

# Hiring & Employment Monitoring Report

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





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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 their 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](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 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 July 1, 2021 to September 30, 2021, HEM staff monitored 4 hiring sequences and completed 7 desk audits to ensure that individuals were selected pursuant to a truly competitive selection process. HEM staff also reviewed 85 exempt appointment notifications and 71 exempt position description clarifications and received 10 Exempt List addition requests. This quarter, HEM issued 10 Advisories.

The OEIG's Hiring & Employment Monitoring Team includes:

### Erin K. Bonales, Director

Tonya Neal, Supervising Analyst

Marina Bergamo, Analyst

Claire Roche, Attorney

Amanda Thomet, Analyst

Natale Fuller, Attorney

Keshia Wrightsell, Analyst

Porsha Winters, Attorney

Jackie Mullings, Project Manager

Viktorija Legge, Analyst

# STATISTICAL PERFORMANCE

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





## II. HEM's Compliance Reviews

This quarterly report provides an overview of the hiring-related activities of the OEIG during the period from July 1, 2021 through September 30, 2021. 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.

**4**

**Number of Hiring Sequences Monitored During the Third Quarter of 2021**

## 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.

**7**

**Number of Desk Audits Completed During the Third Quarter of 2021**

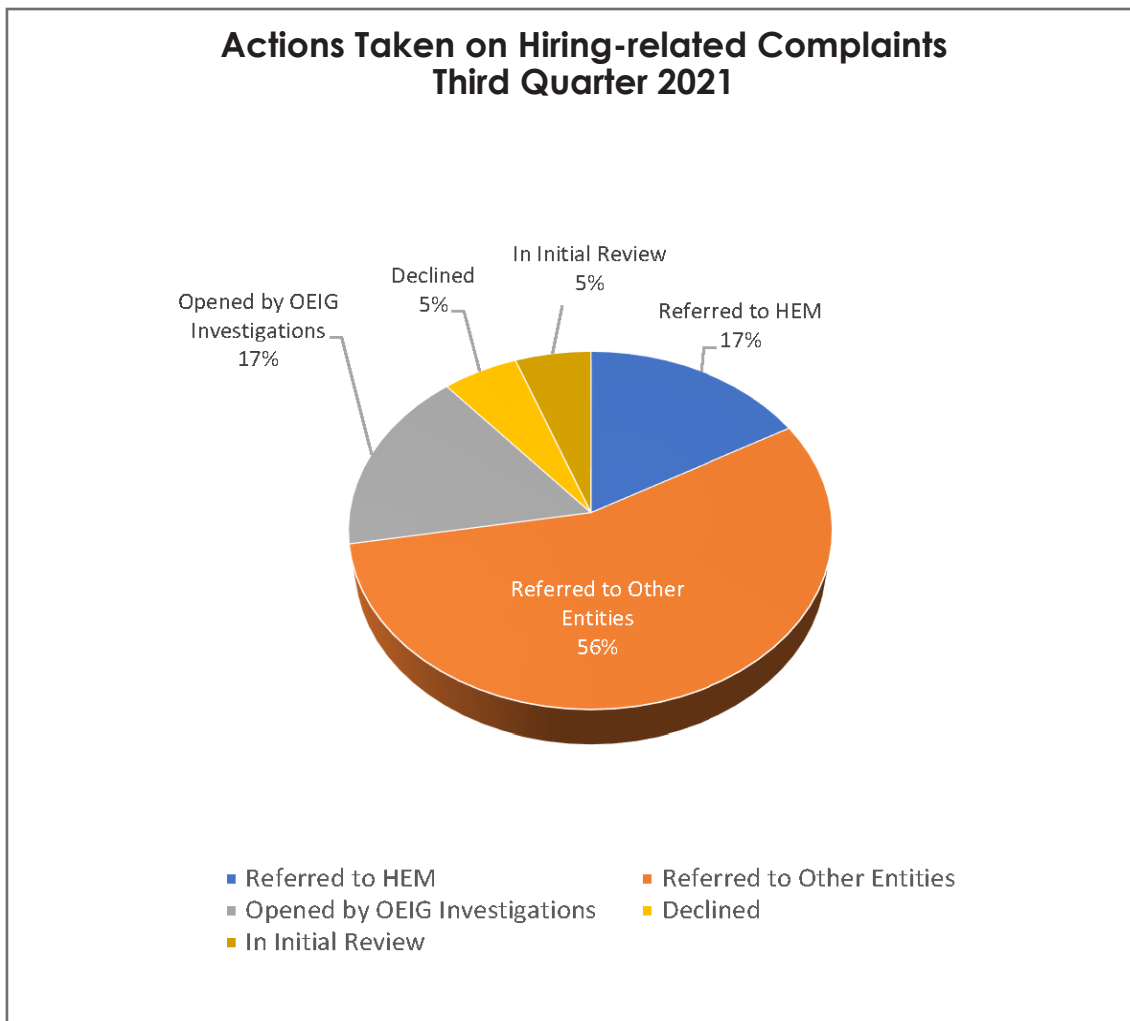
## Complaint Referrals

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.



For the third quarter of 2021, the OEIG received 44 hiring-related complaints.<sup>1</sup> Also, in this quarter, the following actions were taken with regard to hiring-related complaints:

- ◇ 6 referred intra-Office to HEM;
- ◇ 20 referred back to the subject agency or other appropriate entity or law enforcement authority;
- ◇ 6 opened by OEIG Investigations;
- ◇ 2 declined; and
- ◇ 2 are in initial review.



<sup>1</sup> These numbers include all agencies under the jurisdiction of the OEIG and are not limited to the agencies affected by the *Shakman* litigation.

## 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 transferred 1 HEM review to the OEIG Investigative Division.

During the third quarter, HEM issued 10 Advisories.

Based on HEM's review of the hiring file, the following advisories resulted in HEM finding that the agency's selection for the position was merit-based and justifiable without any recommendations:

Advisory	Agency	Position Title	Type of Review
