works with the requesting agency, CMS, and the Governor's Office, to assess a number of related factors, including:

- The support for the position, and whether it is required by or in keeping with the underlying legislative or executive initiative that prompted the request.
- Existing staff, both the percentage of exempt and non-exempt, that can complete the work, and whether this staff is employed full-time or on-contract.
- The reporting structure for the position, including both the supervisor and subordinate positions.

HEM assesses these factors to help ensure that the policy work of the proposed position can or will be meaningfully implemented. As a result of these considerations, in 2023, HEM made the following determinations on exempt list requests.



The table below reflects HEM's determinations on Exempt List change requests by agency during the Fourth Quarter of 2023.

Exempt List Additions and Deletions by Agency - Fourth Quarter 2023				
Agency/Entity	Working Title	OEIG Determination		
Illinois Department of Children and Family Services	Executive Administrator for B.H. Consent Decree Management	Approved Addition		
Illinois Department of Corrections	DEI Administrator	Approved Addition		
Illinois Department of Healthcare and Family Services	Chief of Staff	Approved Addition		
Illinois Department of Healthcare and Family Services	Senior Advisor for Diversity, Equity, and Inclusion	Approved Addition		
Illinois Department of Human Services	Agency Safety Officer	Approved Addition		
Illinois Department of Human Services	Assistant Chief Financial Officer	Approved Addition		
Illinois Department of Human Services	Refugee & Asylum Resettlement Lead	Approved Addition		
Illinois Department of Human Services	Associate Director, Office of Housing Stability	Approved Addition		
Illinois Department of Innovation and Technology	Chief Information Officer/ IDHR	Approved Addition		
Illinois Department of Insurance	Climate Regulation Senior Advisor	Approved Addition		

In addition to modifications to the Exempt List, 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. This includes confirming that appointees meet the minimum requirements for the position. HEM also receives clarifications to exempt position descriptions from CMS. HEM's exempt reviews are described in the table below.

Exempt Reviews Conducted	Fourth Quarter 2023	Calendar Year 2023
Exempt appointment notifications/ certifications received and reviewed for positions on the Exempt List	112 (No objections)	392
Exempt position description clarifications received	67 (No objections)	208
Exempt List addition requests received	10	50
Exempt List addition requests approved	10	40
Agency withdrawal of Exempt List requests	1	3
Exempt List addition requests not approved	3	5
Exempt List modification requests received	0	0
Exempt List modification requests approved	n/a	n/a
Exempt List pending requests	3	3
Exempt List deletion requests received	0	5
Exempt List deletion requests approved	n/a	5
Exempt personal services contracts (PSCs) received for review	3	8
Exempt PSCs approved or not objected to	1	6

Exempt Personal Services Contracts

Effective July 15, 2021, the amended 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 CMS Chief Compliance Officer and HEM. (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 proposed 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 Human Resources Director at the Illinois Guardianship and Advocacy Commission.

- Number of Exempt PSCs HEM Approved or Did Not Object to During the Fourth Quarter of 2023
- Number of Exempt PSCs HEM Approved or Did Not Object to During the 2023 Calendar Year

VI.Non-Exempt PSC Reporting

As agreed upon and stated in the CEP, agencies are required to report all PSCs (Personal Services Contracts), including renewals or amendments to such contracts, to the CMS Compliance Office and HEM on a quarterly basis. On January 26, 2024, CMS Compliance provided the State's PSC Report for the third quarter of calendar year 2023. The following table summarizes this information:

Data from the State's Personal Services Contract (PSC) Report for the Third Quarter of CY 2023	
State entities that submitted a PSC report to CMS	48 ¹
State entities that decreased their use of PSCs from the previous quarter	14
State entities that increased their number of PSCs	10
State entities that did not have a change in PSCs	24
State entities that reported not utilizing any PSCs	15

¹ Three agencies had not yet submitted reports: the Illinois Department on Aging; the Illinois Department of Human Rights; and the Illinois Department of Human Services.

