

Hiring & Employment Monitoring Report

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





Message from Executive Inspector General Susan Haling

The Hiring & Employment Monitoring Report provides details on the Office of Executive Inspector General's (OEIG) investigative and compliance work as it relates to State hiring and employment during the fourth quarter of 2021, which ended on December 31, 2021. This also marks the end of the annual reporting period, so data on OEIG activities related to hiring and employment for the entire year, from January 1, 2021 to December 31, 2021, is also included.

This year, the OEIG again faced the added challenge of the COVID-19 pandemic and is proud of its efforts to balance the health and safety of its employees and its work to efficiently and steadily serve Illinoisans during this unprecedented time. The OEIG's Hiring & Employment Monitoring (HEM) Division continued to incorporate technology to effectively complete its monitoring of hiring sequences, reviews, and audits. HEM conducted most of its work remotely with the use of videoconferencing and electronic documents.

During 2021, HEM issued sixty-one Advisories to agencies. HEM also monitored twenty-two hiring sequences, completed thirty-seven desk audits, and reviewed 334 exempt appointment notifications and 478 exempt position description clarifications. In 2021, HEM received forty-one Exempt List modification requests. HEM reviewed nineteen term appointments, completing a review of nearly all of approximately 232 term appointment renewals – a review that spanned four years – to ensure that incumbents were selected via a competitive process. In addition, with proactive input from the Executive Inspector General (EIG) and HEM, the Illinois Department of Central Management Services (CMS) issued guidance to agencies in April 2021 on proceeding with term appointment renewals going forward. HEM also received twenty-four new complaint referrals in 2021. Notably, twenty of the sixty-one issued Advisories were based on complaint referrals.

HEM tracks all issued Advisories by subject matter and by agency to monitor the State's progress on compliance with the Comprehensive Employment Plan for Non-Exempt Employees (CEP). Three areas that received the most Advisory recommendations and have greater potential to negatively impact a competitive hire are: (1) candidate scoring, including supporting documentation for candidates' respective scores; (2) the Screening Justification Form (Screening Form), and/or applicant screening processes; and (3) the Relationship Disclosure and Conflict of Interest Certification Form. HEM determined that a more in-depth analysis of these areas would be beneficial for the State so that agencies can better understand HEM's recommendations and their progress on implementation. Thus, in October 2021, HEM released three Progress Reviews (Advisories 21-HEM-0047, 21-HEM-0048, and 21-HEM-0049). The Progress Reviews were distributed to all agency directors and personnel officers. For more details, see the Advisory Summaries section of this report.

HEM also strengthened agencies' understanding of the Advisory recommendations and CEP requirements by providing input on the many CEP trainings that CMS led for State personnel and human resources staff. These trainings addressed topics ranging from the Relationship Disclosure and Conflict of Interest Certification Form to Personal Services Contract (PSC) policies and procedures to position minimum requirements and screening.

As the *Shakman* litigation winds down and the State works on achieving substantial compliance, HEM remains deeply committed to continuing its work of identifying areas of improvement while recognizing the agencies' efforts in 2021 to become more compliant. In the coming year, we will continue these internal and external efforts as well as work with the agencies to tackle new areas of improvement, including expanded and refined implementation of the electronic hiring process.

Sincerely,



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

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 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. Those founded reports are forwarded to the State of Illinois Executive Ethics Commission (EEC) for its determination on whether the report will be made publicly available.

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 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 or virtual real-time monitoring of interviews — conducts desk audits, and reviews term appointment renewals and complaint referrals. HEM also works with the *Shakman* court-appointed monitor, whose initial and ongoing charge is to review hiring practices within the Illinois Department of Transportation (IDOT). On November 28, 2016, the *Shakman* monitor's review was expanded to include a review of all exempt positions under the jurisdiction of the Governor.

From January 1, 2021 to December 31, 2021, HEM staff monitored twenty-two hiring sequences and completed thirty-seven desk audits to ensure that individuals were selected pursuant to a truly competitive selection process. HEM staff also reviewed 334 exempt appointment notifications and 478 exempt position description clarifications and received forty-one Exempt List modification requests. This year, HEM issued sixty-one Advisories.

The OEIG's Hiring & Employment Monitoring Team includes:

Erin K. Bonales, Director

Tonya Neal, Supervising Analyst

Amanda Thomet, Analyst

Claire Roche, Attorney

Keshia Wrightsell, Analyst

Natale Fuller, Attorney

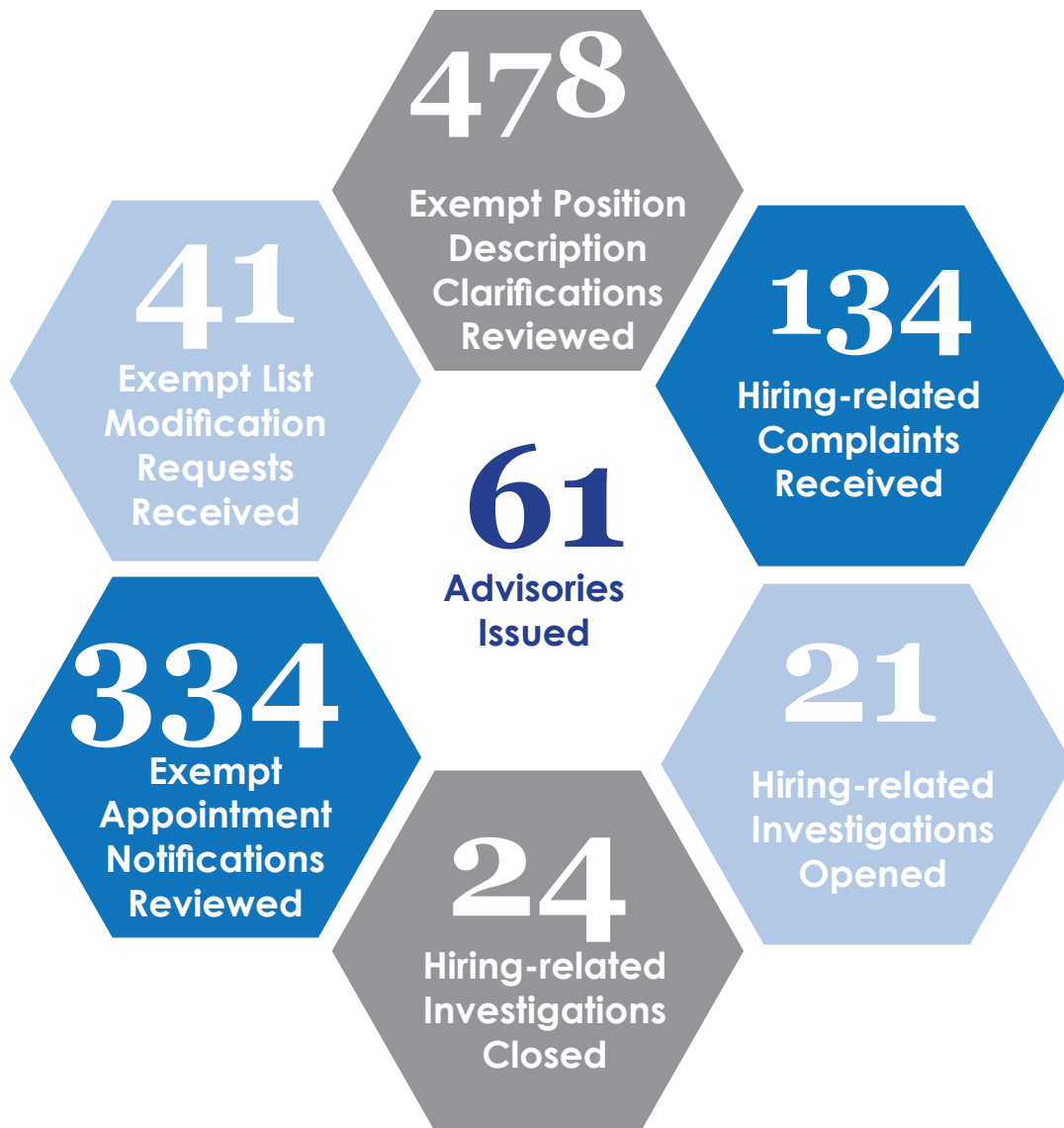
Jackie Mullings, Project Manager

Porsha Winters, Attorney

Viktorija Legge, Analyst

STATISTICAL PERFORMANCE

AT A GLANCE: SELECTED HIRING AND EMPLOYMENT METRICS FOR 2021





II. Developments & Training

Throughout this calendar 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.

