



EXECUTIVE ETHICS COMMISSION

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January 4, 2009

The Honorable Barbara Flynn Currie
Chairperson
House Special Investigative Committee
300 State House
Springfield, Illinois 62706

Dear Chairperson Currie:

On January 2, 2009, the Special Investigative Committee issued a *subpoena duces tecum* to the Executive Ethics Commission for the "Report created by the Office of the Executive Inspector General related to case number 04-00034 and/or dated September 9, 2004." A review of the files of the Executive Ethics Commission indicates that the Commission possesses a copy of the requested report as a part of the investigatory file created by a special executive inspector general appointed by the Commission to undertake an investigation of a separate matter.

Pursuant to subsections 20-90(b) and 20-95(d) of the State Officials and Employees Ethics Act (Ethics Act) (5 ILCS 430/20-90(b), 20-95(d) (West 2006)), the investigatory files and reports of an executive inspector general are generally to remain confidential.

Committee Exhibit 43

Federal and Illinois case law, however, establishes that the General Assembly's power to secure needed information to carry out its duties is a necessary attribute of the power to legislate. *Murphy v. Collins*, 20 Ill. App. 3d 181, 198 (1974), quoting *Greenfield v. Russel*, 292 Ill. 392, 400 (1920); see generally *Watkins v. United States*, 354 U.S. 178 (1957); *Application of Hecht*, 90 Misc. 2d 308, 394 N.Y.S.2d 368 (N.Y. Sup. Ct. 1977). Further, the case law indicates that the power to compel, by subpoena, the production of documents is a logical extension of the inherent powers of the General Assembly to investigate, because without an effective means to implement the power to conduct legislative investigations such power would be rendered worthless. *Murphy*, 20 Ill. App. 3d at 201. Thus, the General Assembly's subpoena powers are very broad. Ill. Const. 1970, art. IV, §§ 7(c), 14; 25 ILCS 5/6 (West 2006). This power is particularly important when the General Assembly is exercising its "core constitutional power to impeach." See *Office of the Governor v. Select Committee of Inquiry*, 271 Conn. 540, 584; 858 A.2d 709, 735 (Conn. 2004) (in ruling that a legislative committee considering whether to recommend impeachment of the Governor could subpoena the Office of the Governor, the Supreme Court of Connecticut reviewed the federal case law and historical record supporting "the legislature's exercise of its core constitutional power to impeach" and noted "the legislative branch has deep historical roots in its records regarding its power to gather all of the necessary evidence in order to make an informed and appropriate evaluation in the exercise of the impeachment process").

The report which is the focus of the subpoena appears to fall within the Ethics Act's confidentiality provisions. Therefore, pursuant to our discussions with, and

advice from, the Attorney General's office and in an effort to balance the statutory confidentiality requirements with the legislature's broad authority to obtain information needed to implement its constitutional power to investigate and, specifically, its power to consider impeachment, the Executive Ethics Commission is producing the report for case number 04-00034 with the understanding that the report will be sealed and reviewed only by you *in camera*.

As part of your *in camera* review, it will be necessary to determine: (1) whether reviewing the report is within the scope of the Special Investigative Committee's duties as set out in House Resolution 1650 and germane to the Committee's legitimate impeachment inquiry; and (2) whether the public interest in unsealing the report and sharing it with the Special Investigative Committee outweighs the statutory confidentiality requirements. If you determine that it is in the public interest to share this report with the Special Investigative Committee members, we would expect that the Committee will consider any necessary measures to maintain the confidentiality of this information.

Very truly yours,



CHAD D. FORNOFF
Executive Director



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

FINAL REPORT

Case No. 04-00034

September 9, 2004

ALLEGATIONS

The Office of Executive Inspector General ("OEIG") received multiple complaints alleging hiring improprieties at the Department of Human Resources ("HR") of the Illinois Department of Employment Security ("IDES"). Specifically, complainants alleged intentional failures to follow the mandates of Rutan, illegally avoiding veterans' preference, and bypassing recognized State hiring protocol. The OEIG concludes, after its investigation, that the allegations are generally FOUNDED.

SUMMARY OF INVESTIGATION

The OEIG investigators interviewed several complainants about the alleged hiring improprieties. According to those complainants, the hiring of numerous IDES employees since January 2003 appeared to be in violation of State law and other personnel procedures and was at times designed to avoid the veterans' preference rules.

Based upon the information provided by the complainants, the OEIG investigators requested and received personnel files for each of the individuals whose hiring was in question. In addition, the OEIG requested and received copies of the Rutan interview files, where applicable, for each case of suspected hiring improprieties. Finally, the OEIG investigators conducted interviews of individuals involved in the hiring process.

The OEIG found that in many of the reported cases, the HR Department of IDES, in conjunction with individuals in the Governor's Office of Intergovernmental Affairs ("GOIA"), manipulated titles, credentials, positions, position location, or other criteria to fit candidates sponsored by GOIA into positions at IDES without following State law or normal State hiring protocol. This task was accomplished through the use of mechanisms designed to avoid veterans' preference hiring in non-exempt positions as well as through the creation of positions, titles, and job responsibilities.¹

I. Background on the IDES HR Department

Director Brenda Russell started work at IDES in January 2003. At that time, Antoinette Crossgrove was the Director of HR and IDES, an agency of 1900 employees, had more than 500 job openings to be filled. Director Russell reported to OEIG investigators that she had learned

¹ The OEIG did not investigate every hiring that has occurred at IDES since January 2003. Thus, this sampling may not represent the entirety of the illegalities in hiring at IDES.