19-HEM-0084	Illinois Department of Central Management Services (CMS)/Illinois Department of Children and Family Services (DCFS)	DCFS position (21721-16-01-100-10-01)	Complaint Referral
20-HEM-0077	Illinois Department of Human Services (IDHS)	Reimbursement Officer II	Complaint Referral
20-HEM-0021/20-HEM-0026 <sup>2</sup>	CMS	Facilities Manager	Complaint Referral
21-HEM-0026	IDHS	Deputy General Counsel	Term Appointment Renewal/Hiring Sequence Monitoring

<sup>2</sup> This review included four related complaints. The first two complaints were determined to be related and were assigned the same HEM number (20-HEM-0021). Because it was not immediately recognized that the third complaint contained the same subject matter as the first two complaints, this complaint was assigned a new HEM number (20-HEM-0026). The fourth complaint was closed down to 20-HEM-0021 and 20-HEM-0026.

The substance of the remaining Advisories is set forth below. 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-0013**

HEM monitored the hiring sequence and reviewed the hiring file for the Illinois Department of Public Health (IDPH) Assistant Deputy Director – Office of Disease Control, a term appointment position. During and after the sequence, HEM made several recommendations, based on the HEM monitor's observations, to ensure interviews were conducted as consistently as possible. After one candidate asked if she could consult her resume during her interview, and the interviewers granted her permission to do so, HEM recommended that the interviewers refrain from instructing candidates that they were prohibited from accessing reference materials during their virtual interviews. HEM also recommended that IDPH conduct the remaining interviews using the same method (i.e., all via video or all via audio only), and ensure all candidates had the same opportunity to view the interview questions in writing. IDPH implemented all of HEM's recommendations for the remaining interviews.

In the Advisory, HEM acknowledged the challenges agencies face in conducting virtual interviews during the continuing pandemic. HEM recommended that for virtual interviews IDPH consider implementing a complete prohibition on candidates accessing reference materials (including their resumes and application materials), since it is difficult in a virtual setting for interviewers to determine whether candidates are accessing permissible – or impermissible – materials. HEM also recommended that IDPH determine logistical details of the interview process, such as identifying which interviewer will serve as the proctor, before the interview sequence begins, so interviews are conducted without delay or distraction. IDPH responded to the Advisory, indicating the agency had discussed HEM's recommendations with Human Resources staff, intended to work more closely with its hiring offices going forward, and had revised several guidance documents.