Supplemental CEP Trainings

This calendar year, CMS conducted significant training on the CEP for human resources, personnel staff, and interviewers. The trainings addressed issues identified in HEM Advisories, with guidance and reminders for improvement. HEM reviewed and provided input on the CEP trainings and also provided material input on the training content for the Interviewer Certification Training. These trainings are further described below.

In May 2021, CMS conducted the first of its planned monthly supplemental CEP trainings which reviewed the Relationship Disclosure and Conflict of Interest Certification Form. Complementing this, on June 30, 2021, CMS held a CEP Refresher training to review recent updates to the CEP that went into effect on July 15, 2021. Later in July 2021, CMS reviewed procedures for canceled sequences.

In the third quarter, CMS updated the interviewer training module which is available on OneNet under the title "CMS Interviewer Certification Training 2021." In addition, on September 1, 2021, CMS held a training on PSC policies and procedures, and on September 29, 2021, CMS held a training on SuccessFactors and agency required submissions to the CMS Personnel Compliance Office (CMS Compliance).

During the fourth quarter, on October 26, 2021, CMS held a CEP follow-up training on SuccessFactors, temporary assignments, and seasonal/emergency/intern hiring. On December 1, 2021, CMS held a CEP follow-up training on minimum requirements and screening.

The next CEP training is slated to be on performance evaluations. Trainings are recorded and available on OneNet.

PSC Reporting by Agencies Continues

As agreed upon and stated in the CEP, agencies are required to report all PSCs (or renewals or amendments to such contracts) to CMS Compliance and HEM on a quarterly basis. In February of 2021, CMS submitted the State's first PSC Report, which accounted for all PSCs in place during the fourth quarter of calendar year 2020. CMS continued to submit these quarterly reports and during this quarter submitted the PSC Report for the third quarter of calendar year 2021.¹ The following is a summary showing CMS' reports regarding PSCs in existence in the first three quarters of 2021.²

Of the fifty-two State entities that submitted reports in the third quarter, eleven decreased their use of PSCs from the previous quarter and seventeen increased their number of PSCs. Thirty-two State entities did not have a change in PSCs, with eleven of these continuing to not utilize any PSCs this quarter. One entity did not previously report and could not be compared.

Agency	# of PSCs Reported Q1 2021	# of PSCs Reported Q2 2021	# of PSCs Reported Q3 2021
Abraham Lincoln Presidential Library and Museum	8	8	1
Aging, Department on	9	9	8
Agriculture, Department of	14	23	32
Capital Development Board	-	-	3
Central Management Services, Department of	9	4	9
Children and Family Services, Department of	0	0	1
Commerce and Economic Opportunity, Department of	7	9	10
Commerce Commission	0	0	1
Corrections, Department of	11	6	8
Criminal Justice Information Authority	12	3	18
Deaf and Hard of Hearing Commission	1	1	1
Educational Labor Relations Board	1	1	3

1 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.

2 According to the reports, ten State entities did not utilize any PSCs in the first three quarters of 2021 and are not listed in the table. These State entities are: the Arts Council; Civil Service Commission; Developmental Disabilities, Council on; Environmental Protection Agency; Human Rights Commission; Independent Tax Tribunal; Liquor Control Commission; Pollution Control Board; Power Agency; and Sentencing Policy Advisory Council.

Agency	# of PSCs Reported Q1 2021	# of PSCs Reported Q2 2021	# of PSCs Reported Q3 2021
Emergency Management Agency	26	3	7
Employment Security, Department of	38	47	51
Financial and Professional Regulation, Department of	26	40	42
Gaming Board	2	2	5
Guardianship and Advocacy Commission	0	1	1
Healthcare and Family Services, Department of	28	27	26
Human Rights, Department of	1	1	2
Human Services, Department of	120	123	72
Innovation & Technology, Department of	10	8	8
Insurance, Department of	1	0	1
Juvenile Justice, Department of	12	12	12
Labor, Department of	1	1	1
Labor Relations Board	-	1	1
Law Enforcement Training and Standards Board	4	6	4
Lottery, Department of	-	-	-
Lottery Control Board	0	1	1
Military Affairs, Department of	106	117	131
Natural Resources, Department of	27	26	22
Prisoner Review Board	2	2	2
Property Tax Appeal Board	0	3	3
Public Health, Department of	179	140	100
Racing Board	4	8	1
Revenue, Department of	0	0	2
State Fire Marshal, Office of the	1	1	1
State Police	12	11	15
State Police Merit Board	1	1	1
State Retirement Systems	8	5	3
Torture Inquiry and Relief Commission	-	36	31
Transportation, Department of	6	7	5
Veterans' Affairs, Department of	1	0	0
Workers' Compensation Commission	5	5	5

Political Contact Portal Launch

During this calendar year, HEM worked with CMS and the Illinois Department of Innovation and Technology (DoIT) staff to launch a portal for State employees to report any political contact related to an employment action. In 2021, HEM received notice of thirty political contacts. For more detail on the political contacts made this quarter, see the Political Contact section of this report.

Launch of SuccessFactors

In late 2020, CMS began training agency personnel and human resources staff on using SuccessFactors, the new software to manage the State-wide electronic application process. In January 2021, CMS officially launched SuccessFactors for use in filling all non-bargaining unit positions statewide. In a major departure from the previous State hiring process, applicants for State employment now apply online for specific vacancies, as opposed to broad classifications of positions. This results in a larger, more qualified applicant pool of individuals with demonstrated interest in the actual position being filled and makes it easier for agencies to hire candidates who are not already State employees.

SuccessFactors is designed to facilitate compliance with the CEP at all stages of the hiring process. For example, applicants receive automated rankings based on their self-disclosed responses to the application questions, resulting in a less subjective applicant screening process. Additionally, interviewers use a computer program to score candidates, ensuring compliance with the scoring procedures set forth in the CEP. The electronic process also standardizes all aspects of the hiring process and results in better, more transparent documentation of all factors leading up to the final selection decision. In addition, agency staff involved in a hiring sequence have clearly defined, distinct, and documented roles, helping to ensure individual employees cannot interfere with a hiring sequence.

HEM staff have compliance access to the hiring documents for all positions filled electronically, reducing the time it takes for HEM to review a hiring sequence and eliminating the need to notify agency staff. Many of the hiring sequences that HEM reviewed in 2021 were conducted through SuccessFactors. HEM has observed significant

improvements to the State hiring process with the use of SuccessFactors. Most notably, positions filled through SuccessFactors generate larger, more competitive candidate pools, resulting in the selection of more qualified candidates and ultimately, a stronger State workforce. HEM anticipates seeing increased compliance over time with the continued use of SuccessFactors.

HEM Progress Reviews

This quarter, HEM issued three Progress Review Advisories (21-HEM-0047, 21-HEM-0048, and 21-HEM-0049) on October 13, October 15, and October 27, 2021, respectively. In these Progress Reviews, HEM conducted an in-depth analysis of previously issued Advisories, which HEM tracks both by subject matter and by agency, to better understand and evaluate the State's progress on areas of CEP compliance. Three areas that have received the most Advisory recommendations and have greater potential to negatively impact a competitive hire include: (1) candidate scoring, including supporting documentation for candidates' respective scores; (2) the Screening Justification Form (Screening Form), and/or applicant screening processes; and (3) the Relationship Disclosure and Conflict of Interest Certification Form. HEM's Progress Reviews analyzed each of these areas consecutively. The Progress Reviews were distributed to all agency directors and personnel officers as well as the Governor's Office, the Special Master's Office, the Plaintiffs and Judge/Court for the *Shakman* litigation. For more details, see the Advisory Summaries section of this report.

