


# Hiring & Employment Monitoring Report



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

Third Quarter  
2020





## Message from Executive Inspector General Susan Haling

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The Hiring & Employment Monitoring Report provides an overview of the Office of Executive Inspector General's (OEIG) investigative and compliance work as it relates to State hiring and employment. This report includes statistics and summaries of hiring reviews conducted and recommendations provided by the Hiring & Employment Monitoring Division (HEM) during the third quarter of 2020, which ended on September 30, 2020. The quarterly report is in addition to the OEIG published founded reports, newsletters, and annual reports that already exist, and highlights the important work that has been done to ensure hiring reform, best practices, and compliance with the current Comprehensive Employment Plan (CEP) for all relevant State hiring.

With the Covid-19 pandemic remaining a threat, State agencies continue to conduct most interview sequences remotely via teleconference or video conference for optimal safety. This has enabled HEM to execute a robust interview monitoring schedule and refine our remote monitoring process. HEM has been proactively meeting with interview panels prior to the start of interviews, which has helped ensure a more compliant process.

HEM produced 23 Advisories this quarter, bringing the total number issued this year to 78. So far, HEM's Advisories have addressed hiring sequences and related processes at 28 agencies statewide. We are already seeing improvements. Based on HEM's persistent Advisory recommendations, CMS revised the Conflict of Interest Certification & Disclosure form, renaming it the Relationship Disclosure & Conflict of Interest Certification, and provided training to the agency personnel officers on August 13, 2020. The new form and corresponding guidance clearly require that all relationships – including work relationships – must be disclosed and anyone, even screeners and non-scoring panel members, must complete a form. Additionally, CMS and HEM began a multi-part training series on the CEP, which will cover all aspects of hiring, from initiation to selection.

This quarter, HEM also welcomed the new CMS Chief Compliance Officer, Vernon Jakoby. The CMS Chief Compliance Officer plays a vital role in ensuring merit-based State hiring. Under the CEP, the Chief Compliance Officer is primarily responsible for the Bureau of Personnel's statewide compliance efforts involving both exempt and non-exempt hiring processes. Agencies may still reach out to HEM, and HEM has noticed an increase in agencies contacting HEM proactively to review hiring-related compliance issues. HEM encourages agencies to continue to do so.

The following Third Quarter Report 2020 describes the OEIG's investigative and compliance work on State hiring from July 1, 2020 until September 30, 2020.

Sincerely,

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

Executive Inspector General



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# I. Overview

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

The State Officials and Employees Ethics Act (Ethics Act), 5 ILCS 430/1 *et seq.*, established the 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](http://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.

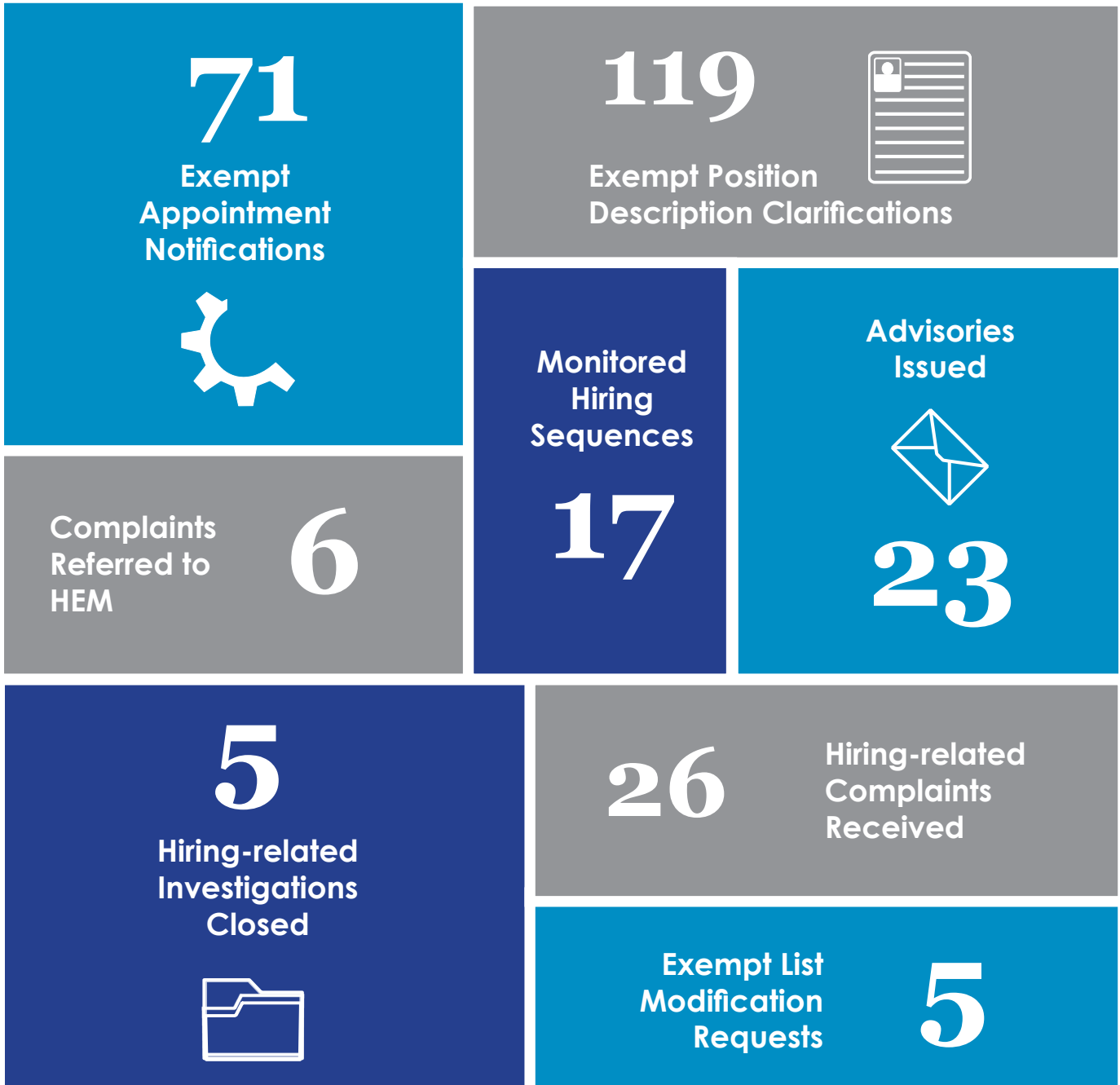
As part of HEM's compliance work, HEM monitors hiring sequences — which includes in-person or virtual, real-time monitoring of interviews — conducts desk audits, and reviews term appointment renewals, complaint referrals, and Political Contacts. HEM also works with the *Shakman* court-appointed monitor,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