The following is a summary showing CMS' reports regarding PSCs reported in the last quarter of 2022 and first three quarters of 2023:²

Agency	# of PSCs Reported Q4 2022	# of PSCs Reported Q1 2023	# of PSCs Reported Q2 2023	# of PSCs Reported Q3 2023
Abraham Lincoln Presidential Library and Museum	0	1	1	0
Arts Council	0	0	0	0
Capital Development Board	2	2	3	3
Council on Developmental Disabilities	0	0	0	0
Criminal Justice Information Authority	18	27	27	27
Deaf and Hard of Hearing Commission	1	1	1	1
Department of Agriculture	59	40	40	37
Department of Central Management Services	6	6	11	11
Department of Children and Family Services	5	5	6	7
Department of Commerce and Economic Opportunity	12	13	15	16
Department of Corrections	3	6	7	6
Department of Employment Security	31	22	21	21
Department of Financial and Professional Regulation	39	39	39	59
Department of Healthcare and Family Services	24	23	25	33
Department of Human Rights	1	1	1	Not reported
Department of Human Services	106	117	122	Not reported
Department of Innovation & Technology	12	14	15	15
Department of Insurance	1	1	1	1
Department of Juvenile Justice	10	11	13	12
Department of Labor	2	2	1	1
Department of Military Affairs	0	0	0	0

 $^{^2}$ 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.

Agency	# of PSCs Reported Q4 2022	# of PSCs Reported Q1 2023	# of PSCs Reported Q2 2023	# of PSCs Reported Q3 2023
Department of Natural Resources	109	42	91	123
Department of Public Health	67	65	50	38
Department of Revenue	7	3	5	10
Department of Transportation	1	2	0	0
Department of Veterans' Affairs	6	5	8	6
Department on Aging	11	12	11	Not reported
Educational Labor Relations Board	3	3	3	1
Emergency Management Agency and Office of Homeland Security	10	9	10	8
Environmental Protection Agency	0	0	0	0
Gaming Board	9	8	8	8
Guardianship and Advocacy Commission	1	1	1	0
Human Rights Commission	0	0	0	0
Illinois Comprehensive Health Insurance Plan ³	4	n/a	n/a	n/a
Independent Tax Tribunal	0	0	0	0
Labor Relations Board	1	1	0	1
Law Enforcement Training and Standards Board	2	2	3	1
Liquor Control Commission	3	3	3	0
Lottery Control Board	1	1	1	0
Pollution Control Board	0	0	0	0
Power Agency	0	0	0	0
Prisoner Review Board	1	1	1	1
Property Tax Appeal Board	1	3	3	4
Racing Board	0	0	3	3
Sentencing Policy Advisory Council	0	0	0	1
State Employees' Retirement System	5	9	9	7
State Fire Marshal	2	2	1	1
State Police	16	16	16	14
State Police Merit Board	0	0	0	0
Torture Inquiry and Relief Commission	13	6	10	12
Workers' Compensation Commission	4	4	5	5
Total PSCs Reported	609	529	591	494

³ The Illinois Comprehensive Health Insurance Plan was dissolved in 2022.

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:⁴

- Two reports were filed by the Illinois Department of Innovation and Technology (DoIT) Legislative Affairs Director and identified two State Representatives who inquired about their constituents' applications.
 - The first report was regarding an Information Systems Analyst I position. CMS Compliance asked DoIT whether DoIT had responded, and DoIT suggested responding that the applicant had not passed the required background check. CMS Compliance advised that DoIT should not provide applicant-specific information and to remind the State Representative of this restriction.
 - In response to the second report, CMS Compliance agreed with DoIT's response that stated DoIT could not divulge any information on the applicant or sequence.

⁴ Prior reports of Political Contacts made in 2023 are summarized in the previous quarterly reports.

- One report stated that an appointed council member for a State employment commission contacted the Illinois Gaming Board (IGB) about the status of a Gaming Agent Trainee position. IGB informed the member that the vacancies were still in the process of being filled. CMS Compliance agreed with the information conveyed and noted that the council member would not be considered "an elected or appointed official of any political party" or acting on behalf of such. CMS Compliance noted that the member was inquiring on behalf of the employment commission and in the spirit of its mission.
- One report stated that an applicant for an Illinois Department of Human Services (IDHS) position included a recommendation letter from a Township Supervisor. CMS Compliance directed IDHS to disregard the letter of recommendation during the hiring process.



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).⁵ Pursuant to the Ethics Act, the EEC is the only entity permitted to determine the public release of OEIG founded summary reports.