***Shakman* Litigation Update**

Earlier this year, in March 2021, United States District Judge Edmond Chang, who is overseeing the *Shakman* case, denied the State's motion to terminate the Consent Decree, which was entered in 1972 and enjoins the State from engaging in certain politically motivated employment practices. The Court also granted the Plaintiffs' motion to enforce or clarify, in part, by authorizing the Special Master, (the *Shakman* court appointed monitor) to 1) assess the implementation of the CEP and make recommendations on the implementation of the CEP that would assist in preventing violations of the 1972 Consent Decree; 2) investigate particular sequences if the Special Master finds a reasonable basis to believe that the sequence involves a potential

violation of the 1972 Consent Decree; and 3) assess the implementation and enforcement of the CEP for Exempt Positions, the statewide Exempt List, and the John Doe Process, and finalize any outstanding proposals for modifications to all three.

In April 2021, the Court stated that it envisioned a Sunset Plan under which the State would move to terminate the decree in November 2021. In keeping with that directive, on November 2, 2021, the State filed its memorandum in support of its renewed Motion to Vacate the May 5, 1972 Consent Decree. In December 2021, both the Special Master and the Plaintiffs filed their separate responses to the State's Motion to Vacate, both of which declined to support the Governor's dismissal from the decree without additional State action. This renewed motion is set to be fully briefed in January 2022.

With regard to the State's initial Motion to Vacate, the Governor appealed the District Court's decision. On December 10, 2021, oral arguments were held in the U.S. Court of Appeals for the Seventh Circuit on the State's initial Motion to Vacate. The parties await a decision from the Seventh Circuit.



III. HEM's Compliance Reviews

This quarterly report provides an overview of the hiring-related activities of the OEIG during the period from October 1, 2021 through December 31, 2021 as well as overall from January 1, 2021 to December 31, 2021. The report includes statistics and narrative descriptions of the OEIG's work as required by the 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, in part, 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 or via teleconference or video conference, and reviews the resulting documentation including interviewer notes and candidate evaluation forms.

2

Number of Hiring Sequences Monitored During the Fourth Quarter of 2021

22

Number of Hiring Sequences Monitored During the 2021 Calendar Year

Desk Audits

In addition to monitoring interviews, 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 in real-time, 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.

5

Number of Desk Audits Completed During the Fourth Quarter of 2021

37

Number of Desk Audits Completed During the 2021 Calendar Year

Term Appointments

Term appointment positions, codified in section 8b.19 of the Personnel Code (20 ILCS 415/8b.19), are four-year term positions that receive job-protection during the term. Thus, term appointments are subject to the General Hiring Process for Non-Exempt Positions set out in the CEP and must be competitively selected. Beginning in May 2017, CMS and HEM reviewed every term appointment position renewal to ensure that a competitive process occurred. With the completion of four years of HEM reviews, on April 27, 2021, CMS issued updated guidance requiring that agencies that intend to retain a term appointee provide documentation reflecting the incumbent's satisfactory performance to CMS Compliance.

Going forward, HEM may review term appointment renewals and hiring sequences to ensure that a competitive process occurred or occurs. When agencies are 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 may review and/or monitor.

19

**Number of Term Appointments Reviewed
During the 2021 Calendar Year**

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, and/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.

Fourth Quarter

For the fourth quarter of 2021, the OEIG received thirty-two hiring-related complaints.³ Also, in this quarter, the following actions were taken with regard to hiring-related complaints:

- ◇ 10 referred intra-Office to HEM;
- ◇ 17 referred back to the subject agency or other appropriate entity or law enforcement authority;
- ◇ 5 opened by the OEIG Investigative Division;
- ◇ 1 declined;
- ◇ 1 administratively closed; and
- ◇ 1 is in initial review.

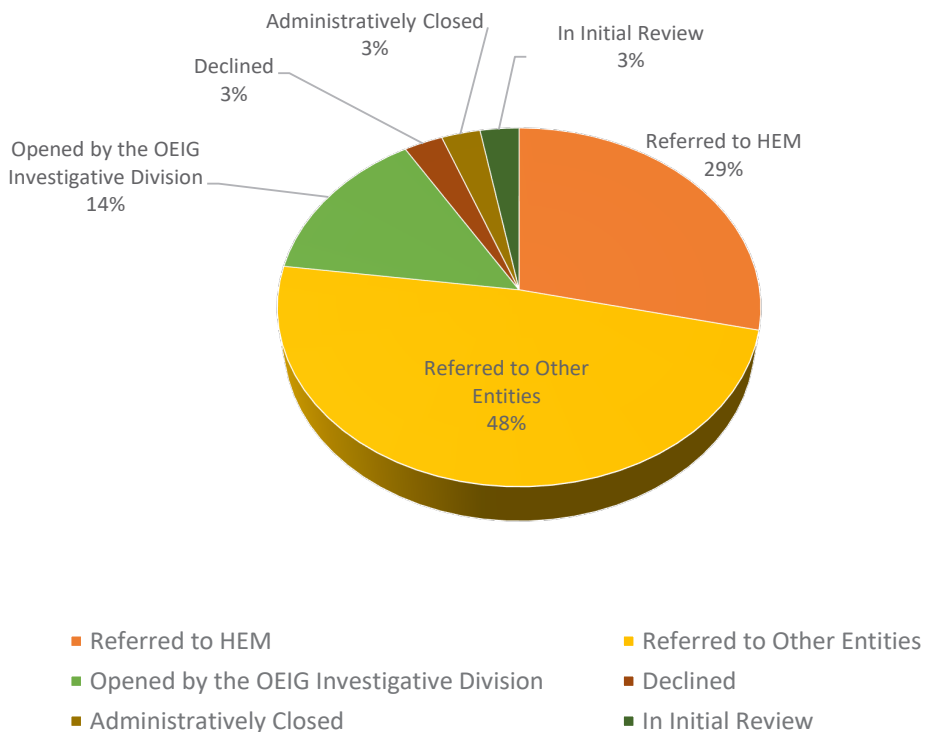
2021 Year-End

In 2021, the OEIG received 134 hiring-related complaints. During this year, the following actions were taken with regard to hiring-related complaints:

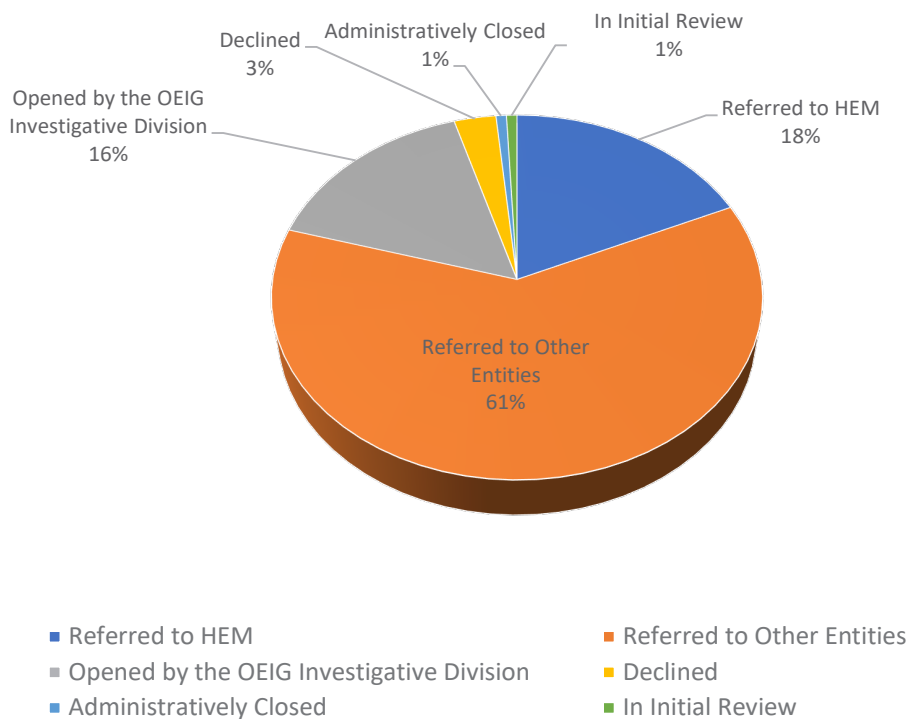
- ◇ 24 referred intra-Office to HEM;
- ◇ 81 referred back to the subject agency or other appropriate entity or law enforcement authority;
- ◇ 21 opened by the OEIG Investigative Division;
- ◇ 4 declined;
- ◇ 1 administratively closed; and
- ◇ 1 is in initial review.

