


Hiring & Employment Monitoring Report



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

First Quarter
2020



Message from Executive Inspector General Susan Haling

It is an honor to present the first of the OEIG's Hiring and Employment Reports. These quarterly public reports are intended to explain the OEIG's investigative and compliance work as it relates to State hiring. The quarterly report is in addition to the OEIG published founded reports, newsletters, and annual reports that already exist and includes statistics and information on hiring complaints, hiring compliance reviews, and hiring recommendations as contemplated in the current Comprehensive Employment Plan (CEP). The quarterly report highlights the important work that the OEIG has been conducting to ensure hiring reform in the State of Illinois.

While the OEIG has, since its inception, investigated allegations of improper State hiring and employment actions, in 2015 the OEIG created a separate compliance division known as the Hiring & Employment Monitoring Division (HEM) to focus solely on conducting compliance reviews of State hiring. In 2016, the Governor's Office requested that HEM increase its duties to include assisting the Special Master – who was appointed by the Court in 2014 as part of the *Shakman* litigation – with both her review of hiring practices at the Illinois Department of Transportation (IDOT) and performance of her expanded responsibilities. The OEIG agreed to this increase in duties in an attempt: (1) to reduce the cost of this litigation incurred by the State; (2) to expedite the State's needed hiring reform; and (3) to be better equipped to monitor State hiring after the termination of this litigation.

In order to invest in and continue its own independent compliance reviews, HEM has significantly grown since 2015. It is currently staffed with nine employees including a Director, three attorneys, a supervising analyst, three analysts, and a project manager. With this team, HEM has already brought much-needed reform to State government. Some of HEM's substantial contributions include the following:

- the review of all State exempt positions and creation of an inclusive Exempt List of 1,000 positions;
- the creation, implementation, and continued monitoring of the Exempt Employment Plan;
- extensive work on determining which IDOT positions are appropriately “technical” and thus not subject to the Personnel Code, including a detailed analysis of the proposed minimum required qualifications for 1,054 positions;
- reviewing and recommending minimum required qualifications for IDOT technical classifications;
- the creation of the CEP for Non-Exempt Employees;
- the ongoing monitoring and review of hiring sequences; term appointment renewals; Exempt List appointments and addition and deletion requests; Political Contacts; and complaint referrals; and
- the identification and raising of hiring issues at agencies leading to changes in processes, forms used, and policies affecting the structured interview process.

The following inaugural First Quarter Report 2020 describes the OEIG's investigative and compliance work on State hiring from January 1, 2020 until March 31, 2020.

Sincerely,

A handwritten signature in blue ink that reads "Susan M. Haling". The signature is written in a cursive, flowing style.

Susan M. Haling
Executive Inspector General

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I. Overview

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

The State Officials and Employees Ethics Act (Ethics Act), 5 ILCS 430/1 *et seq.*, established the OEIG in 2003. The OEIG is an independent executive branch State agency.

The Ethics Act authorizes the OEIG to investigate allegations of fraud, waste, abuse, mismanagement, misconduct, nonfeasance, misfeasance, malfeasance, and violations of the Ethics Act, such as prohibited political activity, the “revolving door” prohibition, sexual harassment, the gift ban, and retaliation. The OEIG also investigates allegations of hiring improprieties.

The OEIG’s jurisdiction includes more than 170,000 State employees, appointees, and officials, including: the Governor; 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.

The OEIG’s Leadership Team includes:

Susan M. Haling, Executive Inspector General

Neil P. Olson, General Counsel

Fallon Opperman, Deputy Inspector General and Chief of Chicago Division

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

Christine P. Benavente, Deputy Inspector General - Executive Projects

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

Claudia P. Ortega, Chief Administrative Officer

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. 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. The OEIG also initiates its own investigations based on publicly reported information or information developed during other investigations.

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. As part of its investigations, OEIG investigators interview witnesses, collect documents, analyze records, conduct surveillance, perform computer forensics, and use a variety of other investigatory tools and techniques. The OEIG also has subpoena power to obtain information relevant to an investigation. At the conclusion of an investigation, if the OEIG determines that there is reasonable cause to believe that a violation of law or policy or wrongdoing has occurred, it will write a founded report that documents the allegations of wrongdoing; facts confirmed by the investigation; and findings.

Anyone seeking to report possible violations may call the OEIG at 886-814-1113; visit www.inspectorgeneral.illinois.gov; send a fax to 312-814-5479; TTY at 888-261-2734; or write to the OEIG Springfield or Chicago offices. The OEIG has complaint forms available in both English and Spanish.