During the third quarter of 2020, HEM staff monitored 17 hiring sequences, completed 10 desk audits, and reviewed 18 term appointment positions to ensure that individuals were selected pursuant to a truly competitive selection process. HEM staff also reviewed 71 exempt appointment notifications and 119 exempt position description clarifications and received 5 Exempt List addition requests. Since July 1, 2020, HEM has issued 23 Advisories.



# STATISTICAL PERFORMANCE

## AT A GLANCE: SELECTED HIRING AND EMPLOYMENT METRICS FOR THE REPORTING PERIOD



## II. HEM's Compliance Reviews

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This quarterly report provides an overview of the activities of the OEIG during the period from July 1, 2020 through September 30, 2020. 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, in part, by communicating directly with agency human resources personnel or reviewing agency postings on [work.illinois.gov](http://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.

This quarter, HEM monitored 17 hiring sequences.

### **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.

During the third quarter, HEM completed 10 desk audits.

## 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 18 term appointment renewals.<sup>1</sup>

## 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 third quarter of 2020, the OEIG received 26 hiring-related complaints. Also, in this quarter, the following actions were taken with regard to hiring-related complaints:<sup>2</sup>

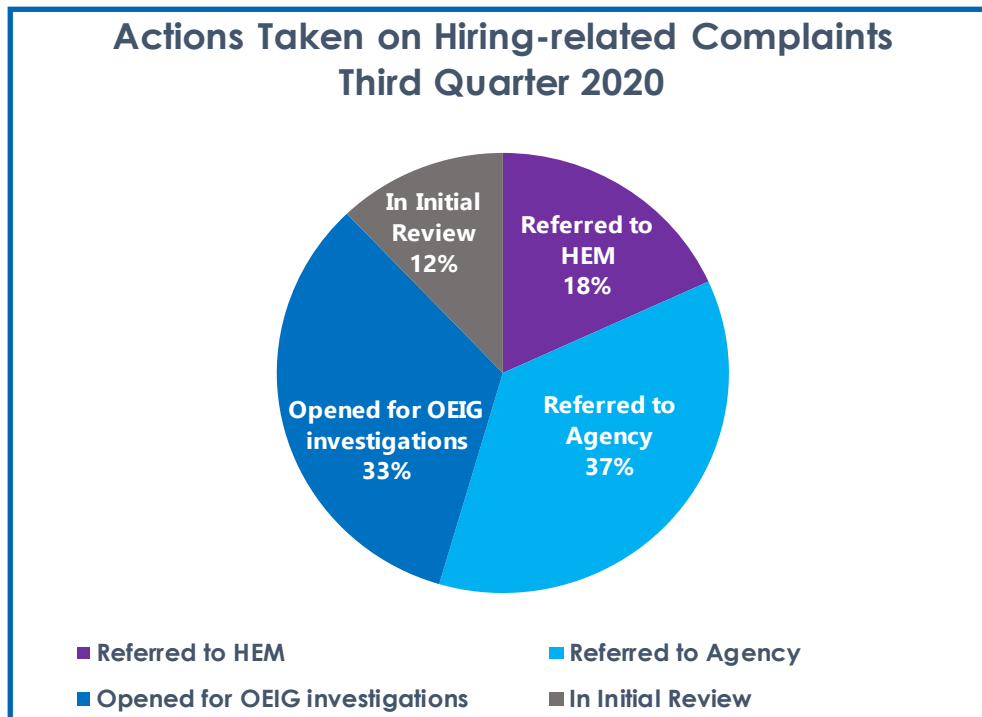
- 6 referred intra-Office to HEM;<sup>3</sup>
- 12 referred back to the subject agency;
- 11 opened for OEIG investigations;
- 4 are still in initial review.