CMS also responded to this Advisory, stating that CMS is developing training for interviewers to ensure agencies have clear guidance on whether candidates are permitted to access any reference documents during virtual interviews and to remind agencies that interviews must be conducted in a consistent manner. CMS further stated it would remind agencies to make a plan or checklist before interviews begin to avoid delay or distraction.

## **21-HEM-0015**

HEM monitored the interviews and reviewed the hiring file for the IDPH Division Chief of Population Health Management, a term appointment position. Based on HEM's review of the hiring file, HEM recommended that the CMS Hiring Lead, who is responsible for documenting the agency Subject Matter Expert's (SME) decisions and justifications, enter more detailed notes or refer a compliance reviewer elsewhere to obtain the notes, so that there is a sufficient record. HEM also noted that the agency was surprised and confused by disqualification occurring during the SME review step as it had been understood that disqualifications would already have taken place during the CMS validation step.

Thus, HEM recommended that CMS provide further guidance to agencies in this area of SME review and/or disqualification of applicants in the SuccessFactors process. HEM also recommended that CMS review its internal validation process and determine if and where improvements can be made to better support CMS validators in making screening decisions.

Additionally, HEM recommended that if a hiring sequence results in the SME disqualifying a significant number of applicants, the agency may want to consider clarifying and/or defining the minimum requirements so that the requirements can be applied by someone who is not a subject matter expert. HEM also suggested that the agency consider how a question that includes examples can lead to people answering with just those examples and reminded the agency that interviewers are allowed to ask follow-up questions that relate to the initial interview question.

In response to a complaint referral, HEM reviewed the 2019 hiring file for a position at the Illinois Department of Healthcare and Family Services (HFS). During HEM's review, it was revealed that the agency held a second hiring sequence, also in 2019, to hire an additional person for the position as an additional identical. HEM also reviewed this second sequence. Based on HEM's review of the two sequences, HEM noted that the agency must be mindful that candidates need to be minimally qualified to be invited to interview. If an agency decides that a position description should include additional requirements beyond the class specification, then agencies need to do a qualification check for any added requirements. Furthermore, agencies can request that Open Competitive List candidates provide an updated application to confirm they meet the heightened requirements of the position. Alternatively, HEM recommended that the agency modify the minimum requirements before posting, if appropriate. While HEM recognized that this issue should be alleviated by the electronic application system, which allows the agency to list all requirements at the outset, HEM reiterated that agencies must ensure that minimum qualifications are met.

Additionally, for both sequences, which occurred in 2019, prior to the implementation of the CEP, the interviewers' scores were neither recorded on the interviewer notes nor on a composite scoresheet. HEM's reviews of other HFS hiring sequences that occurred during and after the subject sequences did not find these scoring issues present. Thus, HEM recommended that HFS continue, as it has since these 2019 hires, to follow the candidate scoring procedures set forth in the CEP. For the first sequence, one of the interview questions was also readily ascertainable by evaluating candidate applications, so HEM recommended rewording this question to obtain additional information about candidates' educational or professional development backgrounds.

Also, for the first sequence, the Relationship Disclosure and Conflict of Interest Certification form (Disclosure Form) for one interviewer was not completed until October 2020, after HEM requested the hiring file for this sequence. For both sequences, none of the interviewers' Disclosure Forms were signed by the agency personnel officer, as in 2019 this signature line had not yet been added to the form. To verify that HFS was currently correctly using the revised August 2020 Disclosure

Form, HEM requested and reviewed the Disclosure Forms from HFS probationary appointment hires between January 1, 2021 and April 1, 2021, which resulted in four sequences. All of the Disclosure Forms for these four sequences were signed by both the interviewer and the agency personnel officer.

Finally, HEM recommended that the agency review the procedures for requesting CMS authorization for an additional identical and ensure such authorization occurs prior to conducting a sequence, so that any questions or concerns about utilizing an additional identical can be addressed at the outset, rather than potentially wasting time and resources in conducting a sequence that may not be authorized.

## **21-HEM-0017**

HEM reviewed the hiring file for the Director of Nursing at the new Chicago Veterans' Home at the Illinois Department of Veterans' Affairs (IDVA). In reviewing the hiring file, HEM found that the position had been posted twice before, resulting in two canceled hiring sequences. HEM requested the hiring files for the two previous sequences. After reviewing the hiring files for all three sequences, HEM agreed with IDVA's decision not to hire any of the interviewees from the first two sequences. For both canceled sequences, IDVA interviewed a combined total of only three candidates. The interview documentation supported IDVA's assertion that none of the three earlier interviewees were strong candidates for the position. IDVA received more applications in response to the third posting, resulting in a competitive hiring sequence that included several strong candidates and produced the most qualified candidate for selection. HEM made several recommendations in relation to the two canceled sequences.