³ These numbers include all agencies under the jurisdiction of the OEIG and are not limited to the agencies affected by the *Shakman* litigation.

Actions Taken on Hiring-related Complaints Fourth Quarter 2021



Actions Taken on Hiring-related Complaints Year-End 2021



Advisories

HEM issues 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.

When, during the course of a HEM review, 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. This quarter, HEM did not transfer a HEM review to the OEIG Investigative Division. In 2021, HEM transferred one HEM review to the OEIG Investigative Division.

Fourth Quarter

During the fourth quarter, HEM issued thirteen Advisories.

2021 Year-End

This calendar year, HEM issued sixty-one Advisories.

In some cases, with the issuance of the Advisory, HEM requested a formal response from the agency, which is also summarized.

Advisory Summaries

21-HEM-0047

HEM's first Progress Review focused on the candidate scoring process. This review revealed some patterns over time, including improvements and limited instances of repeated non-compliance. Of all issued Advisories, 148 Advisories involved HEM's review of scoring processes and, of those Advisories, forty-one (approximately 27%) included recommendations related to candidate scoring. The forty-one Advisories were issued to eighteen separate agencies. HEM also issued Advisories to eleven agencies that did not identify any candidate scoring issues.

The vast majority of Advisories identifying scoring issues were based on scoring conduct that took place before agencies were trained on CEP scoring processes. In many instances, the sequences reviewed in the Advisory occurred before the CEP was filed. In reviewing the forty-one Advisories that identified scoring issues, sixteen Advisories involved questionable scoring activity that took place before the CEP was filed. Stated another way, there were twenty-five Advisory scoring recommendations for scoring activity that took place after the CEP was filed in late November 2019. Of the twenty-five hiring sequences that took place after the CEP went into effect, twenty involved scoring activity that took place prior to CEP Training Session 5 held on October 20, 2020. Only five Advisories involved scoring activity that occurred after the October 20, 2020 CEP training. As of the date of this review, only two Advisories identified candidate scoring issues for all hiring sequences conducted in 2021.

In most instances where HEM included a candidate scoring recommendation in an Advisory, HEM did not find that scoring issue repeated in subsequent hiring reviews at that agency. In reviewing all relevant Advisories issued to-date, HEM found the following with regard to candidate scoring:

- **Nine agencies:** received a scoring recommendation and subsequently demonstrated that the particular scoring issue had been corrected, based on HEM's review of a later hire (or hires) at that agency.
- **Seven agencies** (three of which are non-*Shakman* entities): received a scoring recommendation, but HEM had not yet completed a review of a subsequent hire at that agency.
- **Two agencies:** received more than one Advisory making the same scoring recommendation. Both agencies have since received Advisories reflecting that the scoring issues have been corrected, based on HEM's review of subsequent hires at those agencies.

Each of the eighteen agencies were discussed in the Progress Review in more detail. HEM's analysis found that, first, it is important to look at the time of the scoring activity to accurately assess progress and meaningful changes. From that perspective, it is clear that the percentage of Advisories identifying scoring issues significantly decreased after the implementation of the CEP, and again, after the State conducted extensive training on the CEP.

HEM's further examination based on HEM's tracking demonstrated that there was not a regular disregard of HEM Advisories on scoring issues. Rather, HEM's review processes have resulted in improved agency performance. Nine agencies did not repeat and/or corrected a scoring issue after HEM issued an Advisory. In most instances, where an agency received more than one Advisory containing candidate scoring recommendations, the Advisories involved different scoring issues. Where an agency received more than one Advisory addressing the same scoring issue, the hire at issue in the subsequent Advisory usually occurred before the agency received a previous Advisory addressing the issue.

HEM's analysis demonstrated that individual State agencies do not have widespread candidate scoring issues, agencies were correcting errors based on HEM's Advisories, and the two agencies HEM identified as having repeated recommendations were provided more instruction that was then implemented by the agency. HEM continues to track agencies' compliance and recommended that agencies continue to implement HEM's Advisory recommendations in order to prevent repeated issues.

HEM's second Progress Review discussed and evaluated all HEM Advisories issued to-date that addressed applicant screening, which HEM determined to be 148 Advisories. Of those, thirty-nine (approximately 26% of the total Advisories) resulted in recommendations related to screening. Those thirty-nine Advisories were issued to eighteen different hiring agencies. HEM also issued Advisories to eleven agencies that did not identify any problematic or questionable screening activity.

In reviewing the thirty-nine Advisories that involved screening recommendations, HEM found that three of these Advisories made recommendations directed at CMS based on its grading processes and its implementation of the new electronic hiring system, not related to any error made by the hiring agency. Of the remaining thirty-six Advisories that involved questionable screening activity by the hiring agency, only twenty-five (17% of the total amount of Advisories issued) involved questionable screening activity that took place after implementation of the CEP on November 25, 2019. Of these twenty-five Advisories, twenty involved screening activity that took place after the CEP was filed but prior to CEP training. Only five Advisories included screening recommendations for screening activity that occurred after the CEP training.

In the Progress Review, HEM found that a more thorough examination was necessary to understand the actual effect and progress of the State's hiring reform. In addition to reviewing the number of Advisories issued based on activity date, HEM also took a closer look at what actually transpired at the agencies and their progress after Advisories had been issued, specifically how the agencies responded to the screening recommendations in HEM Advisories, including both agency formal written responses and subsequent HEM reviews of hiring sequences. In doing so, HEM discovered that while an agency may have received multiple Advisories on a screening issue, the questionable activity often involved different screening issues and thus, did not result in a "repeat" recommendation, or the questionable screening conduct occurred prior to the issuance of an Advisory recommendation, and thus, also was not a "repeat" recommendation.

For the eighteen agencies that received screening recommendations, HEM found the following:

- **Six agencies** received a screening recommendation and subsequently demonstrated that the particular screening issue had been corrected or not repeated in HEM's review of a later sequence;
- **Eight agencies** received a screening recommendation, but HEM has not yet completed a review of a subsequent hire at that agency; and
- **Two agencies** had more than one Advisory making the same screening recommendation on a subsequent sequence but have since received an Advisory reflecting that the screening issue has been corrected; and
- **Two agencies** that had more than one Advisory making the same screening recommendation on a subsequent sequence have not yet had a sequence reviewed since the recommendation was made.

Based on HEM's in-depth analysis, HEM concluded that, first, proper examination of screening issues requires identifying when the screening activity took place. Only five Advisories with screening activity taking place after CEP training identified screening issues. Second, HEM noted that it is important to examine the different types of screening errors that have been made. Third, HEM concluded that it is critical to look at subsequent agency hires to determine whether the agency implemented recommendations. For the Advisories that had been issued at that time, only four agencies had more than one Advisory making the same screening recommendation after an Advisory had already been issued. HEM highly recommended to those agencies that have yet to have a subsequent review to ensure that prior HEM recommendations are implemented. HEM also cautioned agencies to be vigilant in ensuring that the principles behind screening – a fair opportunity to those qualified to compete for a State position – continue to be the goal.

HEM's third Progress Review provided an in-depth analysis of the development, implementation, and application of the Relationship Disclosure and Conflict of Interest Certification Form (Conflict Form). HEM determined that of the 154 issued Advisories to date, twenty-eight did not involve a review of Conflict Forms. Of the remaining 126 Advisories, forty-eight (approximately 38%) included recommendations related to Conflict Forms. The forty-eight Advisories were issued to nineteen separate agencies. HEM has also issued Advisories to ten agencies that did not identify any Conflict Form issues.

In reviewing the forty-eight Advisories that included Conflict Form recommendations, eleven Advisories involved Conflict Form activity completed before the CEP was filed. After the implementation of the 2020 Conflict Form, eleven Advisories identified issues with the Conflict Form. HEM has not identified any issues with Conflict Forms since the May 2021 training.