that in order to fill vacant positions at IDES, the procedure was that Joe Cini (Director of GOIA), or someone else at GOIA, would call her to say that they had someone for a job at IDES and they would fax over a resume. The director arranged an interview and GOIA called back to check on how the interview went.²

Director Russell removed Crossgrove from her position shortly after arriving at IDES making the Director of HR position one of many vacancies in the HR department. (The HR Department has approximately 20-25 employees.) With approximately 500 vacant positions at IDES caused by early retirements, Director Russell considered it a priority to fill the HR Director position quickly with someone with HR experience who could hit the ground running. GOIA sent Russell just one resume, that of Georgia Brahos. Russell reported that Brahos' resume did not show much, if any, HR experience and, because of that, Russell did not know that Brahos was interviewing for the Director position until Brahos told her. After the interview, Russell thought Brahos was "okay" and Cini told Russell that if she took Brahos, things (meaning hirings) would go quickly. On February 24, 2003, Georgia Brahos was hired as HR Director, an exempt position.

According to Director Russell, it soon became apparent that Brahos was unqualified to be the Director of HR and on June 15, 2003, Russell replaced Brahos with Tim Walker. Walker, who had extensive prior HR experience, later came under fire because of excessive travel expenses. However, emails reviewed during this investigation also establish that Walker was not well-received by certain HR employees because he was viewed as obstructing attempts to place candidates referred by GOIA in IDES jobs. See Section II(C), below. Walker left state service on May 31, 2004. Elizabeth Nicholson replaced Walker as Acting Director of HR. Several IDES employees in the HR Department told OEIG investigators that George Rada and Surami Garcia (two lower-level HR employees) actually "took over" the HR Department, despite their lack of leadership positions based primarily on their connections to GOIA. The conduct of Rada and Garcia will be discussed in detail infra.

Below, are detailed circumstances surrounding the hiring of eight IDES employees. The information set forth is based upon a review of documents related to the hiring, interviews of other IDES employees, and, in certain cases, an interview of the individual who benefited from the rule manipulations. Each employment decision is presented separate from the others and results in a recommendation specifically related to the circumstance presented.

The narrative begins with sections detailing the hiring of George Rada and Surami Garcia. As will become clear with a complete reading of this report, Rada and Garcia effectively ran the HR Department at IDES along with members of the Governor's Office staff. The opening sections detail the hirings of Rada and Garcia. From there, the report details the actions taken by Rada and Garcia with regard to hiring other employees at IDES.

² Russell's statements are corroborated by email traffic obtained and reviewed by OEIG investigators.

II. Hiring Analyzed

A. Surami Garcia

1. Hiring Information

Surami Garcia is a former employee of the Cook County Clerk's Office. Georgia Brahos, Director Russell's first HR Director, knew Garcia for several years at the Clerk's Office. After working at the Clerk's Office, Garcia worked for the Department of Professional Regulations for three months before being laid off. According to Garcia, after the lay off, Garcia volunteered at the 33rd Ward office of Richard Mell. While at the Ward office, Garcia learned about positions in the Governor's Office with Joe Cini. Upon learning that Brahos was working at IDES, Garcia asked Cini about a position at IDES. Cini told Garcia about an intern position at IDES and indicated that Garcia was qualified.

Garcia attended DePaul University between 1992 and 1996 where she studied communications and earned a Bachelor of Arts degree. In 1996, Garcia went to work for Prestige Credit Services as the Office Manager where she remained until 1998. Beginning in 1998 and continuing until 2000, Garcia worked at the Circuit Court of Cook County in the Clerk's Office as an Administrative Assistant, Clerk V. Finally, between 2000 and 2002, Garcia was the supervisor of the Civil Bureau at the Clerk's Office.

On February 20, 2003, the Governor's Chief of Staff Lon Monk approved the hiring of Surami ("Sudi") Garcia for a Secretary 1 position and a salary of \$46,452. See Memorandum, Subject Department of Employment Services, dated February 20, 2003. Garcia's position was assigned to the Office of the Director and was exempt. The salary range for the position was \$2235-\$3871 per month. See CMS Position Description, Private Secretary I, Position Number 34201-44-00-000-00-51. With this designation, Garcia became Brahos' secretary.

After Garcia was hired, Brahos and George Rada (another HR employee) explained to Garcia why a Public Administration Intern position was the "way to go" rather than the administrative assistant position. Specifically, the Secretary 1 position was not protected since it was an exempt position; the new title would result in a higher salary; and the Intern position would result in a certified, coded position. See Recommendation for the Hiring of Surami Garcia. On February 26, 2003, IDES Director Brenda Russell signed an employment decision form for a Public Administration Intern ("PAI") position for Garcia citing the division assignment and target position of HR Management. See CMS Personnel/Position Action Form, Garcia. At the time of Garcia's appointment, there were 17 Grade A veterans on the CMS list. Thus, Garcia could not be directly hired into the position of PSA. See CMS Listing of Veterans with "A" Grades for 37015 Opt 1 in Cook County between 2/27/02 and 2/27/03.

After starting work as a PAI in February 2003, on October 1, 2003, Garcia was promoted to her targeted position of PSA Option 1, Human Resource Management with a salary of \$4258 per month. See CMS Personnel/Position Action Form, Garcia. According to Garcia's job description, Public Service Administrator, 37015-44-06-500-00-01, Garcia's job responsibilities are as follows:

Directs preparation and content of Special Projects and Workforce Diversity, workshops, and seminars, works with appropriate Divisions and Bureaus to assure scheduling and participation. Manages the Workforce Diversity program for IDES. Plans, coordinates and directs preparation of Workforce Diversity newsletters, information alerts and other publications which are disseminated to all employees or targeted staff in IDES.