Hiring & Employment Monitoring Division

The OEIG's Hiring & Employment Monitoring (HEM) Division — created in FY2016 to operate independently of but complementary to the Investigative Division — ensures that State hiring procedures and decisions are lawful, merit-based and/or justifiable. 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, HEM 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.

As part of HEM's compliance work, HEM monitors hiring sequences — which includes in-person, real-time monitoring of interviews — conducts desk audits, and reviews term appointment renewals, complaint referrals, and Political Contacts. HEM also works with the *Shakman* court-appointed monitor, whose initial and ongoing charge to review hiring practices within the Illinois Department of Transportation has since expanded to include a review of all exempt positions under the jurisdiction of the Governor.

During the First Quarter 2020, HEM staff monitored 7 hiring sequences, completed 18 desk audits, and reviewed 13 term appointment positions to ensure that individuals were selected pursuant to a truly competitive selection process. HEM staff also reviewed 107 exempt appointment notifications and 153 exempt position description clarifications and received 9 Exempt List addition or deletion requests. Since November 2019, HEM has issued 32 Advisories.

II. HEM's Compliance Reviews

This quarterly report provides an overview of the activities of the OEIG during the period from January 1, 2020 through March 31, 2020.¹ The report includes statistics and narrative descriptions of the OEIG's work as required by the Comprehensive Employment Plan for Non-Exempt Employees (CEP).

Hiring Sequences Monitored

HEM monitors hiring sequences at State agencies under the jurisdiction of the Governor's Office to ensure that personnel decisions are competitive, merit-based, and in accordance with governing authority. HEM selects sequences to monitor by communicating directly with agency human resources personnel or reviewing agency postings on work.illinois.gov. After a sequence is selected, HEM requests and evaluates preliminary paperwork such as the position description and applicant screening decisions, monitors the interviews on-site, and reviews the resulting documentation including interviewer notes and candidate evaluation forms.

This quarter, HEM monitored 7 hiring sequences.

Desk Audits

In addition to monitoring interviews on-site, HEM completes desk audits of agency hiring sequences. HEM selects sequences to audit by contacting agency human resources personnel for paperwork from a particular hiring file. HEM's review of the documentation is similar to HEM's monitoring of hiring sequences except instead of monitoring interviews on-site, HEM completes its review after the interviews have occurred. HEM reviews the documentation provided by the agency to ensure all necessary forms are properly completed and evaluates the hiring sequences to determine whether the selection process was competitive and in accordance with governing authority.

During the first quarter, HEM completed 18 desk audits.

¹ HEM started issuing Advisories in November of 2019 and has included summaries for all of those issued up to March 31, 2020 in this quarterly report.

Term Appointments

Historically, term appointment positions, codified in section 8b.19 of the Personnel Code (20 ILCS 415/8b.19), were often deemed Rutan-exempt, thus revealing competitive hiring did not occur or likely did not occur. Since term appointees can only be discharged for cause during the pendency of their four-year term, HEM reviews every term appointment renewal to ensure that a competitive process occurred. When agencies have been unable to show that term appointees were originally hired through a competitive process, the agencies must post the term appointment positions at the time of renewal and fill them through a competitive process, which HEM also reviews and/or monitors.

During this quarter, HEM reviewed the hiring files for 13 term appointment renewals.

Complaint Referrals

The OEIG conducts a review of each hiring complaint it receives and exercises its discretion to determine the most appropriate disposition. 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, or refer to other entities, as it deems appropriate. In some instances, HEM's compliance function makes it best suited to respond quickly to allegations of hiring violations, as HEM can potentially intervene before, during, or immediately after a hiring violation has occurred. For the first quarter of 2020, the OEIG received 39 hiring-related complaints. Also, in this quarter, the following actions were taken with regard to hiring-related complaints:²

- 11 referred intra-Office to HEM;
- 16 referred back to the subject agency;
- 11 opened for OEIG investigations;
- 1 declined.

² The OEIG has 30 days to evaluate each complaint received, so some hiring complaints received this quarter may not have been designated yet for opening, referral or declination.



Advisories

Until recently, HEM's reviews typically included discussions with the agency personnel involved in the hire in order to remedy or improve employment actions and processes. Recently, in late 2019, in order for HEM's compliance work to be more informative and impactful for agencies reforming their hiring practices, on its own initiative, HEM began the process of issuing written Advisories to the agencies at the conclusion of its review. These Advisories are transmitted to the chief Agency Personnel Officer and the CMS Compliance Officer, with copies to the Governor's Office, the head of the Agency, *Shakman* Plaintiffs' Counsel, and the *Shakman* Special Master and include:

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

Since November 5, 2019, HEM has issued 32 Advisories. The substance of these Advisories is set forth below.