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1 Due to the Covid-19 pandemic, some term appointments due to expire last quarter and this quarter were granted extensions by CMS; HEM continues to work directly with the agencies on these extended term appointment sequences.

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.

3 After a complaint has been referred to HEM, if another complaint with similar allegations is referred, it is the OEIG's practice to close the subsequent complaint into the first complaint. This practice, as well as a system error, resulted in an underreporting of the number of complaints referred to HEM during the first two quarters. During the First Quarter 2020, the number of complaint referrals to HEM was 18 though it was originally reported as 11; the number of complaints referred to HEM in the Second Quarter 2020 was 6 though it was reported as 5.



## Developments & Training

HEM continues to work closely with agency staff to achieve State hiring compliance. Ensuring agency hiring personnel are adequately trained is an integral component of this work. This quarter, HEM assisted in developing training modules or materials for State agencies on:

- the appropriate use and documentation of temporary assignments at IDOT;
- the proper vetting of potential conflicts of interest and updates to the Relationship Disclosure & Conflict of Interest Certification form; and
- compliance with the Comprehensive Employment Plan (CEP).

In September 2020, CMS initiated a State-wide training program on the CEP that was filed in the *Shakman* litigation in November 2019. The training program includes eight virtual sessions. HEM's Director was a co-presenter in the first two CEP training sessions, held on September 22 and September 24, 2020. These trainings focused respectively on compliance with the Exempt Employment Plan and ensuring that position descriptions accurately identify position duties and qualifications. In the upcoming quarter, HEM will participate in six additional CEP training sessions. The feedback HEM has received from agency staff on these trainings has been overwhelmingly positive. HEM looks forward to continuing to train agencies on State

hiring procedures and to observing the compliance impact of these training sessions.

Agencies may contact CMS Compliance or HEM if they are interested in additional training and also expect such trainings if HEM identifies continued issues at an agency.

This quarter, IDOT initiated compliance training, specifically on temporary assignments, minimum required qualifications, and screening – issues that have been raised in HEM Advisories. CMS led the first training on September 10, 2020 which focused on the revised Relationship Disclosure & Conflict of Interest Certification and the new Temporary/Interim Assignment/Job Assignment Request form. The latter form, created by IDOT, is intended to better track and identify temporary assignments. On September 18, 2020, the Special Master's Office led a second training; this one focused on developing and screening of minimum required qualifications.

Based on HEM's persistent Advisory recommendations, this quarter, CMS revised the Conflict of Interest Certification & Disclosure form, renaming it the Relationship Disclosure & Conflict of Interest Certification, and provided training to the agency personnel officers on August 13, 2020. The new form and corresponding guidance clearly require that all relationships – including work relationships – must be disclosed and anyone, even screeners and non-scoring panel members, must complete a form. Although the form changed names during the third quarter, in the Advisory summaries that follow, the form is continually referenced as the Disclosure Form.

Additional examples of hiring process improvements occurred this quarter based on HEM's recommendations. Due to HEM's recommendations in 20-HEM-0050 and 20-HEM-0051, issued July 13, 2020, DoIT modified its current interview scoring sheet to better document changes to the interviewer's initial scores, which is required by the CEP. DoIT implemented the new scoring sheet on July 23, 2020.

Similarly, due to HEM's recommendations in 20-HEM-0068, issued on August 27, 2020, DCFS added language to all interview instruments requiring each interviewer to independently evaluate each candidate by documenting an initial score before the interviewers discuss their scores. The agency has committed to ensuring that any changes in scores will be accompanied by detailed explanations supporting the changes.

## 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 July 1, 2020, HEM has issued 23 Advisories. The substance of these Advisories is set forth below, ordered by the Advisory issue date. In some cases, with the issuance of the Advisory, HEM requested a formal response from the agency, which is also summarized.

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 OEIG Investigations for a more in-depth investigation involving OEIG interviews. This quarter, HEM transferred 3 HEM reviews to OEIG Investigations.