⁵ 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

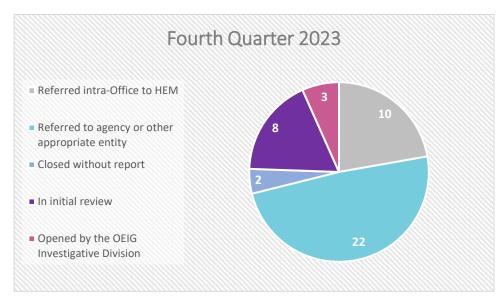
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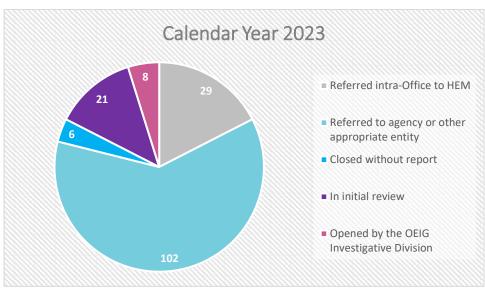
Number of Hiring-Related Complaints the OEIG Received During the Fourth Quarter of 2023

130

Number of Hiring-Related Complaints the OEIG Received During the 2023 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 2023	Year- End 2023
Hiring-related investigations pending	16	16
Hiring-related investigations closed	2	10
Founded reports related to hiring issued	0	1
Founded reports related to hiring made available to the public	0	3

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.



OEIG Leadership

Percentage of Exempt Positions by Agency

Hiring-Related References

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 lowa.

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 2023

1001111 40		
Agency	Agency Headcount ⁶	% Exempt Positions ⁷
Abraham Lincoln Presidential Library and Museum	79	16%
Aging	146	11%
Agriculture	360	6%
Arts Council	16	25%
Capital Development Board	144	15%
Central Management Services	680	7%
Children and Family Services	3143	2%
Civil Service Commission	4	25%
Commerce and Economic Opportunity	321	16%
Commission on Equity and Inclusion	21	33%
Corrections	10868	1%
Council on Developmental Disabilities	7	14%
Criminal Justice Information Authority	117	12%
Deaf and Hard of Hearing Commission	4	50%
Emergency Management Agency	183	10%
Employment Security	1060	3%
Environmental Protection Agency	683	3%

⁶ The agency headcount was obtained from the FY2023 SERS Headcount Tracker Table (June 2023) provided in the FY2024 Budget Summary.

⁷ The percentage was obtained using the number of exempt positions on the January 1, 2024 Exempt List and the agency headcount.

Agency	Agency Headcount	% Exempt Positions
Financial and Professional Regulation	438	13%
Gaming Board	179	9%
Guardianship and Advocacy Commission	123	9%
Healthcare and Family Services	1894	2%
Human Rights	116	15%
Human Services	12863	1%
Innovation & Technology	943	7%
Insurance	219	13%
Juvenile Justice	694	6%
Labor	99	14%
Liquor Control Commission	45	24%
Lottery	153	6%
Military Affairs	196	2%
Natural Resources	1286	2%
Prisoner Review Board	21	14%
Property Tax Appeal Board	39	13%
Public Health	1143	5%
Revenue	1290	3%
Sentencing Policy Advisory Council ⁸	3	33%
State Fire Marshal	148	6%
State Police	2756	1%
Transportation	3881	3%
Veterans' Affairs	1156	2%
Total	47521	2.52%

⁸ The agency headcount was based on information found on the agency's website.

Hiring-Related References

OEIG Hiring and Employment Monitoring Quarterly/Annual Reports https://oeig.illinois.gov/hem/hem-reports.html

The Governor's Comprehensive Employment Plan for Agencies Under the Jurisdiction of the Governor (CEP)

https://cms.illinois.gov/content/dam/soi/en/web/cms/personnel/employeeresources/documents/comprehensive-employment-plan.pdf

CMS Exempt List

https://cms.illinois.gov/content/dam/soi/en/web/cms/documents/exemptlist-w-incumbents.pdf

CMS Political Contact Reporting (For State Employees)

https://ilgov.sharepoint.com/sites/CMSPoliticalContactReporting

Personnel Code

https://www.ilga.gov/legislation/ilcs/ilcs3.asp?ActID=236&ChapterID=5

Personnel Rules

https://cms.illinois.gov/content/dam/soi/en/web/cms/personnel/employeeresources/documents/emp-rules.pdf

OneNet Trainings

https://onenettraining.illinois.gov/onenettraining/page.aspx

OEIG File a Complaint

https://oeig.illinois.gov/complaints/file-a-complaint.html

OEIG Diversity, Equity, Inclusion, and Accessibility page

https://oeig.illinois.gov/employment/equal.html

OEIG Revolving Door Decisions

https://oeig.illinois.gov/revolving-door/revolving-door-decisions.html

State of Illinois Career Opportunities

https://work4.illinois.gov/