Directs activities and coordinates functions and related committees which research issues, programs, policies, actions and proposals for Workforce Diversity; develops recommendations for policy programs, procedures and projects based on these activities.

Develops, monitors and coordinates planning for statewide quality enhancement/employee enrichment projects and programs for IDES. Implements policy for and coordinates projects and programs established or proposed by the Director's Office (awards for excellence in identified activities, "Way to Go" recognition, etc.).

The position description continues but absent from the description is any responsibility for hiring individuals for IDES or, more specifically, management of the hiring of student workers, working with GOIA, or anything other than policy conceptualization, development and implementation. According to a current employee at IDES, Garcia performs none of the tasks detailed on her position description. In fact, the Way to Go recognition program has not been used since Director Russell arrived and no diversity programs have been initiated or provided since Director Russell's hiring.³

Garcia's file also contains a letter reflecting Garcia's service dates at Cook County and a note from Director Russell stating, "This time is fine to transfer." At her interview, Director Russell was questioned about the approved transfer and stated that she agreed to assist Garcia in qualifying for a retirement/pension transfer. See County of Cook, Office of the Comptroller, Letter from John F. Chambers that states Garcia worked for Cook County between June 29, 1998, and October 3, 2002. Approval of a transfer of pension credits would be permissible even though Garcia had no prior State service. However, someone at IDES used the permission given by Director Russell to backdate Garcia's vacation database to reflect a start date of November 23, 1998, thus giving her more vacation time than deserved. At her interview, Garcia claimed that she did not request additional leave time and did not know who did. This statement is not credible as Garcia is the only beneficiary of this windfall. The Key Employee Data Maintenance form, part of the Central Time-Keeping System, indicates that Garcia's vacation base date is November 23, 1998. Accordingly, Garcia accrued 6.25 hours of leave time each pay period just like all new State employees until November 2003 when her hours increased to 9.25 hours since it appeared on the system (due to the manipulation of start dates) that she had worked for the State for over 5 years.⁴

³ The OEIG recommends that IDES, with the assistance of CMS, conduct an audit of certain positions to ensure that the job description accurately describes the day-to-day duties of the employee.

⁴ Georgia Brahos also engaged in similar manipulation of her vacation time while at IDES. She later corrected the vacation database to correctly reflect her start date with the State.

OEIG investigators interviewed Pete Shetter, PSA, who has been working for IDES for 13 years and is a certified Rutan interviewer. During his interview, Shetter was asked why Garcia was interviewed for an intern position when she appeared to have all of the qualifications for the targeted position of PSA. Shetter explained that generally there are three reasons to do so: (1) to avoid calling up a list of veterans; (2) it is a commonly used method of choice for hiring to avoid the veterans' preference and target the specific person you wish to hire; and (3) it is an easy way to get around the CMS Personnel Code.

OEIG investigators also asked Garcia how the State could hire individuals. She explained that the first way is to apply for a position at CMS and get a grade. In her words, the "problem" with this route is that you have to deal with the veterans who have an absolute hiring preference. The second way is if you are a current State employee. The final way is through the Public Administration Intern ("PAI") program. As an intern, the manager can pick whomever s/he wants without going through the veterans' preference or pulling an eligibility list. The intern must have a college education and meet the minimum qualifications from CMS. Each intern receives a targeted title.

Garcia is not a veteran and was not a state employee at the time of her hire, so the only way to ensure her hiring was through the PAI system.

According to the CMS Public Administration Intern Position Code, the following is illustrative of the type of work an intern performs:

As a participant in an agency Public Administration Intern Program, [the intern] participates in an agency sponsored trainee program for a period typically from 6 to 12 months, and up to 24 months for higher level target positions which require advanced management training and skills; receives orientation, in-service and on-the-job training designed to provide general knowledge of programs, service philosophies and objectives of the agency as well as working knowledge of professional career disciplines related to public administration.

The "desirable requirements" list for PAI's states: "requires a bachelor's degree with major course work in public administration, business administration, political science or a related field." Garcia's degree was in communications.⁵

2. Conclusion and Recommendation

Garcia's hiring as a PAI was designed to circumvent the absolute veterans' preference. As is apparent from both the interviews of Shetter and Garcia, the best way to avoid the veterans' preference was to hire an employee as a PAI.

⁵ In addition to her questionable hiring, Garcia has committed serious misconduct while a state employee. For example, while in her HR position, Garcia counseled two IDES employees to falsify their employee application to reflect student status. See Sections II(F) and (G), below. In one case, Garcia herself participated in the falsification. This evidence will be discussed in detail, below.

B. George Rada

1. Hiring Information

According to George Rada, he was Chief of Staff at the Department of Professional Regulations in the fall of 2002 until he was laid off in December 2002. OEIG investigators confirmed that September 16, 2002, through December 31, 2002, Rada was the Chief of Staff for the Department of Professional Regulations under Director Aurelia Puchinski. In December 2002, Rada was laid off. When the Blagojevich administration took over in January 2003, Rada heard "through some political friends" that the Governor's Office was looking for people. Rada claimed that he could not remember the specific individuals who told him that information. Rada learned that Georgia Brahos, an old co-worker, had been hired with IDES. Rada applied through CMS with a resume, application, and grades for PSA and SPSA. See CMS Summary List of Candidate Exams, Rada; CMS-100 Examining/Employment Application. Rada also sent a resume to GOIA.