First, HEM recommended that IDVA obtain CMS' approval to cancel a hiring sequence in accordance with the CEP, which was not done for the first canceled sequence. Second, HEM recommended that IDVA consider establishing a minimum interview score prior to posting, to support the agency's decision not to hire low-scoring candidates. Similarly, HEM recommended that IDVA develop preferred responses to the interview questions. HEM also recommended that IDVA ensure consistency between Box 19 of the position description and the hiring



criteria by reviewing and updating the position description prior to posting to appropriately reflect required and preferred qualifications. Finally, HEM recommended that IDVA identify the requirement to be on-call at all times in the posting, so that individuals who are unable or unwilling to meet this condition of employment do not apply or interview for the position.

## **21-HEM-0037**

During an investigation into potential allegations of time abuse and misuse of State resources, the OEIG learned that an employee of the Illinois Environmental Protection Agency (IEPA) in the Public Water Supply Division had not undergone a performance evaluation in more than two years. The OEIG found that IEPA had a history of noncompliance with the requirement of evaluating its employees annually, dating back to at least 2006 and continuing into the initiation of this investigation in May 2019. However, the agency's compliance has substantially improved and thus, this case was referred to HEM to review and determine if any further recommendations were needed.

More recently, IEPA has taken concrete steps to address problems with overdue performance evaluations. First, IEPA hired a Human Resources (HR) Specialist in January 2019 to track performance evaluations and notify supervisors when evaluations were due. Second, the HR Manager has directed her staff to update the agency's organizational charts to reflect the current, correct supervisory structure. Third, the HR Manager implemented a policy, approved by Director Kim and effective March 1, 2020, that HR would not post an open position unless the evaluations of the section requesting the posting were up to date.

Given, the agency's history of noncompliance, the OEIG wanted to verify sustained improvement and requested updated performance evaluation data as of May 31, 2021. In sum, eight IEPA employees had overdue evaluations. All but two were overdue by less than a year. In August 2021, HEM followed up with IEPA regarding the eight employees that previously had overdue evaluations. IEPA provided administered evaluations for six of the eight, three of which were conducted timely (i.e., within four months of the due date). HEM then sent an inquiry regarding the two employees who had not had

their evaluations completed for the year 2019-2020. In response, IEPA indicated that the outstanding evaluations had been completed and provided copies to HEM, which revealed they were administered at the end of August 2021

While HEM recognized the agency's process improvements regarding the administration of evaluations, HEM recommended that the agency continue its recent efforts to ensure timely administration of evaluations and that the agency implement processes that go beyond sending reminders or alerts – for example, not posting a position unless the division's evaluations are completed, as IEPA did on its own initiative in March 2020 – in order to continue its progress on timely and accurate evaluations. HEM further recommended that CMS staff continue to explore ways to ensure Personnel Code-covered agencies are following this regulation, among other Personnel Rules. One possible way is to incorporate into the HCM system something more than automatic alerts, i.e., until the evaluation is administered, certain employee-related transactions cannot be effectuated.

In response to the Advisory, IEPA provided the various methods the agency is using to ensure timely completion of performance evaluations, including a database that tracks evaluations by due dates, automated emails, an exit check list for supervisors who leave the agency, and monthly reminders. IEPA noted that at that time, except for staff who are on a leave, all annual evaluations are current.

## **21-HEM-0030**

HEM conducted a desk audit of the hiring file for the Abraham Lincoln Presidential Library and Museum (ALPLM) Assistant Editor – Papers of Abraham Lincoln, which was filled as a non-exempt Personal Services Contract (PSC). While HEM found that the contractor was competitively selected in accordance with the CEP provisions for non-exempt PSCs, HEM recommended the agency ensure: (1) consistency between the screening criteria and the minimum qualifications set forth in the PSC, and (2) Disclosure Forms are completed and vetted for all non-exempt hiring sequences, including PSC sequences.