## Advisory Summaries

### **20-HEM-0051**

HEM monitored the interviews and reviewed the hiring documentation for a term appointment renewal for an End User Computing – Chicago Manager at the Illinois Department of Innovation & Technology (DoIT). While HEM did not object to this hiring sequence, HEM made several recommendations. HEM recommended that DoIT take measures to increase the size and competitiveness of its candidate pool, including by participating in the State's new electronic application process. HEM also recommended that the agency follow the candidate scoring procedures set forth in the CEP and refrain from interviewers agreeing to the same score, also referred to as consensus scoring. HEM further recommended that DoIT ensure that the hiring file – including the Screening Justification Form and Bid Record – accurately identifies the total number of applicants and the reason(s) any applicant was not invited to interview, so that hiring decisions can be justified and audited in the future. Finally, HEM recommended that agency personnel clearly identify on their Disclosure Forms all roles played in the hiring sequence and that agency staff who have any involvement in the hiring process complete Disclosure Forms. HEM also spoke with DoIT HR staff regarding the CEP's scoring procedures. HEM and DoIT agreed changing the agency's scoring procedures to comport with the CEP would require modifying DoIT's interview scoring sheet to include a place for interviewers to record and better document any changes to their initial scores. HEM confirmed with DoIT that the changes to the scoring form have been implemented.

### **20-HEM-0053**

HEM monitored the interviews and reviewed the term appointment renewal of a Deputy General Counsel at the Illinois Department of Human Services (DHS). While HEM did not object to this hiring sequence, HEM found that the interviews were scheduled too closely together, resulting in an insufficient amount of time for the interviewers to consistently score immediately after each candidate's interview. HEM recommended that DHS incorporate within the interview schedule sufficient time for scoring after each interview.

**20-HEM-0050**

HEM monitored the interviews and reviewed the term appointment renewal of a Functional Expert – Asset Management at DoIT. While HEM did not object to this hiring sequence, HEM made several recommendations. HEM recommended that, in completing the Screening Justification Form, the agency enter the total number of individuals invited for interview and the total interviewed instead of entering only those invited and interviewed that directly applied to the posting. HEM also recommended that the agency ensure that interviewers document their individual candidate scores and refrain from utilizing consensus scoring.

**20-HEM-0040**

HEM reviewed the term appointment renewal for the Illinois Department of Revenue (IDOR) Electronic Commerce Division Manager. While HEM did not take issue with the agency's selection for the position, HEM recommended that in the future IDOR access the Open Competitive List to increase the competitiveness of its candidate pool and to meet the ideal interview pool size of ten candidates, as stated in the CEP. As an alternative, HEM also recommended that IDOR continue utilizing the State's new electronic application system, which was not used for this sequence. The electronic application system will enable the agency to access a larger and more competitive candidate pool, regardless of whether the applicants are State or non-State employees.



**20-HEM-0049**

HEM reviewed the term appointment renewal for the Illinois Department of Commerce and Economic Opportunity (DCEO) Grants Management Deputy Director position. While HEM did not take issue with the agency's selection for the position, HEM made several recommendations regarding applicant screening. Due to conflicting information on the Screening Justification Form which gave rise to confusion and further inquiry, HEM recommended that the agency review the screening guidance and ensure that the Screening Justification Form accurately reflects how an agency developed its candidate pool. HEM also found the agency's application of the Box 19 minimum requirements problematic and recommended that the agency immediately develop and implement a process whereby Box 19 minimum requirements are applied consistently and are well-documented. Additionally, HEM recommended that the agency revise Box 19 prior to any posting so that it accurately reflects the requirements of the position, such as in this case, grants management experience. While HEM acknowledged that this sequence occurred prior to the CEP, HEM recommended that in the future DCEO access the Open Competitive List to increase the competitiveness of its candidate pool and to meet the ideal interview pool size of ten candidates. As an alternative, HEM also recommended that DCEO consider utilizing the State's new electronic application system, which will enable the agency to access a larger and more competitive candidate pool.

**20-HEM-0048**

HEM monitored the interviews and reviewed the term appointment renewal for the DHS Residential Unit Director position in the Division of Developmental Disabilities. While HEM did not take issue with the agency's selection for the position, HEM noted that this was the second time the agency was receiving an Advisory regarding its failure to fully vet their Disclosure Forms. One of the interview panel members checked the box on the Disclosure Form that stated that she had a present or past relationship or potential conflict of interest. However, she did not complete the back of the form specifying the potential conflict. When asked to explain, the agency personnel representative admitted it was her oversight. During HEM's follow-up with the agency, the personnel representative acknowledged that the agency had already received this recommendation from HEM in a previous Advisory and stated that she understood she needed to be more vigilant in reviewing the Disclosure Forms. HEM will continue to monitor the vetting of potential conflicts at DHS and recommended the agency strategize on how to best ensure that each Disclosure Form is thoroughly vetted.

**20-HEM-0045**

HEM monitored the interviews and reviewed the term appointment renewal for a Program Manager – Central Region in the Division of Monitoring at the Illinois Department of Children and Family Services (DCFS). While HEM did not object to this hiring sequence, HEM recommended that the agency follow the candidate scoring procedures set forth in the CEP by ensuring that interviewers document their initial independent scores immediately following each interview and refrain from using consensus scoring. In conversation with HEM, DCFS acknowledged that its current interview scoresheet does not instruct interviewers against scoring by consensus and interviewers are not otherwise instructed regarding the appropriate candidate scoring method. HEM and DCFS discussed modifying the current form to clearly indicate that consensus scoring should not be used and verbally instructing panel members prior to interview regarding the candidate scoring procedures contained in the CEP. DCFS agreed to do both.