Rada's prior experience is extensive, but not in the area of human resources. Between 1977 and 2000, Rada worked at the Office of the Clerk of the Circuit Court of Cook County in jobs involving increasingly more significant responsibility. At the time of his departure, Rada was the Associate Clerk for Public Policy. In 2000, Rada became the Financial Director, Juvenile Probation and Court Services for the Office of the Chief Judge, Circuit Court of Cook County. Finally, in September 2002, Rada was hired by Aurelia Puchinski as the Chief of Staff for the Department of Professional Regulations.

According to Brahos, Rada and Brahos previously worked together at the Cook County Clerk's Office in the 1990's. Brahos learned, after joining IDES, that Rada was looking for a job and so she called to recruit him. Brahos indicated that she hoped that Rada would be in charge of all the regional managers for IDES HR, which would involve a lot of travel.

Rada was hired by IDES as an SPSA, an exempt position, in Cook County on March 24, 2003, after Garcia's hiring. See CMS-100 Employment Application for Rada, SPSA position; CMS Personnel/Position Action Form. Two days later, on March 26, 2003, Rada applied for a PSA position (a coded, civil service position) in Stephenson County, although the position would be a demotion. See Department of Employment Security Personnel Action Request. The position for which Rada applied had been moved to Stephenson County on March 3, 2003. At the time, there were 17 veterans on the CMS approved list in Cook County and there were no veterans on the list in Stephenson County. Thus, Rada could not have been hired in Cook County due to the veterans' preference. Instead, on March 27, 2003, Rada was the sole candidate interviewed from a field of six eligible candidates for the position in Stephenson County. See CMS Listing of Eligibles; Stephenson County. Rada was also the sole candidate for the position that lived outside of Stephenson County. *Id.* On April 1, 2003, Rada was offered and accepted the PSA position in Stephenson County. Despite his demotion from the SPSA position, Rada kept his SPSA salary when he moved to the PSA position. See CMS Personnel/Position Action form, Rada.

Brahos informed OEIG investigators that Rada never worked in Stephenson County. During his interview, Rada also admitted that he never worked in Stephenson County and

incredibly claimed that he did not know why his position description listed Stephenson County as his headquarters.

On October 1, 2003, an OEIG investigator called the Stephenson County IDES office and interviewed Acting Manager Linda Swalve who had worked in the Stephenson County office for 20 years. Swalve stated that no one by the name of George Rada had ever worked in the IDES office in Stephenson County. Based upon the circumstantial evidence set forth above, both representations lack credibility.

According to Rada's CMS Position Description, PSA, 37015-44-06-000-01-01, Rada's job responsibilities include the following:

Subject to management approval, performs a multiplicity of nonrecurring sensitive staff duties to assist in the administration, coordination, installation and review of HRM programs and policies; serves as principal liaison between Human Resource management and other agency staff; represents the manager in meetings with delegated decision making authority; develops, promotes and effectuates policies for agency filed personnel and personnel management resulting form changes in state and federal legislation, personnel practices and contractual bargaining.

* * * * *

As staff assistant, conducts studies to determine operational efficiency and achievement of HR objectives, interprets, explains and coordinates the implementation of agency and managers procedural changes among HRM sections. Performs special investigations of sensitive issues and prepares reports and recommendations of findings. Coordinates information needs as requested by Director's staff and insures material is provided in a timely manner.

* * * * *

Serves as liaison with regional managers in development, interpretation and installation of policies and procedures evolving from human rights legislation, personnel system management or contractual applications.

Through this investigation, it was established that Rada was heavily involved in the placement of candidates referred by GOIA for jobs with IDES. However, nowhere does Rada's position description reference hiring or placement of employees in IDES; nowhere does the description mention contact with the Governor's Office; nowhere does the description suggest that Rada manages the substance of individual departmental employee needs.

2. Conclusion and Recommendation

When hiring Rada, IDES violated hiring practices of the State by purporting to hire him for a non-exempt position in Stephenson County while clearly never intending or requiring that he work in Stephenson County. Strong circumstantial evidence suggests that this manipulation

occurred in order to avoid the absolute hiring preference for veterans since there were qualified veterans available for open PSA positions in Cook County, but none in Stephenson.

Second, the evidence further supports the conclusion that Rada has assumed job responsibilities at IDES's HR Department without a job description that would support those functions. Specifically, according to Brahos, Rada and Garcia handled all student hiring - agency wide.

Another example of Rada's actual functions is described here. According to Tom Conway, Manager of Labor Relations at IDES for four years, Yvonne Coleman, Benefits Appeals Manager, hired 15-20 new attorneys, most of whom came to her "through" Rada. One of her attorneys was not working out and Conway suggested termination based on the fact that the employee was still in his/her probationary period. Coleman told Conway not to proceed because she had to run it by Rada. According to Coleman, she had to run everything by Rada and Rada might just decide to transfer the employee to another department rather than terminate. Again, there is no liaison or policy decision apparent here. Rada is engaged in decision making on whether to hire or continue to employ an individual based upon his/her connections or friendships rather than merit.

Other outward examples of the apparent management level HR responsibilities of Rada and Garcia are: (1) appointments require their approval before processing; (2) during the brief tenure of Tim Walker as HR director, HR staff meetings were directed by Rada and Garcia even though Walker was at the head of the table; and (3) Rada had large stacks of resumes from the Governor's Office and hiring files in his office.

Finally, another IDES employee told OEIG investigators that no one is hired at IDES without the consent of Rada. The employee believes that job fairs are a waste of time when Rada simply hires GOIA candidates. He also expressed concern that Rada and Garcia "took over" the HR department and are actively flouting State procedures for hiring to ensure that individuals with connections GOIA get jobs.