19-HEM-0057

HEM reviewed the term appointment renewal of a Division of Mental Health Deputy Director of Child & Adolescent Services at the Department of Human Services (DHS). While HEM did not object to this hiring sequence, HEM made several recommendations. HEM recommended that the agency review the position description to ensure that the minimum requirements accurately describe the experience required. HEM also made recommendations regarding the hiring criteria's implementation. The agency responded with a request for training from CMS and/or HEM on scoring and assigning hiring criteria weight. HEM appreciates this request and is currently working with CMS to develop additional training for agency personnel employees based on the CEP's requirements.

19-HEM-0043

HEM reviewed the term appointment renewal for an Accounts Management Division Manager at the Department of Revenue (DOR) who, prior to the term's expiration, was promoted to the Claims Division Manager at State Retirement Systems (SRS). HEM reviewed the hiring paperwork for both positions. While HEM did not object to the term renewal, HEM had several recommendations for DOR including better documentation and interview questions. DOR responded that in the last four years DOR has made improvements in documenting the hiring process and eliminating requirements that can only be met by a current employee. DOR stated that it would share and discuss HEM's recommendations with the DOR Interview and Hiring staff. For the SRS hiring sequence, HEM made recommendations regarding scoring criteria. SRS responded that the recommendations will be considered in future sequences.

19-HEM-0051

HEM reviewed the term appointment renewal for an Area Administrator for the Department of Children and Family Services (DCFS). While HEM did not object to this hiring sequence, HEM made several recommendations. Noting that this sequence occurred before current guidance was issued, HEM reminded the agency of the minimum number of interviewees and that interviewers must clearly identify and sign their own scoresheets. The agency acknowledged and stated that current guidance is being followed. HEM also recommended that interview questions be rephrased so as not to favor internal candidates. DCFS recognized that it has received this recommendation from HEM on other term renewals and is working to remove or rephrase interview questions. The agency also stated that it is establishing scoring guides for all covered positions. However, at this time, only a generic scoring guide is in place.

19-HEM-0039

In response to a complaint referral, HEM reviewed the hiring documentation for the Chief Administrative Officer at the Department of Lottery (Lottery). While HEM did not object to this hiring sequence, HEM had several recommendations regarding the applicant screening. HEM recommended that, when assessing applicant education qualifications, the agency afford additional screening consideration to applicants who possess the preferred coursework for the position, over those who do not. HEM also recommended that “screeners,” i.e., agency staff who apply the screening criteria to obtain a more manageable interview pool, not also serve as interviewers. HEM reiterated the importance of maintaining requisite hiring documentation so that agency hiring decisions can be justified and audited. In response to HEM’s recommendation regarding screeners not serving as interviewers, Lottery acknowledged its failure to obtain prior approval from CMS to have an individual perform both roles, stating the agency has limited HR staff, and therefore faces challenges complying with CMS guidance regarding separation of roles. Lottery further indicated it had recently hired a new HR Associate, which the agency hoped would help alleviate this issue.

19-HEM-0085

HEM reviewed and monitored the interviews for a term appointment renewal of a Bureau Chief, LEADS Administrator CJIS Systems Officer at the Illinois State Police (ISP). While HEM did not object to this hiring sequence, HEM recommended that ISP consider requiring a response from invited interviewees to better comply with CMS guidance on minimum number of interviews conducted. HEM noted that requiring a response ensures that resources and time are not wasted based on an unconfirmed and unfinalized schedule. HEM also suggested that the agency consider additional methods of contacting candidates, such as by telephone or email. ISP responded that they will implement HEM’s recommendations on future hiring sequences.

19-HEM-0068

HEM monitored the interviews and reviewed the hiring documentation for a temporary full-time Storekeeper 1 position at the Illinois Veterans’ Home in Quincy, Illinois, operated by the Illinois Department of Veterans’ Affairs (IDVA). While HEM did not object to this hiring sequence, HEM recommended that the agency update the Storekeeper 1 position description to accurately reflect the position duties and the minimum qualifications required for the position.