In most instances where HEM included a Conflict Form recommendation in an Advisory, HEM did not find that same Conflict Form issue repeated in other hiring reviews at that agency. In reviewing all Advisories issued to-date, HEM found the following with regard to Conflict Forms:

- **Three agencies** received a Conflict Form recommendation in an Advisory and subsequently demonstrated that that particular Conflict Form issue had been corrected, based on HEM's review of a later hire at that agency.
- **Five agencies** received a Conflict Form recommendation in an Advisory, but HEM has reviewed other (although not subsequent) hires at that agency that did not have any Conflict Form issues.
- **Seven agencies** received a Conflict Form recommendation, but HEM has not yet completed a review of a subsequent hire at that agency.

- **Three agencies** received more than one Advisory making the same Conflict Form recommendation and HEM has since reviewed a subsequent hire at those three agencies demonstrating that Conflict Form issues are not still occurring.
- **One agency** received more than one Advisory making the same Conflict Form recommendation and HEM has not yet reviewed a subsequent hire demonstrating whether Conflict Form issues are still occurring.

From this analysis, HEM found that the vast majority of Conflict Form issues were based on initial agency confusion regarding the Conflict Form process that was first implemented statewide in 2019. After HEM Advisories highlighted these issues of confusion and difficulties with the Conflict Form itself, the State modified the form, provided clearer instructions for completing the form, and increased its training in this area. For the few agencies that had a repeated issue related to Conflict Forms, the improved Conflict Form, clarified instructions, and appropriate training has resulted in significantly improved compliance.

HEM's findings with regard to Conflict Forms demonstrates the importance of clear instructions, training, and most importantly, proper and timely vetting of Conflict Forms by the agency personnel officer or designee, who is best positioned to identify and remedy any Conflict Form issues before interviews begin.

20-HEM-0014/20-HEM-0093

In response to a complaint referral, HEM reviewed the 2019 cancellation of a posting for a position in the Illinois Department of Corrections (IDOC) Intelligence & Internal Investigations Division and monitored the 2020 interviews for the reposted position. Although HEM did not provide approval to fill the position from the 2020 interviews, due to an OEIG investigation, HEM made two recommendations. First, HEM recommended that IDOC ensure that interviewers follow the candidate scoring procedures set forth in the CEP and refrain from using consensus scoring. HEM further recommended that in future hiring sequences monitored by HEM, IDOC should ensure HEM is privy to all aspects of the hiring process, including all scoring sessions, as required by the CEP. Second, while HEM acknowledged that the 2019 cancellation occurred before the CEP was in place, HEM reminded IDOC that the CEP now requires agencies to obtain approval from the CMS Chief Compliance Officer before canceling a hiring sequence.

20-HEM-0030

In response to a complaint referral, HEM reviewed the hiring files for the Recruiter, Placement and Mentor (RPM) Supervisor and the Deputy Director – Programs at the Lincoln Challenge Academy, which is administered by the Illinois Department of Military Affairs (DMA). Based on HEM's review, HEM found the agency's selection for the RPM Supervisor to be merit-based and justifiable but recommended that DMA utilize the Screening Form in the future. HEM also noted that since this sequence occurred in 2018, the CEP was developed which requires that "[a]ll non-exempt positions must be posted on the www.work.illinois.gov website or an equivalent Statewide vacancy site but may be posted on additional job posting sites." Thus, HEM recommended that the agency post on the State's job website in addition to posting on the Illinois National Guard website.

For the Deputy Director – Programs sequence, which occurred in 2019 prior to the CEP, HEM found that the top-ranked candidate appeared to be the most qualified for the position. However, HEM found several deficiencies in the process regarding the use of consensus scoring and the lack of a Screening Form, Candidate Evaluation Form, or Employment Decision Form/Personnel Contract Decision Form. When HEM inquired why these components were missing and a different process was used here than for the RPM Supervisor position described above, the agency explained that the position was considered by the agency to be both non-code and *Rutan*-exempt. HEM's position is that non-code positions, not on the Exempt List, must follow the non-exempt hiring process as outlined in the CEP. If DMA, CMS, or the Governor's Office planned to take a different position, then HEM requested to have a meeting to discuss a resolution on how these unique positions are handled in the future. HEM also requested that DMA inform HEM when the next formerly deemed *Rutan*-exempt position is posted, so that HEM may consider monitoring. HEM requested a response to the Advisory.

In response, DMA acknowledged that the Screening Form must be utilized when posting outside of the electronic hiring system and that postings must be posted through CMS and on SuccessFactors. DMA also recognized the deficiencies in the Deputy Director – Programs hiring file but noted that DMA had followed the guidelines in place at the time (pre-CEP). DMA confirmed that it no longer uses an outdated 2017 non-code and *Rutan*-exempt list and that DMA currently has no positions that fall within those parameters. Going forward, DMA stated that it would take appropriate measures to ensure that the items reflected in the Advisory are an isolated incident and not repeated. In additional follow-up, DMA also notified HEM of an upcoming hiring sequence that would soon be posted at Lincoln Challenge Academy for potential monitoring.

In response to a complaint referral, HEM reviewed the hiring files for an Executive I, Account Technician I, and two Accountant positions in the Illinois Department of Human Services (IDHS) Bureau of Expenditure & Accounting. HEM found the agency's selections for the positions to be merit-based and justifiable; nonetheless, HEM had recommendations for improvement, as the first sequence occurred prior to the CEP and the latter three sequences held interviews in December 2019 or January 2020, just after the CEP was filed. Based on HEM's review of the Executive I sequence, HEM requested that in the future all contractual rights paperwork, including special skills assessments and internal emails pertaining to and explaining the same, be included with the hiring file to mitigate confusion and prolonged review. Based on the Account Technician I sequence, HEM stated that for sequences occurring outside the electronic hiring system, the agency must ensure that all applications are sent to CMS and processed the same, so that CMS has an opportunity to apply the minimum qualifications. Here, the error appeared to have occurred within the Human Resources office, versus at the Division/Office level (Fiscal Services, e.g.), and there was no indicia that this sequence was manipulated, or manipulation attempted, so that any one candidate had an advantage.

HEM also noted that in Account Technician I and both Accountant sequences the Screening Justification Form was not signed. Additionally, for the Account Technician I position, the screening form did not reflect accurate numbers. The agency explained that at the time this sequence was completed, IDHS was not following the correct Screening Justification Form instructions as there was miscommunication between agency staff and CMS on the process. However, the agency stated that HEM provided advisements on the process in the past year, and the agency is currently signing Screening Justification Forms and following the proper procedure. HEM's Progress Review: HEM Advisories Addressing Screening Issues supports this.

For the Account Technician I and one of the Accountant positions, the Candidate Evaluation Forms (CEF) for the candidates who were not selected were not detailed. For the other Accountant position, there were no CEFs for the non-selected candidates. When asked about the missing CEFs for the latter sequence, IDHS responded that the interviewer in this sequence had performance issues and is no longer

working for the State of Illinois. The interview notes, however, contain sufficient detail for HEM to conclude that the selection decision was justifiable.

In response to allegations in the complaint, HEM also reviewed the hiring file for an Accountant Advanced position. The documentation showed that the selected candidate was appropriately hired into the position via contractual rights seniority. HEM also requested and received the overtime amounts and temporary assignments for all employees in the Bureau of Expenditure & Accounting from October 1, 2019 to September 30, 2020. HEM requested additional information about an employee's temporary assignments, given the large amount of overtime that was reported. HEM's review did not reveal non-compliance with the CEP regarding temporary assignments or overtime. However, HEM suggested as a best practice, IDHS find ways to delegate/disseminate the additional workload that occurs when employees leave so that one employee is not carrying such a significantly higher burden, as it appeared to be here from the varying overtime hours. Additionally, the agency might consider rotating other employees so that others have similar opportunities to gain experience.