The over-empowerment of George Rada is a great concern for the future of IDES. Rada acts with apparent authority to control hiring decisions within IDES. IDES employees universally agree that he is running the department with the assistance of GOIA. This arrangement makes it difficult for Director Russell to properly manage a critical function within the agency she was hired to lead.

C. Timothy Walker

1. Background

Timothy Walker was hired by Director Russell to be the Director of HR at IDES in May 2003. Walker had a strong background in Human Resources including prior employment at Mitsubishi. Walker held the HR position at IDES until he was placed on administrative leave with pay.

During Walker's tenure, Rada and Garcia presented Walker with a plan to reorganize HR, which included hiring Denise Arroyo (Garcia's friend) and Joe Tosti. Garcia gave the

resumes to Walker who interviewed each candidate. Walker rejected the candidates based on lack of experience and because he did not know for which positions they were applying. According to Walker, Rada and Garcia were not pleased that Walker did not approve the hires.

Walker stated that as HR Director he attempted to promote existing staff and hire new employees, but Rada and Garcia constantly obstructed his efforts. For example, Walker noticed a number of student workers at IDES hired by Garcia based resumes from GOIA. Walker suggested to another employee outside of the HR Department that she recruit a student at Robert Morris College. When Garcia found out, she was angry because she said she was "in charge" of the hiring of students and that all such hires needed to go through GOIA. In another case, Walker forwarded a resume of an attorney to the Benefit Appeals division. Benefit Appeals wanted to hire the individual but when the paper was sent back to HR, it was not approved by the Governor's Office. Liz Nicholson explained to Walker that it was not approved because the attorney needed a "sponsor," meaning someone who first sent the resume through GOIA.

Walker reported that behind Rada's desk were a number of manila folders containing resumes sent by GOIA. OEIG investigators later recovered numerous files from behind Rada's desk that contained information on individuals sponsored by the Governor's Office. According to Walker, Mike Zalewski (GOIA employee) sent the resumes to Rada on a regular basis. Zalewski never told Walker he was required to hire anyone; just interview the candidates. Walker believes that it is Rada's job to find jobs in IDES for candidates from the Governor's Office. In many cases, Rada pre-selected candidates prior to posting vacancies, which is not a problem when the position is exempt but it is troubling in cases where the position was coded and subject to Rutan.

For a hiring to proceed in accordance with the rules and regulations, Walker explained that the agency should take the following steps: post a vacancy, accept applications, interview candidates, rate the candidates, and select the candidate with the highest score. Walker said that based on his observations and experiences, most merit compensation positions in IDES were not filled following this protocol.

OEIG investigators reviewed numerous emails that corroborate Walker's observations and conclusions about hiring at IDES. For example, in an email dated October 7, 2003, Elizabeth Nicholson stated that an "individual cannot start work until he is Rutan interviewed." However, if the mandates of Rutan are being followed, an employee cannot be hired until he sits for a Rutan interview and is selected as the best candidate. The current HR regime at IDES has turned the hiring system on its head.

On January 7, 2004, Walker was called into Joe Cini's office and questioned about his salary, travel expenses, and hiring practices. (Cini has acknowledged that he traditionally does not review or track the travel expenses of executive level employees.) Prior to that time, Cini and Walker first met when Walker was hired, and the two did not meet regularly after that. In regards to the hiring concerns voiced by Walker, Cini told Walker that GOIA needed to place people in positions for which they have no experience, and they "can be dealt with later." Cini also said that the Governor's Office determines the hiring process, not the agency (in this case, IDES).

Walker was consistently pressured by Garcia and Rada to approve transaction requests for friends of Garcia and Rada and candidates of GOIA. According to Walker, his failure to do so resulted in Rada and Garcia's efforts to have him removed. There is evidence to support Walker's observation. For example, in late 2003 or early 2004, George Rada sent the following memorandum to Mike Zalewski:⁶

To: Mike Zalewski
From: George Rada
Subject: Tim Walker

Mike, Per your request are the following bullet points:

- Improper supervision of contractual employee (Vince Smith) fails to meet schedule of hours. 7.5 hours per day (5) days per week
- Excessive expense vouchers in violation of the contract for contractual employees (Vince Smith, Karen Mueller)
- Failed to set and receive deliverables and timelines for contractual employees regarding projects (sic).
- Rude comments to Gov's office candidates (Sharon Blackman, Shawna Abdalla) regarding their ability to perform assigned jobs.
- Recruited students workers with resumes from other sources than the Gov's office (M.J.) **without my consent or approval**
- Requested Kim Gierke to come to work when off on approved absence (5:00 to 10:30 p.m.) complete Tim Walker's expense vouchers
- Has denied candidates (Joe Tosti, Denise Arroyo) from Gov's office stating he doesn't care who their sponsor's and he will make decisions on who is brought into HRM.
- Assigned State car.
- Inaccurate explanation to Gov's office regarding how Shawna could only be placed as recruitment and selection manager if Diane Hunt-Pulce is promoted and vacates her position.
- When I suggested that M.J. and Diane could not be trusted in recruitment and selection and should be moved Tim placed a barrier between our communication and placed M.J. back in charge of recruitment and selection and began having private meeting with them **without my input**.
- Has failed to complete assignments by Director Russell (posting jobs as directed, moving transactions to payroll, training for HRM employees etc.)

(emphasis supplied). These bullet points drafted by Rada make it clear that Rada's intention in supplying this email was to remove Walker from IDES HR through the provision of ammunition to Cini and Zalewski. Moreover, this email further demonstrates that it is Rada who is empowered to run HR and not the then Director of HR. Walker was later terminated from IDES due to excessive travel expenses.