19-HEM-0075

HEM reviewed the term appointment renewal for a Deputy Chief Legal Counsel at the Illinois Environmental Protection Agency (IEPA). While HEM did not object to this hiring sequence, HEM made several recommendations regarding the agency's execution of the Conflict of Interest forms and performance evaluations. HEM reminded the agency that those involved in the hiring sequence must disclose any and all relationships with applicants and those relationships must be vetted by agency personnel. The form must also be completed at least three days before the start of an interview sequence. In response, the agency agreed to follow the guidance but suggested that CMS provide training to all human resources staff involved in the interview process, not just the agency personnel officers. The agency also suggested modifying the Conflict of Interest form to include a signature line for the employee making the disclosure as well as the agency personnel officer vetting the form. HEM has raised this concern with CMS, and CMS is reviewing. HEM also questioned why the performance evaluation was completed so late, and the agency acknowledged and explained that they have since implemented procedures to ensure timely completion including reminding supervisors of due and overdue evaluations, escalating past due evaluations to senior management, and requiring departing supervisors to complete subordinate staff performance evaluations.

19-HEM-0086

HEM reviewed and monitored the interviews for a term appointment renewal of the DHS Bureau Chief of Business Policy and Fiscal Operations. While HEM did not object to this hiring sequence, HEM recommended that, prior to interviews, the agency determine an appropriate interview length, inform candidates of that length, and adhere to that time (barring unforeseen circumstances) in order to allow adequate time to score.

19-HEM-0089

HEM reviewed the term appointment renewal for the Enterprise Systems Manager at the Department of Innovation and Technology (DoIT). While HEM did not object to the term renewal, HEM recommended that the agency use candidate application information to help inform interview questions and elicit additional responses, particularly where, as in this case, a candidate's responses contradicted his application. HEM further recommended that the interviewers provide more detailed explanations in the Candidate Evaluation Forms to better support the candidates' interview scores.

19-HEM-0079

HEM reviewed and monitored the interviews for a term appointment renewal of a Bureau Chief of Medical Programs at the Department of Healthcare and Family Services (HFS). After discussions with CMS and agency personnel regarding deficiencies in the hiring sequence, HEM requested that the agency re-interview the candidates in a manner that complied with CMS and agency hiring guidelines. HFS agreed, and HEM monitored the next sequence of interviews. While HEM did not object to this hiring sequence, it had several recommendations regarding the initial hiring sequence such as providing more notice to HEM of the interview schedule and improving the manner in which interviews are conducted. HEM appreciates HFS' willingness to consider and implement corrective action in this hiring sequence.

19-HEM-0065

HEM reviewed the hiring documentation for a term appointment renewal of a DHS Forensic Medical Director. While HEM did not object to this hiring sequence, HEM made several recommendations regarding the hiring criteria and interview questions. HEM recommended that the Knowledge & Experience and Education & Training hiring criteria include the minimum requirements as set out in Box 19 of the position description, or the agency should update Box 19, prior to posting a position, to appropriately reflect the required experience. HEM also questioned how the interviewers could assign points on a 0-5 scale for one of the questions and recommended that questions that involve qualifying conditions of employment be asked outside the structured interview, such as during the pre-interview screening.

19-HEM-0083

HEM monitored the interviews and reviewed the hiring documentation for a term appointment renewal of a Section Manager/Chief of the Lake Michigan Programs Section at the Department of Natural Resources (DNR). While HEM did not object to this hiring sequence, HEM recommended that in the future the agency consider inviting more than the required three interviewees as well as consider other means of recruiting. The agency responded that they are focused on additional methods of recruitment and are considering multiple ways to address the issue. HEM also recommended that a minimum scoring threshold be set prior to the interviews. The agency responded that the default scoring threshold is two and will denote a threshold in future hiring sequences.

19-HEM-0062

HEM reviewed the hiring documentation for a term appointment renewal of a DOR Central Registration Division Manager. While HEM did not object to this hiring sequence, HEM made several recommendations regarding the use of performance evaluations and scoring. HEM recommended that the agency ensure that evaluations are completed timely and comport with governing authority particularly if performance evaluations will continue to be used to make hiring decisions. HEM also recommended that the agency ensure that each interviewer's scores, and who assigned them, are sufficiently documented. The agency responded that their current interview process does require individual interviewer scoring and sign-off.

19-HEM-0047

In response to a complaint referral, HEM reviewed the hiring documentation for the DCFS Placement Clearance Desk/LEADS Supervisor. While HEM did not object to this hiring sequence, HEM made several recommendations. In order to develop a competitive applicant pool, HEM recommended that the agency consider notifying an applicant when the application is missing pages possibly due to a transmission, scanning, or upload problem. The agency responded that it would be difficult to follow up on all the applications received, so staff will strive for consistency. HEM also reminded the agency to begin using the Conflict of Interest forms and to document all communication or lack thereof between the agency and applicants.