20-HEM-0100

In October 2020, HEM requested to monitor the hiring sequences for the Industrial Services Hygienist Technician (Technician) and the Industrial Services Hygienist Trainee (Trainee) at the Illinois Department of Labor (IDOL). After several months and requests by HEM for additional documentation, IDOL held the interviews for the Trainee position in April 2021 with HEM monitoring. After HEM monitored the interviews, HEM raised a number of issues with the Trainee sequence to IDOL and CMS, and IDOL agreed to repost the position. In July 2021, IDOL posted the highest-level position first, the Industrial Services Hygienist (Hygienist). While HEM did not have any recommendations for the Hygienist sequence, HEM made several recommendations based on the Trainee sequence. HEM recommended that IDOL ensure that going forward, postings accurately reflect the position description and the position description is reviewed prior to posting, including Box 19. Additionally, HEM recommended that the agency use similar language to describe the requirements and preferences throughout the hiring documents, so as not to create confusion, i.e. the coursework and knowledge that is preferred.

During the interview for one of the candidates, one of the interviewers noted that the candidate should not have been given an A grade because the candidate had not yet completed a bachelor's degree. The candidate was then removed from consideration for the Trainee position. This error appeared to be a mistake by CMS. HEM recommended that, for those sequences not using the electronic application system, both CMS and the agency should be mindful of ensuring that applicants are appropriately and consistently graded. The Screening Justification Form also listed inaccurate or incomplete information and was not signed and dated. In the future, for non-electronic hiring system sequences, HEM recommended that the agency ensure that the Screening Justification Form is completed properly and accurately. Additionally, HEM recommended that questions involving qualifying conditions of employment be asked outside of the structured process, i.e., in determining who is qualified to sit for an interview.

From the start of the sequence in October 2020, HEM made numerous requests for documentation or inquiries on the status of the interviews. HEM recommended that the agency be mindful of the effects of such a delay. In this instance, when the interviews were finally conducted, the agency was left with only three candidates to interview – and one was disqualified – ultimately resulting in a two-person interview pool, and the agency was required to repost the position. Furthermore, HEM stated that IDOL needs to provide HEM the appropriate hiring documentation in a prompt manner with sufficient time prior to interviews being conducted. HEM requested a written response.

IDOL responded that the Hiring Reform Team is reviewing all IDOL position descriptions to ensure accurate requirements and preferences before sending on to CMS Classifications for final approval. IDOL stated that the agency does check whether candidates are qualified but does not check all grading decisions; IDOL agreed that the electronic hiring system will serve as a double check to resolve this issue. IDOL also agreed to ensure that Screening Justification Forms are completed accurately going forward.

21-HEM-0025

In response to a complaint referral, HEM reviewed the hiring sequence for an Administrative Assistant II position at the IDOC Kewanee Life Skills Re-Entry Center. This position was filled contractually. While HEM found that the most senior bidder was appropriately selected and did not identify any issues with the hiring sequence, HEM recommended that in the future, IDOC promptly post and seek to fill needed positions, rather than having employees in other positions perform the position duties, especially for any extended length of time.

21-HEM-0033

HEM conducted a desk audit of the hiring file for the Illinois Department on Aging (Aging) Executive Ombudsman, which was filled as a non-exempt PSC with two vacancies. While HEM found that the two contractors were competitively selected in accordance with the CEP, HEM recommended Aging ensure that: (1) all relevant documents including the PSC Description of Services have consistent minimum qualifications prior to posting; (2) preferred responses to interview questions and a scoring guide are incorporated in the hiring plan; (3) any changes to interviewers' initial scores are appropriately documented; and (4) all communications with applicants/candidates are documented in the hiring file. HEM requested a response to this Advisory.

In the response, Aging stated that since the PSC hiring sequence occurred, the agency had implemented several process improvements, including submitting Hiring Plans for non-exempt PSCs to CMS prior to posting and implementing an Interview Scoring Tool that includes preferred responses to interview questions and a place for each interviewer to document his or her initial score for each candidate. Aging also accepted HEM's recommendation to better document and maintain documentation of all communications with applicants/candidates.

In response to a referral that HEM received to the HEM mailbox, HEM spoke with the Illinois Department of Agriculture (AGR) legal and human resources personnel and referred an interview sequence for several vacancies for the Meat & Poultry Inspector/Inspector Trainee positions at AGR to the OEIG's Investigations Division. Based on HEM's recommendation, AGR submitted a request to the CMS Chief Compliance Office to cancel the sequence(s). HEM then monitored and/or reviewed the repost of these positions. While HEM found the selection process to be merit-based and justifiable, HEM made several recommendations.

Although these positions were properly posted for 10 business days, the agency mistakenly marked applications late that were filed within the posting period. HEM recommended that the agency ensure that it is accurately designating applications as timely or late, particularly where several postings for the same position are posted concurrently. HEM also recommended that going forward, the agency ensure that sufficient time exists between when candidates are able to schedule interviews and the first interview occurs for Conflict Forms to be properly completed. Here, after interviews started, the agency was still scheduling additional interviews as candidates continued to confirm their availability. Additionally, HEM recommended that the agency ensure that all necessary information on how interview pools are or were generated is included on the Screening Justification Forms. HEM also recommended that the agency ask candidate questions that are open-ended, require responses that are not readily available from their applications, and are objective and measurable. HEM requested a written response.

In response, AGR stated that it agreed with all of HEM's recommendations. AGR confirmed that applicants applying for a Meat & Poultry Trainee position will now apply through SuccessFactors, ensuring accurate recording of applicant submissions. Through the use of SuccessFactors, AGR also noted that screening questions will be created prior to the position being posted, and questions regarding residency and possession of a driver's license will be incorporated into the conditions of employment screening questions. AGR also shared its Hiring Plan for Meat & Poultry Inspector Trainee positions using a Non-Interviewed Hiring Sequence, which was submitted to CMS Compliance. AGR also acknowledged that it would continue to gather Conflict Forms in a timely manner as required by the CEP.

21-HEM-0021

HEM reviewed the canceled hiring sequence for a Springfield-based Legal Counsel position at the Illinois State Police (ISP) and monitored the interviews for the reposted Chicago-based position. HEM found that ISP's decision to cancel the Springfield-based sequence and repost the position in Chicago was reasonable, based on the agency's greater need for legal staff in Chicago. HEM also found that the selection process for the Chicago sequence was merit-based and justifiable. HEM made recommendations to ISP and CMS regarding the two hiring sequences. First, HEM recommended ISP ensure that the hiring plan developed pre-posting accurately outlines all aspects of the position demonstrated by the hiring need, including the position location and number of vacancies. In addition, HEM recommended that when it is determined through the conflict assessment process that an employee has a conflict of interest based on a relationship with a candidate, that employee should be removed from having any further role in the hiring process, acknowledging that this is ultimately what ISP did. HEM also recommended that CMS work with agencies to determine the best way to correct agency misperception regarding who qualifies as a "technical advisor" and the proper role of that participant, noting that this misperception is not limited to ISP. Lastly, HEM recommended that ISP and CMS ensure that the competitive process leads to the selection of the most qualified candidate from the broadest possible pool by ensuring all applicants are screened appropriately and consistently. HEM requested a response, which is not yet due.

20-HEM-0046

HEM monitored the interviews for a Field Services Manager at the Illinois Department of Veterans' Affairs (IDVA). IDVA initially sought to bypass the top-ranked candidate in favor of the second-ranked candidate, a veteran with combat experience. Based on IDVA's representation regarding the value of veteran experience to the position, HEM directed IDVA to invite additional veteran applicants to interview for the position. Three additional interviews were conducted. The top-ranked interviewee was a veteran candidate interviewed in the second round of interviews. HEM agreed with the final selection decision. HEM recommended that going forward, IDVA provide candidates with a copy of the interview questions to reference during their timed interview and noted that all candidates interviewed in the same interview sequence – even where interviews are conducted months apart – should be given the same amount of interview time. HEM also recommended that IDVA follow the candidate scoring procedures set forth in the CEP. In addition, HEM recommended that IDVA ensure that CEFs for all interviewees are fully completed and maintained within the hiring file. Lastly, HEM identified that IDVA should ensure that the Hiring Plan is in place prior to posting any position and to include reviewing and updating the position description (PD) to appropriately reflect all qualifications upon which the final selection decision will be made before posting the position. HEM requested a response to this Advisory from IDVA and CMS and a copy of the clarified PD for the Field Services Manager identifying veteran experience as a requirement for the position.