# HEM Exempt Employment Reviews

## 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 85 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 Executive Inspector General (EIG) may initiate such a change. HEM reviews all Exempt List addition and deletion requests from the Governor's Office and recommends approval of or objection to the proposed change to the EIG, who must respond to the Governor's request within 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. This quarter, HEM received 6 Exempt List addition requests, 3 Exempt List deletion requests, and 1 request to substantially modify an Exempt List position.

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

<b>Exempt List Additions and Deletions by Agency - Third Quarter 2021</b>		
<b>Agency</b>	<b>Working Title</b>	<b>OEIG Determination</b>
Illinois Department of Public Health	Chief of Staff	Approved Addition
Illinois Department of Public Health	Division Chief for HIV/Hepatitis/ Sexually Transmitted Infections/ Tuberculosis (HHST)	Approved Addition
Illinois Department of Public Health	Deputy Director, Office of Racial and Cultural Health Equity	Approved Addition
Illinois Department of Public Health	Division Chief of Medical Cannabis	Approved Deletion
Illinois Department of Public Health	Deputy Director – Office of Men’s Health	Approved Deletion
Illinois Department of Public Health	Division Chief of Vital Records	Approved Deletion
Illinois Department of Public Health	Chief Operating Officer	Approved Modification
Illinois State Police	Director of Legislative Affairs	Addition Request Withdrawn
Illinois Department of Lottery	Chief Transformation Officer	Pending 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

## **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.

HEM reviewed 71 clarifications to Exempt List position descriptions. HEM did not object to any clarifications this quarter.

## Exempt Personal Services Contracts

Effective July 15, 2021, the amended CEP requires agencies that seek to hire an individual to perform duties that are consistent with exempt work through use of a Personal Services Contract (PSC) to submit the request in writing to the CMS Chief Compliance Officer, HEM, Plaintiff's 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.

During the third quarter, HEM received, reviewed, and did not object to the exempt classification of the following 8 requests for exempt PSCs:

<b>Exempt PSC Requests – Third Quarter 2021</b>		
<b>Agency/Entity</b>	<b>Position Title</b>	<b>Contractor</b>
Illinois Department of Human Services	Covid-19 Project Director	Cheri Wehmhoff
Illinois Department of Human Services	Covid-19 Contract Administrator for Homelessness	Mary Hebert
Illinois Department of Human Services	Eviction Mitigation Policy Director	Ngoan Le
Illinois Department of Juvenile Justice	Chief of Psychiatry	Dr. Lynn Maskel
Illinois Department of Juvenile Justice	Expert Consultant	Dr. Louis Kraus
Illinois Department of Juvenile Justice	Expert Consultant	Dr. Alan Morris
Illinois Department of Human Services	Behavioral Health Advisor	Dana Careless
Illinois Department of Public Health	Project Manager (ARPA)	None Specified

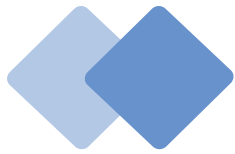


## III. Political Contacts

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 10 reports of Political Contacts summarized as follows:

- Two reports identified that in separate instances candidates for positions at IDHS listed previous work or volunteer experience for a politician or political campaign in the candidates' application materials.
- Eight 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 staffer for an Illinois State Senator who contacted CMS to ask if the senator could submit a recommendation letter for a State position.
  - Four separate reports identified staffers for three Illinois State Representatives and one Illinois State Senator who inquired about the status of constituents' applications for State employment at IDOC, IDJJ, and two unidentified positions. The contacts were made to CMS and IDJJ.
  - Three reports identified contacts made by an Illinois State Senator and a staffer for an Illinois State Senator on behalf of constituents interested in State employment. Two reports were based on the same email contact regarding an IDOT position. The other report was based on a contact about a position at IDHS.