⁶ Zalewski is a subordinate of Joe Cini.

2. Conclusion and Recommendation

From all appearances, Tim Walker tried to manage the HR Department of IDES. Walker's efforts at effective management were obstructed and criticized by Rada and Garcia and ultimately led to his dismissal. Walker's concern about hiring the most appropriate candidate for the position rather than any "connected" candidate resulted in him losing favor with the Rada-Garcia regime and retaliation by those connected with political hiring. For example, Cini involved himself in monitoring Walker's travel expenses, which exceeded the scope of his duties as reported by him to this office. Walker had a record of prior HR work and responsibilities making him equipped to do the job. Unfortunately, he was not given the authority to do so. Joe Cini and his staff should be required to undergo training again that acquaints the staff with the correct way to place political candidates into state jobs. In addition, for a time there should be incremental scrutiny of hiring decisions to make sure the laws and regulations are followed.

D. Kimberly Gierke

1. Hiring Information

Georgia Brahos⁷ recruited and hired Kimberly Gierke from the Cook County Clerk's Office ("Clerk's Office") where Gierke made \$44,000 working as a Personnel Specialist. See Gierke CMS 100. Gierke and Brahos were colleagues at the Clerk's Office for four years. According to Brahos, because Gierke was miserable in her job, Brahos encouraged Gierke to apply at IDES.⁸

At the time of Gierke's application in early 2003, it would have been nearly impossible for IDES to hire Gierke for the job for which she applied in the Cook County office because she was below several veterans on the list for hiring.⁹

Gierke could not be hired as a PSA ahead of veterans already on the CMS approved list. Thus, on March 24, 2003, Gierke started work with IDES as an SPSA. See Personnel/Position Action Form for Gierke. Gierke's position as a SPSA was 4D3 double exempt position.¹⁰ Her salary was 15% greater than her last salary and included an additional special adjustment for a total of \$4217.00 per month. The position was allocated to the Director's Office, Human Resource Advisory Council.

⁷ Brahos left IDES on June 15, 2003 and was hired by the Department of Professional Regulation.

⁸ Prior to Brahos' employment at IDES, on November 26, 2002, Gierke took a CMS test and received a failing grade for the position she sought: Public Service Administrator ("PSA"), Option 1. See Illinois Department of Central Management Services ("CMS") Candidate Exams Taken.

⁹ Throughout this case, OEIG investigators used a computer program maintained by CMS that allows the user to pull up a list of veterans for a given position at a specific point in time. For example, in the case of Gierke, the investigator pulled a list of veterans who had applied for PSA positions in Cook County in early 2003. The database does not keep a record of who queried the database at various times. Thus, the investigators were unable to determine whether or not IDES had checked veterans' lists prior to making hiring decisions.

¹⁰ These exempt positions are Rutan exempt as well as exempt from the Personnel Code.

OEIG investigators inquired about the Human Resource Advisory Council (the "Council") and learned that the Council issued its last and Final Report in September 1993. See Governor's Human Resources Advisory Council Final Report, September 1993. An OEIG investigator requested from Grace Chan, IDES Chief of Staff, any minutes of a meeting of the Council post-1993, and no documents were located. According to Chan, the positions with the Council have been inactive for ten or twelve years and the Governor's Office or Human Resources at IDES used the exempt positions to place people at IDES. Further corroborating the superficial nature of the Council positions, when asked, Gierke stated that she has never heard of the Council, despite her assignment to a position there.

On April 17, 2003, notably, after starting work for IDES, Gierke took another CMS test, this time testing for a Human Resource Specialist position. Gierke received a grade of C, minimally qualified. See CMS Candidate Exams Taken, April 17, 2003, Gierke.

On May 6, 2003, Gierke officially resigned from her SPSA exempt position to accept a probationary appointment as a Human Resource Specialist in IDES, with an option of manual communications. Despite Gierke's prior State experience as an SPSA, Gierke never held certified status and the agency was required to post and fill the HR Specialist position through CMS. Gierke's new monthly salary was \$4016 plus an additional \$211 for sign language pay, bringing her total salary to the same level as her salary as an SPSA. Prior to Gierke's hiring for this position, the position description was changed on March 1, 2003, to include manual communication skills in the requirements for the position. According to the new position description, the employee must

"provide[] interpretive services for hearing and speech impaired clients"

and

"interpret[] contract provisions for agency management and personnel. Explain[] procedures and the documentation required for disciplinary action. Serve[] as interpreter for the conduction of grievances or hearings. Communicate[] to the hearing and speech impaired, specific language contained in the contract for individuals seeking clarification of issues or procedures."

See Central Management Position Description, Position Number 19693-44-06-241-00-01. Required for this position was the ability to "communicate and use sign language at a colloquial level." See Illinois Department of Central Management Services, Class Specification, Human Resources Specialist.

Gierke had a Rutan interview over the phone related to the hiring for her HR Specialist position. Although the Candidate Evaluation form is not dated, Gierke recalls the interview occurring at least a month after she started work as a PSA. There is no specific record of what date this occurred. Gierke was the only person interviewed for the position because she was the sole applicant who claimed to have sign language capabilities. According to the notes of the Rutan interviewer, Gierke "interviewed extremely well for the vacant HR Specialist in the HRM Unit." See Employment Decision Form. There is no record of any testing of her manual communication skills during the interview process.

Gierke was hired and began work prior to review by the EO Officer as required by IDES regulations. The IDES Hiring Monitor form for Gierke's position is signed by Hattie Askew but Askew notes on the form that the personnel transaction was effective prior to EEO review, in violation of regulations.