In response to a complaint referral, HEM reviewed three hiring sequences for the IDHS Director of Nursing for one of the State-Operated Developmental Centers (SODC). After HEM monitored the second sequence, HEM raised a number of questions and issues with IDHS and CMS. IDHS, CMS, and HEM met to discuss these concerns, and IDHS agreed to cancel the second sequence, formulate minimum requirements that would be consistently used for all Director of Nursing positions at SODCs, and repost the position using SuccessFactors. Based on HEM's monitoring of the third sequence, HEM found the selection to be justifiable but made several recommendations. Given the size of the agency, HEM encouraged IDHS to review similar types of positions and set processes in place so that position requirements cannot be changed by a subgroup or facility without prior approval. HEM noted that this already happened, given a recent flag by the human resources staff for one of the mental health centers. HEM recommended that IDHS continue to seek HEM or CMS Compliance's help in enforcing this at the facilities, if necessary. HEM also recommended that IDHS screen candidates for minimum qualifications before proceeding to interviews. HEM reminded the agency to review CEP paragraphs 58 and 60 regarding documentation and reporting of temporary assignments and that the agency should ensure there is strong rationale for temporarily assigning someone who does not meet the minimum qualifications. Finally, HEM reminded the agency that all relationships must be disclosed, and this error was another reason HEM requested that the second sequence be reposted. To avoid reposts in the future, the agency should ensure paperwork is properly completed.

HEM also requested that IDHS or CMS provide an explanation, which is not yet due, of the recent changes to the previous Director of Nursing position to the Assistant Director of Nursing and how this change was categorized in the personnel system for the incumbent.

HEM Exempt Employment Reviews

Exempt Appointments and Exempt List Modifications

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.

Fourth Quarter

This quarter, HEM received and reviewed seventy-seven exempt appointment notifications for positions on the Exempt List to verify that the selected candidate met the minimum qualifications of the position being filled.

2021 Year-End

For this calendar year, HEM received and reviewed 334 exempt appointment notifications for positions on the Exempt List

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

Fourth Quarter

This quarter, HEM received fifteen Exempt List addition requests and three Exempt List deletion requests.

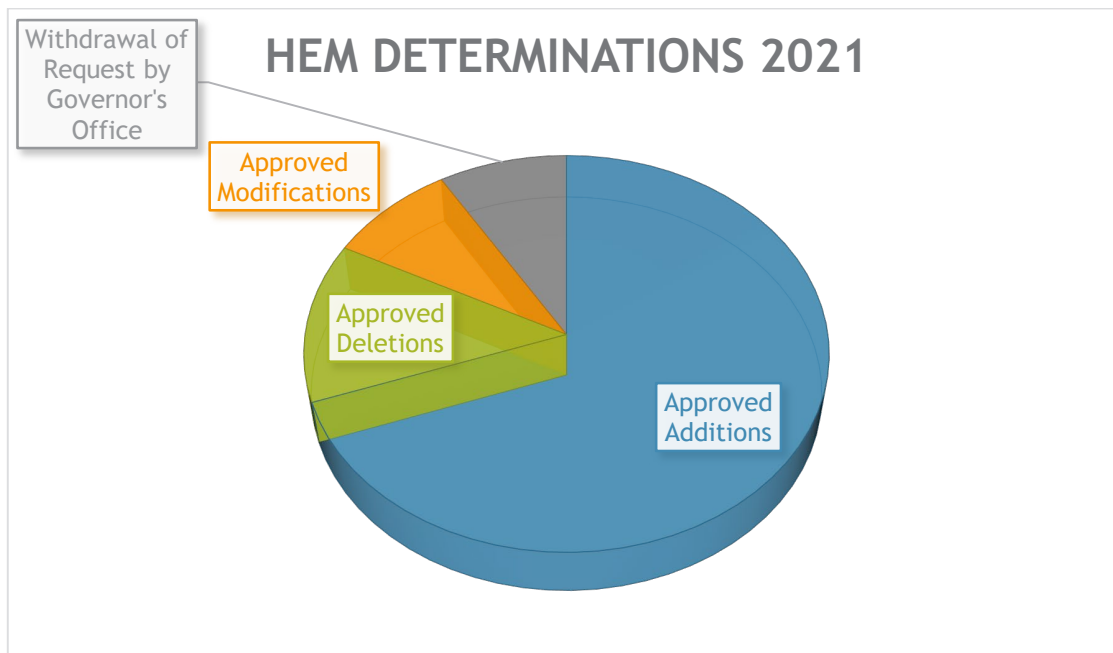
HEM made the following determinations on Exempt List modification requests this quarter:

Exempt List Additions and Deletions by Agency - Fourth Quarter 2021		
Agency	Working Title	OEIG Determination
Illinois Department of Lottery	Chief Transformation Officer	Approved Addition
Illinois Department of Human Services	Firearm Violence Prevention Senior Policy Advisor	Approved Addition
Illinois Department of Human Services	Hospital Administrator	Approved Addition
Illinois Department of Insurance	Deputy General Counsel	Pending Addition
Illinois Department of Insurance	Deputy General Counsel	Pending Addition
Illinois Department of Insurance	Senior Insurance Advisor	Pending Addition
Abraham Lincoln Presidential Library and Museum	Director of Marketing and Guest Experience	Pending Addition
Abraham Lincoln Presidential Library and Museum	Director of Public Programs and Community Engagement	Pending Addition
Abraham Lincoln Presidential Library and Museum	Development Director	Pending Addition
Abraham Lincoln Presidential Library and Museum	Museum Guest Services Division Manager	Pending Deletion
Abraham Lincoln Presidential Library and Museum	Marketing & Sales Division Manager	Pending Deletion

Agency	Working Title	OEIG Determination
Illinois State Police	Director of Legislative Affairs	Pending Addition (Renewed)
Illinois Department of Healthcare & Family Services	Chief of Staff	Pending Addition
Illinois Department of Healthcare & Family Services	Chief Operating Officer	Pending Addition
Illinois Criminal Justice Information Authority	Communications Media Administrator	Pending Addition
Illinois Criminal Justice Information Authority	Deputy Chief of Staff	Pending Addition
Illinois Criminal Justice Information Authority	Program Analyst Director	Pending Addition
Commission on Equity and Inclusion	General Counsel	Pending Addition
Commission on Equity and Inclusion	Chief Fiscal/Human Resources Officer	Pending Addition
Commission on Equity and Inclusion	Private Secretary	Pending Addition
Commission on Equity and Inclusion	Chief of Staff/Data Analytics	Pending Addition

2021 Year-End

In this calendar year, HEM received a total of forty-one Exempt List modification requests, including thirty-four addition requests, five deletion requests, and two modifications requests.⁴ HEM approved sixteen addition requests, three deletion requests, and two modification requests in 2021. Two addition requests were withdrawn this year.



⁴ One addition request received and withdrawn in the third quarter was resent during the fourth quarter. The requests are counted separately in each quarter.

Exempt 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.

Fourth Quarter

HEM reviewed ninety-nine clarifications to Exempt List position descriptions. HEM did not object to any clarifications this quarter.

2021 Year-End

This calendar year, HEM reviewed 478 clarifications to Exempt List position descriptions. HEM did not object to any clarifications this year.

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 PSC to submit the request in writing to the CMS Chief Compliance Officer, HEM, Plaintiffs' Counsel, and the Special Master, while acting. (See paragraph 68 of the amended CEP.) The request – which must be submitted prior to the individual starting work under the PSC – must include the rationale for the PSC, a copy of the contract, and certification that the work to be performed is exempt work and the contractor is minimally qualified to perform that work.

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

Fourth Quarter

During the fourth quarter, HEM received, reviewed, and did not object to the exempt classification of the following three requests for exempt PSCs:

Exempt PSC Requests – Fourth Quarter 2021		
Agency/Entity	Position Title	Contractor
Illinois Criminal Justice Information Authority	Project Administrator	Norman Kerr
Illinois Criminal Justice Information Authority	Project Administrator	Rebecca Janowitz
Illinois Department of Juvenile Justice	Expert Consultant <i>R.J. vs. Mueller</i> Consent Decree	Dr. Peter Leone

2021 Year-End

In 2021, HEM received, reviewed, and did not object to the exempt classification of eleven requests for exempt PSCs.