**20-HEM-0063**

HEM reviewed the term appointment renewal of a Division Chief of Administrative Rules and Procedures at the Illinois Department of Public Health (IDPH). While HEM did not object to this hiring sequence, HEM made several recommendations. HEM recommended that IDPH take measures to increase the size and competitiveness of its candidate pool, including by participating in the State's new electronic application process. In addition, HEM recommended the agency ensure that all Disclosure Forms are timely reviewed by agency personnel prior to the start of interviews. HEM also recommended that the agency ensure consistency between Box 19 of the position description and the hiring criteria and interview questions by reviewing and updating the position description prior to posting to appropriately reflect required and preferred qualifications. Finally, HEM recommended that IDPH follow the candidate scoring procedures set forth in the CEP and refrain from using consensus scoring. Because HEM had made several of these recommendations in previous Advisories to the agency, HEM requested a response.

In its response, IDPH agreed that accessing a larger candidate pool will lead to a more competitive process resulting in the selection of the most qualified candidate.

**20-HEM-0007**

In response to a complaint referral, HEM reviewed the hiring documentation for a Clinical Services Supervisor – Centralia Correctional Center at the Illinois Department of Corrections (DOC). HEM did not identify any issues that needed addressing.

## 20-HEM-0068

HEM reviewed the term appointment renewal of an Associate Deputy Director Residential Recruitment at DCFS. While HEM did not object to this hiring sequence, HEM found that DCFS canceled the first hiring sequence without notifying CMS, did not update the position description before posting the vacancy, did not complete Disclosure Forms in a timely manner and ensure the forms were properly vetted, and improperly used consensus scoring in evaluating the candidates. HEM requested a response and granted the agency an extension to file a response due September 30, 2020.

In its response, DCFS stated that it would comply with all recommendations. In particular, the agency will not cancel a hiring sequence without providing an explanation and obtaining approval from CMS. The agency will ensure that all job descriptions are reviewed before positions are posted and interview dates will not be finalized until all disclosures have been received and reviewed. DCFS also added language to all interview instruments providing that each interviewer shall independently evaluate each candidate by documenting an initial score before the interviewers discuss their scores. Any changes in scores will be accompanied by detailed explanations supporting the changes.

## 20-HEM-0074

HEM reviewed the term appointment renewal of a DCFS Area Administrator, Central Region Child Protection. While HEM did not take issue with the agency's selection for the position, HEM recommended that the agency consider alternative ways to recruit applicants and pursue utilizing the State's new electronic application system with CMS. Additionally, HEM discovered that one of the interviewers had not disclosed her professional relationship with one of the candidates. When HEM asked the agency about it, the agency stated that the interviewer had verbally disclosed this information and was incorrectly advised that it was not a conflict that needed to be disclosed as it was a professional relationship. HEM underscored that all relevant relationships with candidates – including professional – are considered potential conflicts and should be disclosed on the Disclosure Form. HEM noted that the new Disclosure Form will help eliminate this repeated error, and HEM will continue to monitor DCFS' implementation of the revised form.

**20-HEM-0042**

HEM reviewed the term appointment renewal of a Deputy Bureau Chief, Bureau of Land at the Illinois Environmental Protection Agency (IEPA). Based on HEM's review of the hiring file, HEM did not take issue with the agency's selection for the position. HEM noted that the agency provided an explanation regarding why the Disclosure Forms were not initially completed correctly and were later revised; HEM determined that this did not affect the outcome of the sequence.

**20-HEM-0073**

HEM reviewed the term appointment renewal of a DHS Deputy General Counsel. While HEM did not take issue with the agency's selection for the position, HEM made several recommendations regarding scoring candidates, using the screening form, and vetting conflicts. HEM requested a response.

In its response, DHS acknowledged the scoring errors and stated that going forward the agency will either use its Shared Drive standard double-check system or, if that is not available, require a second person to verify the scoresheets to ensure accuracy. Regarding the Screening Justification Form, DHS explained that the instructions based on HEM's previous Advisories had not yet been made available to the screeners prior to the form being completed. DHS stated that it was working diligently to make sure that all interviewers are trained properly on the Screening Justification Form and will ensure that the forms accurately reflect the total number of applications that the agency receives. DHS also explained that when vetting the Disclosure Form for the technical advisor, the agency HR staff contacted a DHS Senior Policy Advisor regarding differing opinions on whether a conflict existed. The DHS Senior Policy Advisor agreed with the agency HR staff that a conflict existed, and, thus, the technical advisor was removed from the sequence. The agency discussed their internal process with the CMS Chief Compliance Officer and CMS Senior Policy Advisor and decided that going forward if there are differences of opinion, DHS will seek review from CMS Compliance.