20-HEM-0003

HEM reviewed the hiring documentation for the term appointment renewal of a Regional Supervisor position at the Illinois Department of Public Health (IDPH). HEM also planned to monitor the interviews for the position, but was ultimately unable to do so, as IDPH failed to provide timely notice of the interview schedule. While HEM did not object to the selection decision, HEM reminded IDPH of its obligation to comply with State guidance regarding cooperation with HEM. HEM also recommended the agency ensure that Conflict of Interest forms are fully completed.

19-HEM-0074

HEM reviewed the hiring documentation for a term appointment renewal of the DHS Director of Nursing at the Kiley Developmental Center. While HEM did not object to this hiring sequence, HEM noted a scoring error that inflated the candidate's overall score. The error did not impact the sequence's outcome, but HEM recommended that the agency review for similar scoring mistakes in the future.

19-HEM-0041

In response to a complaint referral, HEM reviewed the hiring documentation for a DNR Field Manager, Office of Oil and Gas Resource Management. HEM did not identify any issues that needed addressing.

19-HEM-0040

In response to a complaint referral, HEM reviewed the hiring documentation for the Program Management Section Chief, Office of Highways Project Implementation, Bureau of Land Acquisition position at the Illinois Department of Transportation (IDOT). While HEM did not object to this hiring sequence, HEM recommended that, going forward, the agency use the revised Conflict of Interest form from September 19, 2019, which requires disclosure by those involved in the hiring process, not just the interviewers.

19-HEM-0066

In response to a complaint referral, HEM reviewed the hiring documentation for the IDOT District Safety Representative, Office of Highways Project Implementation, District 9 position. The hiring sequence resulted in the selection of Candidate #1, who was hired into that position. Candidate #1, who was an IDOT employee at the time she applied for the subject position, was initially screened out from the interview process. After Candidate #1 contacted IDOT human resources and explained why she felt she was improperly screened out of the interview process, human resources re-evaluated her application and determined that she should be added to the interview pool, which resulted in her obtaining the position. HEM reviewed the hiring file and determined similarly qualified candidates were screened out of the interview process but never received the opportunity to have their applications re-evaluated. As the agency did not properly identify all qualified candidates, HEM requested that the agency re-post the position and inform HEM, with enough advance notice, of this hiring sequence in order for HEM to monitor the screening and interview process.

19-HEM-0044

In response to a complaint referral, HEM reviewed the hiring documentation for a Human Rights Trainer position at the Illinois Department of Human Rights (IDHR). While HEM did not object to this hiring sequence, HEM made several recommendations regarding IDHR's applicant screening process, including that: the agency complete a Screening Justification Form for every hiring sequence in which screening criteria is utilized; "screeners" not also serve as interviewers in the same hiring sequence; screening criteria be applied on a "blind" basis, with applicant names and other personally identifiable information removed; the agency refrain from utilizing screening criteria that may favor internal applicants over qualified external applicants; and applicants who possess the preferred coursework for the position be screened higher than applicants who do not. HEM further recommended that IDHR refrain from utilizing questions that are difficult to score objectively as well as questions that may favor internal candidates.

19-HEM-0046

In response to a complaint referral, HEM requested a status update regarding the Option 7A Special Agent Supervisor position at the Liquor Control Commission. The agency responded that no such position existed at the Liquor Control Commission, but there were plans to create one. HEM had no issues at this time that needed to be addressed but requested that the agency send HEM the new classification title before submitting it to the Civil Service Commission and inform HEM when the position is posted, so that HEM staff could monitor the interviews.

20-HEM-0006

HEM monitored the interviews and reviewed the hiring documentation for a term appointment renewal of an IDPH Emergency Response and Regional Food, Dairy & Devices Section Chief. HEM did not identify any issues that needed addressing.

19-HEM-0002

HEM monitored the interviews and reviewed the hiring documentation for the Financial Institutions Examiner Trainee position at the Illinois Department of Financial & Professional Regulation (IDFPR). When the interviews were initially canceled due to scheduling conflicts, HEM requested that the agency notify HEM when the interviews were rescheduled. However, HEM never received any further information on the hiring sequence until several months later when HEM asked to monitor another sequence. While HEM did not object to this hiring sequence, HEM recommended that the agency keep HEM apprised of developments in a sequence HEM is slated to monitor. HEM also recommended that the agency contact CMS if an interviewer has to leave a sequence unexpectedly.