2. Analysis of Hiring Practices

On February 18, 2004, the OEIG investigator interviewed Hattie Askew, the Manager/EO Officer of the Equal Employment Opportunity/AA office at IDES. Askew stated that to her knowledge there were no IDES employees that were in need of sign language communications. Askew indicated that the last deaf employee at IDES left the department in 2002.

On June 4, 2004, OEIG investigators interviewed Gierke. Gierke admitted that she is not fluent in sign language and said that she could not carry on a conversation (colloquial or otherwise) with a deaf person. She further admitted that she took a one-week sign language course while in grade school and that her children are now taking sign language classes at school. Gierke admitted that she has never used her sign language skills at IDES. Prior to her hiring at IDES, no one tested her abilities in sign language.

On September 1, 2004, OEIG investigators re-interviewed Gierke after seeing her in an elevator at 32 West Randolph Street. Gierke informed investigators that she called Mike Zalewski, GOIA, and requested a transfer from IDES to another agency because there is "chaos" occurring at IDES. Gierke now works at the Department of Public Aid.

3. Conclusion and Recommendation

The evidence suggests a position description was manipulated by requiring manual communication skills so that Gierke could be hired, thus avoiding the absolute preference for hiring veterans. Gierke was initially hired into a double exempt position for a Council that no longer exists. Once a decision was made to move Gierke to a non-exempt position, the position description for HR Specialist was rewritten to include a manual communication requirement allowing Gierke's hire. Gierke, however, does not speak sign language. In fact, to suggest that an individual who received one week of training while in grade school qualifies for the position and a wage increase to compensate for the skill is disingenuous. IDES' HR Department violated State law in hiring Gierke.

The OEIG takes no position on whether IDES' HR Department needs an HR Specialist with manual communication skills. However, the OEIG does recommend that IDES follow appropriate State procedure in filling non-exempt positions.¹¹ Gierke was hired into a position

¹¹ The OEIG contacted the State of Illinois Deaf and Hard of Hearing Commission for more information on the hiring of individuals with sign language skills. According to Janet Lambert, there are no standards in place with CMS or any agency to determine the qualifications or proficiency of employees hired to translate or speak sign language as a part of their State position. Since there are no standards set for the hiring of individuals to translate in the agencies, anyone could qualify for the 5% pay incentive, if the agency does not check their credentials. The Commission also informed the OEIG that if a state employee provides translation services outside of his/her job description or assists customers of the State, s/he is in violation of the Interpreters for the Deaf Act (225 ILCS 442) that requires all interpreters to be registered with the commission and provide proof of his/her qualifications. Each

description requiring a skill she does not possess. Gierke knowingly participated in this duplicity and she should be disciplined, up to and including discharge, for falsely representing she had the requisite skill to do the job. Moreover, the state should recoup the excess salary paid to Gierke.

E. Timothy Moran

1. Hiring Information and Analysis

On June 9, 2003, IDES hired Timothy Moran as a student worker after he was referred by GOIA. According to Moran, his job was to learn the file room procedures and human resource management. At the time of his hiring, Moran was not a student, as is quickly learned from a review of his CMS 100 form, despite the requirement that he be a "student" in order to fill a "student worker" position. According to Mary Jane Praznowski, the head of IDES's transaction division, in approximately June 2003, an employee of CMS called her because CMS noticed on Moran's application that he already had graduated from college and was not, in fact, a student. The CMS employee indicated that the position of student worker was not appropriate for Moran.

After CMS notified IDES of the problem with Moran's position, witnesses informed the OEIG investigators that Surami ("Sudi") Garcia met with Timothy Moran and another student worker. According to the witnesses, Garcia directed Moran to falsify his CMS-100 and claim that he was a student at the time so that he would qualify as a student worker. Moran complied by adding DePaul University to his application. See CMS-100, Moran.

On June 3, 2004, OEIG investigators interviewed Moran. Moran described his academic credentials as follows: Moran has a bachelor's degree in graphic arts from Eastern Illinois University ("Eastern"); he attended Morton College prior to attending Eastern; and he attended Moraine Valley College briefly. Moran admitted that he never attended DePaul University. Moran claimed that he considered it but failed to sign up for classes. He also stated that he remembered being presented with a new CMS 100 form during the course of his employment and remembered that Sudi Garcia may have directed him on what to put on the form - particularly with regard to his education. On these points, however, Moran was somewhat evasive and protective of Garcia.

On December 9, 2003, Moran was promoted to Human Resource Trainee with a targeted position of Human Resource Associate. In this position, Moran was not required to be an active student.

2. Conclusion and Recommendation

IDES policy, in place on March 26, 2003, states,

Employees are prohibited from falsifying any official Department document or any other document that is being used by the employee or Department in the course of employment with the Department. Violation of this policy is considered

of these final issues will be addressed by the OEIG in a Special Report to CMS and the Deaf and Hard of Hearing Commission.

to be a very serious matter which may result in severe disciplinary action, up to and including discharge.

Moran was hired into a position for which he did not qualify since he was not a student. After CMS questioned the hiring of Moran, the evidence corroborates the witnesses who state Garcia directed Moran to falsify his application for employment so he would possess the requisite requirements. The OEIG recommends termination for Garcia for directing an employee to falsify an official state document, namely the CMS 100. Further, the OEIG recommends discipline, up to and including discharge, for Moran for his active participation in the duplicity – submitting a false employment application to IDES.