**20-HEM-0065**

HEM monitored the interview and reviewed the term appointment renewal for the Oral Health Division Chief at the IDPH. While HEM did not object to this hiring sequence, HEM recommended that the agency ensure its position descriptions are accurate prior to posting and ensure that panel members are hosting the WebEx interview to maintain their role as the leaders of the interview process and avoid undue candidate involvement or access.

**20-HEM-0061**

HEM monitored the interviews and reviewed the hiring documentation for the IDOT Assistant to the Director, Office of Business and Workforce Development. While HEM did not take issue with the agency's selection for the position, HEM made several recommendations. After reviewing the hiring documentation, HEM inquired as to why four applicants were initially deemed not qualified, but then later re-evaluated and determined to meet the minimum qualifications. The agency explained that one of the applicants appealed the initial determination, and when the agency reviewed internally, they determined that the applicant had been screened out in error. Consequently, all other non-qualifying applications were re-evaluated to identify other applicants who should have been given credit for their degree, resulting in four applicants being added back into the eligible applicant pool. In the future, HEM recommended that the agency include an explanation of any changes to the applicant pool, including applicant appeal letters, in the hiring documentation for transparency and efficient auditing. HEM also recommended that the agency review with their screeners how minimum requirements are to be evaluated to ensure that the minimum requirements are applied consistently.

HEM also recommended that the Screening Justification Form be used for Personnel Code-covered positions, such as this one, moving forward. The Screening Justification Form provides an opportunity for the agency to confirm how the agency developed its candidate pool and identify who was responsible for each step in the process, which CMS has recommended in its guidance. Finally, HEM reminded the agency that any agency personnel that participates in the selection process must complete a Disclosure Form for the hiring sequence, including the screeners.

## 20-HEM-0060

HEM monitored the interviews and reviewed the appointment renewal of a Chief Internal Auditor at IDOT. While HEM did not object to this hiring sequence, HEM found that the individuals who participated in the pre-screening/application screening and who created the hiring criteria, pre-screening/application screening questions or interview questions for the Chief Internal Auditor did not complete Disclosure Forms. In addition, the Education & Training hiring criterion did not fully reflect the minimum requirements found in Box 19 of the position description, and interviewers did not independently score candidates before collectively evaluating the candidates. HEM requested a response.

In its response IDOT stated it would implement HEM's recommendations. The agency further acknowledged that the Disclosure Forms were not completed by all required participants, and that it would ensure all necessary forms are completed moving forward. The agency will check to ensure that the hiring criteria are consistent with the requirements stated in the position description and posting and will adhere to the CEP requirement that interviewers first record independent scores before collectively evaluating the candidates. The relevant language from the CEP pertaining to independent scoring by the interviewers was added to the cover sheet IDOT provides to the interviewers with their interview material.

## 20-HEM-0064

HEM reviewed the hiring documentation and conducted a desk audit of a DoIT/DHS Manager, Families, Children, Elderly and Veterans (FCEV) Cluster. Here, the top-ranked candidate was the incumbent, whose term appointment was set to expire, however, prior to the position being offered to him, the incumbent candidate retired. The agency offered the position to the second-ranked candidate, who declined the position, noting that he was instead accepting another offer with DoIT. The third-ranked candidate, as well as the rest of the candidates, did not meet DHS' scoring threshold of 3.0, so the agency sought and received approval from the CMS Chief Compliance Officer to repost. While HEM did not take issue with the agency's decision to repost the position, HEM included a discussion of a scoring issue that occurred: one of the interviewers had lost her notes for one of the candidates and re-recorded the notes from memory later. While HEM determined that this did not affect the selection, HEM noted it for future reference. Additionally, HEM requested that the agency update HEM when the position has been posted and coordinate with HEM when scheduling the interviews, should HEM choose to monitor the repost. HEM also requested that the agency inform HEM if the agency begins the process to retain the retired incumbent in any manner.

## 20-HEM-0041

HEM reviewed the term appointment renewal of an IDPH Section Chief – Intermediate Care Facilities for Individuals with Intellectual Disabilities and Specialized Mental Health Rehabilitation Facilities. HEM did not object to this hiring sequence, which took place in 2016 – before the CEP was in place. However, HEM recommended that in future hiring sequences, IDPH should invite all qualified applicants to interview unless the agency determines it is impracticable to do so, in which case the agency should apply predetermined screening criteria to develop a more manageable interview pool. HEM further recommended that IDPH ensure consistency between Box 19 of the position description and the hiring criteria by updating the position description prior to posting to accurately reflect required and preferred qualifications. HEM also recommended that the agency follow the candidate scoring procedures set forth in the CEP and refrain from utilizing consensus scoring.