20-HEM-0002

HEM monitored the interviews and reviewed the hiring documentation for an IDOT Communications Outreach Liaison, Region 1. While HEM did not object to this hiring sequence, HEM recommended that the agency consider rewording one of the interview questions. HEM also provided feedback during and after the interview in response to a question an interviewer had. HEM noted that they are available and receptive to working with the agency at any point in the hiring process to ensure that sequences are competitive, merit-based, and in accordance with governing authority.

20-HEM-0005

HEM monitored the interviews and reviewed the hiring documentation for a Communications Outreach Liaison, Region 4 at IDOT. While HEM did not object to this hiring sequence, HEM made several recommendations regarding the Conflict of Interest form. The Conflict of Interest forms here, and in 20-HEM-0002, were only signed by the discloser, and not the person who vetted the form. Upon discussion with the agency, HEM learned that IDOT is working on revising the IDOT Conflict of Interest form to include an additional signature line for agency personnel to confirm that the form has been vetted. In the meantime, the agency explained that each form is vetted by agency personnel and any questions are raised to the Chief Counsel. HEM recommended that the agency implement use of their revised Conflict of Interest form. Additionally, HEM reminded the agency that any agency personnel that participates in the selection process must complete a Conflict of Interest form.

19-HEM-0069

In response to a complaint referral, HEM reviewed the hiring documentation for individuals hired as IDFPR Student Law Clerks for FY2020. HEM had several recommendations with regard to IDFPR's Student Law Clerk hiring process, including that the agency implement procedures to independently verify candidate law school enrollment and year and more meaningfully document individual candidate selection decisions. HEM also recommended that IDFPR modify its process for rehiring "returning students" as Law Clerks to comport with State guidance regarding the rehire of individuals as temporary workers.

19-HEM-0012

HEM reviewed the hiring documentation for a term appointment renewal of an IDPH Laboratory Division Chief. While HEM did not object to this hiring sequence, HEM made several recommendations regarding the Conflict of Interest form and the hiring criteria. HEM reminded the agency that those involved in the hiring sequence must disclose any and all relationships with applicants so that those relationships are vetted by agency personnel. The form must also be completed at least three days before the start of an interview sequence to ensure review before the interview sequence begins. HEM also noted that the minimum requirements listed in the position description did not match the Education and Training criterion. The agency explained that although the wrong criterion appears on the Candidate Evaluation Form, the candidates were evaluated based on the position description requirements. HEM responded that such errors can create the appearance of manipulation, and the agency needs to be mindful of such mistakes in the future.

19-HEM-0078

HEM reviewed the hiring documentation for the Information Services Specialist I—Call Center Contact at DoIT/Department on Aging (Aging). While HEM did not object to this hiring sequence, HEM recommended that Aging personnel staff complete the screening justification form in full and sign it and ensure completion of the Conflict of Interest forms at least three days before the start of the interview sequence. It was also unclear from the Conflict of Interest forms whether they had been vetted in this sequence. HEM has addressed with CMS the fact that the Conflict of Interest form only provides a place for the personnel representative to sign and date the form, and CMS is reviewing whether two signature lines might be necessary, one for the name of the employees certifying to the truth of their statements, and one for the personnel officers reviewing the Conflict of Interest forms. HEM further recommended that the interviewers provide more detailed explanations in the Candidate Evaluation Forms to better support the candidates' interview scores.

20-HEM-0001

HEM reviewed the term appointment renewal for a Bureau Chief, Bureau of Weights & Measures at the Department of Agriculture (Agriculture). HEM did not identify any issues that needed addressing.

19-HEM-0076

In response to a complaint referral, HEM reviewed the hiring documentation for the IDOT Project Manager Unit Supervisor position. While HEM did not object to this hiring sequence, HEM recommended that for future hiring sequences, in addition to interview panel members, Conflict of Interest forms should be completed by agency personnel who participate in the creation of hiring criteria, screening criteria, or interview questions, or in the screening of applicants.

19-HEM-0092

HEM reviewed the term appointment renewal of a DoIT/DHS Manager, Technology Management. While the incumbent accepted a voluntary reduction and is not renewing his term, HEM reminded the agency, moving forward, to comply with the CEP requirements regarding the length of the posting period and the number of interviewees.

19-HEM-0038

HEM reviewed the hiring process for several vacant Gaming Licensing Analyst positions at the Illinois Gaming Board (IGB) related to two hiring sequences. For the first sequence, HEM monitored the interviews, and for both sequences, HEM reviewed the hiring documentation. The paperwork revealed that one candidate had been interviewed for both sequences and two candidates had only interviewed for one sequence, yet their paperwork was duplicated and included with the subsequent sequence. When the two sequences were combined, all qualified candidates were hired; thus, HEM did not contest the result. However, the back-to-back sequences relating to the same position created confusion as to how many candidates the agency needed to interview and resulted in the agency combining the hiring files from two separate sequences. HEM recommended that the agency not proceed in this fashion in the future, stressing that hiring sequences should not be combined, particularly without proper documentation.