# IV. Developments & Training

## PSC Reporting by Agencies Continues

During this quarter, CMS submitted the State's Personal Services Contract (PSC) Report for the second quarter of calendar year 2021.<sup>3</sup> As agreed upon and stated in the Comprehensive Employment Plan (CEP), agencies are required to report all PSCs (or renewals or amendments to such contracts) to CMS Compliance and HEM on a quarterly basis. The following is a summary showing CMS' reports regarding PSCs in existence in the Fourth Quarter 2020, First Quarter 2021, and Second Quarter 2021.<sup>4</sup>

Agency	# of PSCs Reported Q4 2020	# of PSCs Reported Q1 2021	# of PSCs Reported Q2 2021
Abraham Lincoln Presidential Library and Museum	5	8	8
Aging, Department on	11	9	9
Agriculture, Department of	5	14	23
Capital Development Board	1	-	-
Central Management Services, Department of	11	9	4
Commerce and Economic Opportunity, Department of	7	7	9
Corrections, Department of	10	11	6
Criminal Justice Information Authority	11	12	3
Deaf and Hard of Hearing Commission	1	1	1
Educational Labor Relations Board	2	1	1
Emergency Management Agency	22	26	3
Employment Security, Department of	45	38	47

<sup>3</sup> 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.

<sup>4</sup> According to the reports, eleven State entities did not utilize any PSCs in the Fourth Quarter 2020, First Quarter 2021, and Second Quarter 2021 and are not listed in the table. These State entities are: the Arts Council; Children and Family Services, Department of; Civil Service Commission; Commerce Commission; Developmental Disabilities, Council on; Environmental Protection Agency; Independent Tax Tribunal; Liquor Control Commission; Pollution Control Board; Power Agency; and Sentencing Policy Advisory Council.

<b>Agency</b>	<b># of PSCs Reported Q4 2020</b>	<b># of PSCs Reported Q1 2021</b>	<b># of PSCs Reported Q2 2021</b>
Financial and Professional Regulation, Department of	26	26	40
Gaming Board	1	2	2
Guardianship and Advocacy Commission	0	0	1
Healthcare and Family Services, Department of	28	28	27
Human Rights Commission	9	0	0
Human Rights, Department of	0	1	1
Human Services, Department of	134	120	123
Innovation & Technology, Department of	10	10	8
Insurance, Department of	1	1	0
Juvenile Justice, Department of	13	12	12
Labor, Department of	1	1	1
Labor Relations Board	0	-	1
Law Enforcement Training and Standards Board	4	4	6
Lottery, Department of	1	-	-
Lottery Control Board	-	0	1
Military Affairs, Department of	106	106	117
Natural Resources, Department of	44	27	26
Prisoner Review Board	2	2	2
Property Tax Appeal Board	0	0	3
Public Health, Department of	190	179	140
Racing Board	0	4	8
Revenue, Department of	5	0	0
State Fire Marshal, Office of the	1	1	1
State Police	12	12	11
State Police Merit Board	1	1	1
State Retirement Systems	4	8	5
Torture Inquiry and Relief Commission	-	-	36
Transportation, Department of	6	6	7
Veterans' Affairs, Department of	1	1	0
Workers' Compensation Commission	5	5	5

## **CMS Supplemental Trainings & Interviewer Training**

CMS continued its monthly supplemental training for agency personnel officers. On July 28, 2021, CMS reviewed procedures for canceled sequences. On September 1, 2021, CMS addressed PSC policies and procedures, and on September 29, 2021, CMS discussed SuccessFactors and agency required submissions to CMS Compliance. HEM provided input on the training slides for all three trainings.

CMS also updated the interviewer training module which is available on OneNet under the title CMS Interviewer Certification Training 2021. Here too, at CMS' request, HEM provided material input on the training content.





## 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).<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 28 hiring-related investigations pending.<sup>6</sup> Eight hiring-related investigations were closed this quarter.

During the third quarter, the OEIG did not issue any founded reports related to hiring.

This quarter, the EEC did not make any OEIG founded reports related to hiring available to the public. Previous publicly released reports are available at [www.inspectorgeneral.illinois.gov](http://www.inspectorgeneral.illinois.gov).

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



# Appendix

<b>Percentage of Exempt Positions by Agency Third Quarter 2021</b>		
<b>Agency</b>	<b>Agency Headcount<sup>1</sup></b>	<b>% Exempt Positions<sup>2</sup></b>
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	12%
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 September 3, 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	10%
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 <sup>3</sup>	5	20%
State Fire Marshal	143	6%
State Police	2830	0.5%
Transportation	5198	2%
Veterans' Affairs	1178	2%
<b>Total</b>	<b>50173</b>	<b>2%</b>

<sup>3</sup> The agency headcount was based on information found on the agency's website.