IV. Political Contacts

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 nine reports of Political Contacts summarized as follows:⁵

- Three reports each identified an applicant for positions at IDHS who listed previous work or volunteer experience for a politician or political campaign in the applicant's application materials.
- Two separate reports were filed regarding two applicants for positions at IDHS who listed a politician or an individual that has held an elected position as a reference.
- Four reports were filed regarding inquiries made by a politician or his/her staff about a position or application for a position:
 - One report identified a legislative staffer for an Illinois State Senator who contacted IDHS to ask how to proceed with helping a constituent who had missed his scheduled interview for an IDHS position. CMS instructed the agency to proceed with the sequence without adding the candidate to the interview schedule, since the candidate did not respond by the deadline. CMS also stated that the return call to the legislative staffer should come from the agency's legislative liaison who should explain that the constituent would need to contact the IDHS Bureau of Human Resources with questions about the position.

⁵ Two duplicate reports were also submitted this quarter and not included in this total.

- One report identified a legislative staffer for an Illinois State Senator who inquired whether it would be appropriate for the Senator's office to submit a letter of recommendation for an unnamed applicant for a specific job title at CMS. The CMS Legislative Liaison who was contacted responded that it would not be appropriate for the job title. CMS Compliance concurred.
- One report identified a contact made by an Illinois State Representative to a CMS Legislative Liaison on behalf of a constituent who had applied for a position with the Illinois Liquor Control Commission (ILCC). The CMS Legislative Liaison connected the State Representative with the ILCC Legislative Liaison to inquire if the position had been filled yet. Since the specific person applying was not discussed, CMS Compliance had no further questions.
- One report was filed regarding an inquiry made by an Illinois State Representative legislative staffer interested in work at the Abraham Lincoln Presidential Library and Museum (ALPLM); an agency employee responded and sent the staffer a job announcement, and the staffer notified the ALPLM employee that he submitted an application. CMS Compliance confirmed that the ALPLM employee did not have a role in filling the vacancy and did not make anyone at ALPLM aware that the contact would be applying.



V. 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 transferred 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).⁶ Pursuant to the Ethics Act, the EEC is the only entity permitted to determine the public release of OEIG founded summary reports.

⁶ The exception is when the OEIG forwards a complaint to the Attorney General's Office to pursue an Ethics Act violation before the EEC.

Fourth Quarter

At the close of this quarter, the OEIG had twenty-four hiring-related investigations pending.⁷ Eight hiring-related investigations were closed this quarter.

During the fourth quarter, the OEIG issued two founded reports related to hiring.

This quarter, the EEC did not make any OEIG founded reports related to hiring available to the public.

2021 Year-End

At the end of this year, twenty-four hiring-related investigations remained opened. Twenty-Four hiring-related investigations were closed this year.

During 2021, the OEIG issued four founded reports related to hiring.

During 2021, the EEC made five OEIG founded reports related to hiring available to the public. These OEIG founded report are:

- In re: JuanPablo Prieto, Case #19-01088
- In re: G. Scott Viniard, Case #19-02266
- In re: William “Bill” Patterson and Thomas Benner, Case #18-01651
- In re: Ruthshell Walker, Case #19-02048
- In re: Jay Singh, Case #19-01857

One of these, In re: Jay Singh, was made public during the third quarter but was inadvertently excluded from the HEM Report. This report is summarized below.

Redacted reports from past quarters and fiscal years are available at www.inspectorgeneral.illinois.gov.

⁷ These numbers include all entities under the jurisdiction of the OEIG and are not limited to the agencies affected by the *Shakman* litigation.

In re: Jay Singh, Case #19-01857

The OEIG received complaints involving the Illinois Teachers' Retirement System (TRS) Chief Information Officer (CIO) Jay Singh and as part of this investigation examined Mr. Singh's hiring of candidates from his personal business, Singh 3 Consulting, Inc. (Singh 3), for contractual positions at TRS.

The OEIG investigation revealed that as the TRS CIO, Mr. Singh was actively involved in filling a TRS Business Analyst position through a process in which TRS issued a Task Order Request to approved contractors who then submitted subcontracted candidates for the positions. The investigation revealed that for a Task Order Request that was awarded to a Singh 3 candidate, Mr. Singh updated the position description, directed a TRS employee to issue the Task Order Request, rejected a candidate submitted by another TRS contractor, directed a TRS employee to schedule interviews with the Singh 3 candidate and other candidates that Mr. Singh identified, and signed the document executing the award to the Singh 3 candidate.

Prior to becoming the TRS CIO, Mr. Singh served as the President and Chief Executive Officer of Singh 3 and was involved in awarding TRS contractual positions as a contractual Project Manager for TRS. Although Mr. Singh claimed to have severed all ties with Singh 3 when he became the TRS CIO, evidence uncovered in the OEIG investigation showed that for months after becoming the TRS CIO, Mr. Singh continued to be listed in the Singh 3 corporate records as the CEO and Registered Agent, and his personal cell phone number and an e-mail address in his name were listed on the Singh 3 website as contact information for the business. Also, while serving as the TRS CIO, Mr. Singh's family member was listed as an "Authorized Person" for the corporation and other family members were listed as officers in Singh 3 and owned the home where Mr. Singh lived. Additionally, in the six months after becoming the TRS CIO, over \$30,000 was paid from the Singh 3 checking account to a credit card company account in transactions that were identified in the name of "Jay Singh." While the OEIG's investigation was pending, Mr. Singh resigned from TRS employment.

The OEIG found that there was reasonable cause to conclude that Mr. Singh had a conflict of interest as the TRS CIO when he was involved in awarding a position to a candidate subcontracted through a business that he and/or his close family members operated. TRS implemented the OEIG's recommendations that a copy of the OEIG's Final Report be placed in Mr. Singh's TRS personnel file, Mr. Singh not be rehired, and Singh 3 no longer be utilized as a contractor or subcontractor. TRS also implemented the OEIG's recommendations to develop more detailed procedures for identifying and addressing conflicts of interest and was in the process of ensuring that employees are aware of and trained on these procedures.



VI. Appendix

Percentage of Exempt Positions by Agency Fourth Quarter 2021		
Agency	Agency Headcount ¹	% Exempt Positions ²
Abraham Lincoln Presidential Library and Museum	86	14%
Aging	160	10%
Agriculture	402	5%
Arts Council	14	29%
Capital Development Board	135	16%
Central Management Services	719	7%
Children and Family Services	2949	2%
Commerce and Economic Opportunity	292	16%
Corrections	12130	1%
Council on Developmental Disabilities	7	14%
Criminal Justice Information Authority	81	11%
Deaf and Hard of Hearing Commission	4	50%
Emergency Management Agency	202	9%
Employment Security	1129	2%
Environmental Protection Agency	668	3%

1 The agency headcount was obtained from the FY2021 SERS Headcount Tracker Table (June 2021) provided in the FY2022 Budget Summary.

2 The percentage was obtained using the number of exempt positions on the December 1, 2021 Exempt List and the agency headcount.

Agency	Agency Headcount	% Exempt Positions
Financial and Professional Regulation	414	16%
Gaming Board	154	10%
Guardianship and Advocacy Commission	108	10%
Healthcare and Family Services	1867	2%
Human Rights	130	12%
Human Services	13075	0.8%
Innovation & Technology	698	9%
Insurance	205	11%
Juvenile Justice	792	5%
Labor	90	12%
Liquor Control Commission	43	21%
Lottery	144	6%
Military Affairs	218	2%
Natural Resources	1359	2%
Prisoner Review Board	21	5%
Property Tax Appeal Board	36	14%
Public Health	1192	4%
Revenue	1295	3%
Sentencing Policy Advisory Council ³	5	20%
State Fire Marshal	143	6%
State Police	2830	0.5%
Transportation	5198	2%
Veterans' Affairs	1178	2%
Total	50173	2%

³ The agency headcount was based on information found on the agency's website.