Other HEM Compliance Reviews

Political Contacts

HEM reviews all reported or discovered 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 OEIG HEM within 48 hours of such Political Contact or learning of such Political Contact. CMS is required by the CEP to maintain records documenting all reports of Political Contacts and Political Discrimination.

During this quarter, HEM did not receive notice of any Political Contacts to review.

Exempt Appointments and Exempt List Modifications

Federal court orders entered in 2019 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.

This quarter, HEM received and reviewed 107 exempt appointment notifications for positions on the Exempt List to verify that the selected candidate met the minimum qualifications of the position being filled. The Exempt Employment Plan also sets forth procedures for adding or deleting positions from the Exempt List, providing that only the Governor or the 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 10 business days.

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

In this quarter, HEM received a total of 9 Exempt List modification requests, including 8 addition requests and 1 deletion request. HEM made the following determinations on Exempt List modification requests:³

Exempt List Additions and Deletions by Agency - First Quarter 2020		
Agency	Working Title	OEIG Determination
Department of Corrections	Chief of Administration	Approved Addition
Department of Corrections	Chief Compliance Officer	Approved Addition
Department of Corrections	Chief Inspector	Approved Addition
Department of Corrections	Executive Assistant	Approved Deletion
Department of Corrections	Programs Compliance Officer	Approved Deletion
Department of Corrections	Deputy Chief of Operations	Approved Deletion
Department of Natural Resources	Director, Office of Oil and Gas Resource Management	Approved Addition
Department of Public Health	Chief, Division of Emerging Health Issues	Approved Addition
State Police	Firearms Safety Counsel	Approved Addition
Criminal Justice Information Authority	Strategic Policy Advisor	Approved Deletion
Criminal Justice Information Authority	Deputy Director/Chief of Staff	Approved Addition
Department of Financial and Professional Regulation	Deputy Officer, Communications and Coordination, Cannabis Regulation Oversight Office	Pending
Department of Financial and Professional Regulation	Deputy Officer, Legislation and Rules, Cannabis Regulation Oversight Office	Pending
Department of Commerce and Economic Opportunity	Deputy Director, Office of Illinois Works	Pending
Department of Public Health	Deputy General Counsel	Pending

Position Description Clarifications

HEM also reviews position description clarifications for positions on the Exempt List to ensure that the modifications do not impact the position's exempt status. Position description clarifications can range in substance and can include changes to the position's location/county code, the number of subordinates, the position's responsibilities, or the minimum requirements. HEM reviews these changes and discusses any concerns with CMS and/or the agency regarding whether the clarifications affect the exempt status of the position.

This quarter, HEM reviewed 153 clarifications to Exempt List position descriptions. HEM objected to 1 clarification.

³ Some determinations may have been made on requests received in a previous quarter, and some requests made this quarter have not yet received a determination.

III. Hiring Investigations

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, or refer to other entities, as it deems appropriate. 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 referred to the Investigative Division from HEM when a HEM hiring 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).⁴ Pursuant to the Ethics Act, the EEC is the only entity permitted to determine the public release of OEIG founded summary reports.

⁴ The exception is when the OEIG forwards a complaint to the Attorney General's Office to pursue an Ethics Act violation before the EEC.

At the close of this quarter, the OEIG had 30 hiring-related investigations pending. 3 hiring-related investigations were closed this quarter.⁵

During the first quarter, the OEIG issued 1 founded report related to hiring.

During the first quarter, the EEC made 1 founded report related to hiring available to the public.

The following OEIG founded report related to hiring was publicly released this quarter:

- In re: Courtney Avery, William Dart, and Debbie Magerl, Case #18-01396

Below is a summary of this hiring-related founded report. The redacted report, as well as reports from past fiscal years, are available at www.inspectorgeneral.illinois.gov.

**In re: Courtney Avery, William Dart, and Debbie Magerl,
Case #18-01396**

The OEIG received a complaint alleging that Health Facilities and Services Review Board (HFSRB) Administrator Courtney Avery created the specifications for the procurement of services for the HFSRB, and wrote the resume for the bidder that received the contract, Don Williams. Because the Illinois Department of Public Health (IDPH) provided procurement support to the HFSRB, the OEIG also examined whether IDPH employees took improper action to steer the contract to Mr. Williams.