## 20-HEM-0078

HEM monitored the interviews and reviewed the term appointment renewal for a Manager, Division of Resource Management in the Office of Water Resources at the Illinois Department of Natural Resources (DNR). While HEM did not object to this hiring sequence, HEM made several recommendations. First, HEM recommended that DNR ensure consistency between Box 19 of the position description and the hiring criteria by updating the position description prior to posting to accurately reflect required and preferred qualifications. Upon discovering discrepancies in some of the hiring documentation, HEM recommended that the agency ensure that the hiring file accurately identifies all aspects of the hiring process. Lastly, HEM recommended that questions that involve qualifying conditions of employment, such as licensure, be asked outside of the structured interview, such as during the pre-interview screening or pursuant to background checks conducted post-interview.

In response to HEM's recommendations, DNR agreed to instruct agency staff on the significance of updating Box 19 prior to posting and to review its current practice of asking conditions of employment questions during the structured interview. DNR also acknowledged increased attention to detail is needed to ensure accuracy in the hiring file paperwork and committed to providing more support to agency HR staff.

**20-HEM-0069**

HEM monitored the interviews and reviewed the term appointment renewal for a DHS Unit Director – Shapiro Developmental Center. While HEM did not object to this hiring sequence, HEM recommended that when utilizing an Open Competitive List to increase the interview pool of candidates, the agency invite as many candidates as available or feasible, rather than inviting a small number of candidates. Also, in response to DHS’s suggestion that the agency lacks qualified interviewers, HEM reminded DHS that CMS’s new online interviewer training allows any State employee to become a certified interviewer immediately upon the completion of the approximately two-hour training.

**20-HEM-0043**

HEM monitored the interviews and reviewed the term appointment renewal for the Director of Nursing—Anna Veterans’ Home at the Illinois Department of Veterans’ Affairs (DVA). While HEM did not object to this hiring sequence, HEM recommended that the agency ensure that the hiring criteria match the position description and that the agency update and confirm the accuracy of the position description before seeking to fill a position. In addition, HEM recommended that the agency contact CMS if the method used to interview candidates has to be altered, and that, going forward, the interviewers need to create a scoring guide to ensure that all interviewers understand how to properly and consistently score all candidates pursuant to the CEP and CMS Interviewer Training.



**20-HEM-0057**

HEM monitored the interviews and reviewed the hiring documentation for the Division Manager, Banking position at the Illinois Department of Financial and Professional Regulation (IDFPR). While HEM did not object to this hiring sequence, HEM recommended that going forward the agency utilize the Screening Justification Form, which provides an opportunity for the agency to ensure accurate and complete documentation of how the agency formed its candidate pool. HEM also recommended that the agency ensure that interview scores (initial, revised and final), and who assigned them, are sufficiently documented and that interviewers do not seek to score by consensus. In addition, HEM recommended that the agency consider utilizing the State's new electronic application system and recognized that the conflict of interest guidance was previously unclear whether a moderator, who did not score the candidates, needed to complete a Disclosure Form. However, since this sequence concluded, new guidance was issued that clarifies that moderators are also required to disclose any prior relationships with any of the candidates.

**20-HEM-0070**

HEM monitored the interviews and reviewed the term appointment renewal for the Deputy General Counsel at the Illinois Workers' Compensation Commission (WCC). While HEM did not object to this hiring sequence, HEM recommended that the hiring criteria match the position description, particularly where the Knowledge & Experience criterion failed to acknowledge that the position required four years of administrative and legal experience. In addition, as the WCC conducted two interviews via WebEx video and two via audio only, we recommended that interviews be conducted in the same manner, and any deviation should prompt the WCC to contact CMS. Finally, HEM recommended that the agency continue to ensure that performance evaluations are being administered in a timely fashion.

## Advisory Updates

### **19-HEM-0066**

As summarized in HEM's first quarterly report, HEM reviewed the hiring documentation for the IDOT District Safety Representative, Office of Highways Project Implementation, District 9 position in response to a complaint referral. HEM determined that qualified candidates were screened out of the interview process. As the agency did not properly identify all qualified candidates, HEM requested that the agency repost the position and inform HEM, with enough advance notice, of this hiring sequence in order for HEM to monitor the screening and interview process. HEM's Advisory was issued on February 20, 2020.

In this quarter, on August 6, 2020, after prompting by the Special Master's Office and HEM, IDOT responded. In its response, IDOT apologized for its failure to respond earlier, stating that the agency received the Advisory shortly before the Covid-19 pandemic struck Illinois and disrupted normal work schedules. The agency further stated that, prior to the issuance of HEM's Advisory, IDOT determined that the selected candidate had completed her probationary period and was certified in the position. Under the terms of the collective bargaining agreement, the agency stated that it could not repost the position unless it had good cause to remove the hired candidate from her new position. IDOT did not believe it had good cause to remove the candidate based on errors in the applicant-screening process. Therefore, IDOT did not repost the position.

Regarding the disqualified applicants, IDOT did not re-review their applications because the agency believed it was too late to take remedial action. The agency stated that it is in the process of revising its practices to re-evaluate applicants consistently when a question is raised about incorrect screening. IDOT stated it would follow up by August 21, 2020, to detail the updated practices.