⁵ These numbers include all agencies under the jurisdiction of the OEIG and are not limited to the agencies affected by the *Shakman* litigation.

The OEIG discovered that Ms. Avery drafted the specifications for the procurement to be unduly restrictive, so that Mr. Williams would be one of the few vendors, if not the only one, who could meet them. In addition, the OEIG discovered that then-IDPH Deputy Director Bill Dart and IDPH Public Service Administrator Debbie Magerl were aware that the specifications were problematic, but failed to take action. As a result, the OEIG found that Ms. Avery, Mr. Dart, and Ms. Magerl's actions or inactions improperly prevented competition in the procurement. The OEIG also found that Ms. Magerl, who was the contact person for the procurement, improperly gave guidance to Mr. Williams in drafting his resume that was submitted as part of his bid.

Because there was no HFSRB Board Chair at the time the OEIG's report was issued, the OEIG recommended that the Office of the Governor take whatever action it deemed appropriate regarding Ms. Avery; the OEIG also recommended that the Governor's Office appoint a Board Chair. The OEIG recommended that IDPH take whatever action it deemed appropriate regarding Ms. Magerl, and place a copy of the OEIG's report in Mr. Dart's personnel file, as he was no longer an IDPH employee.

The Governor's Office responded that it appointed an HFSRB Board Chair, and at the Governor's Office's request, the HFSRB responded that Ms. Avery completed training relating to hiring and the Procurement Code. IDPH responded that Mr. Williams' contract had been voided, and that it intended to counsel Ms. Magerl, and to implement procurement training for Ms. Magerl, Ms. Avery, and HFSRB-associated staff.

Appendices

A. Leadership

B. Percentage of Exempt Positions by Agency

A. 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 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 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 and serving as the legislative attorney for all legislative matters pertaining to the OEIG. 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 a BA from the University of Iowa.

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

Ms. Luning joined the OEIG as an Assistant Inspector General in 2012, became a Deputy Inspector General for Investigations in 2015, and currently 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.

Claudia P. Ortega, Chief Administrative Officer

Ms. Ortega joined the OEIG in March 2014 and currently serves as Chief Administrative Officer. She manages the OEIG's finance, human resources, information technology, procurement, and other administrative functions. Previously, Ms. Ortega worked in a financial reporting role for a State university and for a global forensics investigative firm. She holds an MSA in accounting from Benedictine University and a BA in accounting from DePaul University and she is a Certified Fraud Examiner.

B. Percentage of Exempt Positions by Agency

Percentage of Exempt Positions by Agency First Quarter 2020		
Agency	Agency Headcount ¹	% of Exempt Positions ²
Abraham Lincoln Presidential Library & Museum	101	12%
Aging	151	11%
Agriculture	468	4%
Arts Council	14	29%
Capital Development Board	106	16%
Central Management Services	724	7%
Children & Family Services	2,855	2%
Commerce & Economic Opportunity	239	20%
Corrections	12,614	1%
Council on Developmental Disabilities	5	20%
Criminal Justice Information Authority	65	12%
Deaf & Hard of Hearing Commission	4	50%
Emergency Management Agency	178	9%
Employment Security	1,084	3%
Environmental Protection Agency	626	3%
Financial & Professional Regulation	383	16%
Gaming Board	160	9%
Guardianship & Advocacy Commission	108	10%
Healthcare & Family Services	1,733	2%

1 The agency headcount was obtained from the FY2019 SERS Headcount (July 2019) in the FY2020 Budget Summary.

2 The percentage was obtained using the number of exempt positions on the March 5, 2020 Exempt List and the agency headcount.

Agency	Agency Headcount	% of Exempt Positions
Human Rights	126	11%
Human Services	12,818	1%
Innovation & Technology	718	9%
Insurance	206	10%
Juvenile Justice	893	4%
Labor	75	15%
Liquor Control Commission ³	32	28%
Lottery	145	6%
Military Affairs	222	2%
Natural Resources	1,483	2%
Prisoner Review Board	25	4%
Property Tax Appeal Board	35	14%
Public Health	1,163	4%
Revenue	1,431	3%
Sentencing Policy Advisory Council ⁴	5	20%
State Fire Marshal	136	7%
State Police	2,776	0.4%
Transportation	5,245	2%
Veterans' Affairs	1,216	1%
% of Exempt Positions Based on Total Headcount	50,368	2%

3 The agency headcount was not available in the FY2020 Budget Summary and instead the FY2019 Actual headcount in the Illinois State Budget FY2021 was used.

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