HEM replied on August 7, 2020, stating that IDOT's response failed to address why no one informed HEM to discuss the agency's decision that a repost would not occur and thus our recommendation would not be followed. HEM counseled that going forward, Advisory recommendations are to be followed, and if IDOT is unable to implement or disagrees with recommendations, to contact HEM immediately.

## 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.

This quarter, the HEM Director started work with CMS senior staff, including the Chief Compliance Officer, on developing an automated system for State employees to report Political Contacts. This system will include a formal notification process whereby HEM will receive all Political Contacts to review pursuant to the process set forth in the CEP. HEM will continue to work with State personnel to develop and implement this reporting process. CEP training on this topic, which includes HEM, is scheduled to occur in early November 2020.

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 71 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 5 Exempt List addition requests and 0 deletion requests. HEM made the following determinations on Exempt List modification requests this quarter:<sup>4</sup>

<b>Exempt List Additions and Deletions by Agency - Third Quarter 2020</b>		
<b>Agency</b>	<b>Working Title</b>	<b>OEIG Determination</b>
Illinois Department of Human Services	Administrative Services Organization Manager, Division of Mental Health	Approved Deletion
Illinois State Police	Major Case Legal Counsel	Approved Addition
Illinois Department of Financial and Professional Regulation	Deputy Officer, Communications and Coordination, Cannabis Regulation Oversight Office	Approved Addition
Illinois Department of Financial and Professional Regulation	Deputy Officer, Legislation and Rules, Cannabis Regulation Oversight Office	Approved Addition
Illinois Department of Public Health	Serve Illinois Commission Executive Director	Approved Addition
Illinois Department of Public Health	Division Chief for Contact Tracing	Approved Addition
Illinois Department of Public Health	Division Chief for Testing	Approved Addition
Illinois Emergency Management Agency	Bureau Chief, Bureau of Recovery Operations	Approved Addition
Illinois Emergency Management Agency	Homeland Security Policy Advisor for Critical Infrastructure	Approved Addition

### **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 119 clarifications to Exempt List position descriptions. HEM did not object to any clarifications this quarter.

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<sup>4</sup> Some determinations may have been made on requests received in a previous quarter, and some requests made this quarter may not have received a determination yet.

## III. Hiring Investigations

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

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<sup>5</sup> 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 31 hiring-related investigations pending.<sup>6</sup> Five hiring-related investigations were closed this quarter.

During the third quarter, the OEIG issued one founded report related to hiring.

During the third quarter, the EEC did not make any OEIG founded reports related to hiring available to the public. Redacted reports from past quarters and fiscal years are available at [www.inspectorgeneral.illinois.gov](http://www.inspectorgeneral.illinois.gov).

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<sup>6</sup> These numbers include all agencies under the jurisdiction of the OEIG and are not limited to the agencies affected by the *Shakman* litigation.

# Appendices

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A. Leadership

B. Percentage of Exempt Positions by Agency



## A. Leadership

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### **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 Third Quarter 2020		
Agency	Agency Headcount <sup>1</sup>	% of Exempt Positions <sup>2</sup>
Abraham Lincoln Presidential Library & Museum	84	14%
Aging	152	11%
Agriculture	590	3%
Arts Council	13	31%
Capital Development Board	118	14%
Central Management Services	738	7%
Children & Family Services	2850	2%
Commerce & Economic Opportunity	273	18%
Corrections	12600	1%
Council on Developmental Disabilities	6	16%
Criminal Justice Information Authority	69	12%
Deaf & Hard of Hearing Commission	4	50%
Emergency Management Agency	179	9%
Employment Security	1033	3%
Environmental Protection Agency	637	3%
Financial & Professional Regulation	411	16%
Gaming Board	165	8%
Guardianship & Advocacy Commission	106	10%
Healthcare & Family Services	1809	2%

1 The agency headcount was obtained from the FY2020 SERS Headcount (June 2020) in the FY2021 Budget Summary.

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

Agency	Agency Headcount	% of Exempt Positions
Human Rights	130	11%
Human Services	13196	1%
Innovation & Technology	712	9%
Insurance	207	10%
Juvenile Justice	876	4%
Labor	81	14%
Liquor Control Commission <sup>3</sup>	32	28%
Lottery	149	5%
Military Affairs	224	2%
Natural Resources	1490	2%
Prisoner Review Board	25	4%
Property Tax Appeal Board	35	14%
Public Health	1171	4%
Revenue	1364	3%
Sentencing Policy Advisory Council <sup>4</sup>	6	17%
State Fire Marshal	144	7%
State Police	2861	0.4%
Transportation	5181	2%
Veterans' Affairs	1210	1%
<b>% of Exempt Positions Based on Total Headcount</b>	<b>50931</b>	<b>2%</b>

3 The agency headcount was not available in the FY2021 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.