F. Laura Ramos Luna

1. Hiring Information and Analysis

Prior to working for IDES, Laura Ramos Luna reports that she was unemployed and a single mother. According to Luna, someone (Luna cannot remember who) told her to call Surami "Sudi" Garcia at IDES for a job. Shortly thereafter, Luna had a phone interview with Garcia and Rada; Garcia later sent her an application. Luna completed the application and sent it back to Garcia. Luna's first application, dated June 2, 2003, was for the position of Summer Intern, and Luna was hired by IDES on that same day as a student worker making \$1000 per month working with Mary Jane Praznowski in the transaction division. (This is the same position that was given to Moran.) Luna later admitted to Praznowski that she was not a student.¹²

After an inquiry from a CMS employee on Luna's status as a student, Garcia approached Luna about her application. According to Luna, Garcia instructed Luna to write in the name of Robert Morris College on her application because "no one would ever check on it." Luna complied. See CMS 100 dated June 18, 2003. Garcia then wrote the address of 401 South State under the name of the school. Garcia then instructed Luna as to what dates to put down under "attended dates" and also told her to put the words "night class/undergraduate" on the form. According to Luna, she was aware that Garcia similarly instructed Moran (see section E, *supra*) to lie on his application and put DePaul University for his school. Luna admitted at interview that she had never enrolled in any college. OEIG investigators confirmed with Robert Morris College that Luna never attended school there.

On June 17, 2003, Luna resigned her position as a student worker because she could not verify that she was a student. On June 18, 2003, Luna was hired again by IDES as a Human Resource Trainee with a salary of \$2210. According to Praznowski, she was notified by CMS that the salary increase from \$1000 to \$2210 was improper. In order to address this problem, Praznowski reported that Tim Walker, Director of HR at the time, changed Luna's position to Human Resource Associate and then backdated the form to June 2, 2003.

On November 30, 2003, Luna separated from State service and was appointed on an emergency basis as a Human Resource Trainee on December 1, 2003. CMS then objected to the

¹² On June 4, 2003, Luna inexplicably completed a second CMS 100 form, this time for the position of Human Resource Associate Trainee. Nowhere on this form does Luna indicate that she is a student.

emergency appointment and notified IDES that it could not do so. On December 8, 2003, Luna separated from IDES service again and was rehired on December 9 as an HR Trainee, her original position appointment in June 2003.

2. Conclusion and Recommendation

IDES policy, in place on March 26, 2003, states,

Employees are prohibited from falsifying any official Department document or any other document that is being used by the employee or Department in the course of employment with the Department. Violation of this policy is considered to be a very serious matter which may result in severe disciplinary action, up to and including discharge.

Luna was originally hired into a position for which she did not qualify since she was not a student. Upon challenge by CMS, Garcia directed Luna to falsify her CMS-100 application and Luna complied. Both Garcia and Luna should be disciplined, up to and including discharge, for falsifying and/or directing the falsification of an employment application.

G. Kenneth Macievic

Kenneth Macievic applied for a position with IDES on July 11, 2003. See CMS-100 Employment Application, Ken Macievic. Macievic's home address at the time of his application was [REDACTED] Gurnee, Illinois, in Lake County. Macievic indicated on his application that he preferred to work in Lake or Cook counties. Due to the veterans' preference list, Macievic could not be hired in Cook County because there were two qualified veterans ahead of him on the list. However, there were no veterans on the list in Lake County. Macievic was hired for a position in Lake County as a Probationary PSA, Option Three after a Rutan interview.

However, Macievic never worked in Lake County. Macievic started work in the Chicago office of IDES (in Cook County) on September 22, 2003, in the area of computer sciences. In February 2004, OEIG investigators interviewed Macievic who stated that he had always worked in the Chicago office. At his interview, Macievic stated that he wanted a job in Lake County but was "forced" to work in Cook County pending an opening in Lake. Based upon the circumstantial evidence related to his hiring, this statement is not credible.

On March 19, 2004, Macievic was fired for fraudulent receipt of unemployment insurance benefits totaling \$17,044. The Attorney General's Office informed the OEIG that they intend to seek an indictment of Macievic.

2. Conclusion and Recommendation

Because Macievic was fired for unrelated fraudulent conduct, the OEIG lacks jurisdiction over Macievic. However, the current IDES HR regime again manipulated the hiring systems of the State by hiring Macievic for a position in Lake County (where no veterans appeared on the list) and assigning him to the Cook County office (where veterans preference would not have allowed his appointment). The OEIG recommends that CMS implement a specific policy

intended to address adherence to State hiring policies in the agency, including the hiring of individuals into counties where they will actually spend their workday.

H. Louis Bertucci

1. Hiring Information

Louis Bertucci first worked for the State at CMS for 22 months before being laid off. See CMS Personnel History Inquiry (Expanded). After his lay off, Bertucci applied for a position at IDES and in January 2004 was hired to be an Executive II. See CMS Personnel Position Title Inquiry, 44 02 100 00 01.

According to Liz Nicholson, HR Manager, Bertucci's resume came to the attention of IDES through Mike Zalewski, GOIA. Nicholson considered placing Bertucci in a position in the General Service Division for which he was qualified, but the position was a coded, Rutan covered position. Thus, upon hiring, Nicholson temporarily placed Bertucci in an exempt Executive II in the EEO Department but assigned him to the General Service Division. According to Nicholson, this was intended to be a short-term assignment until a Rutan exempt position was available or until the job in the General Service Division could be changed to exempt.

When Bertucci started work, he was assigned to work in the property service division managing property on State leases. At his interview, Bertucci was shown documents reflecting that he worked in the EEO office of IDES. However, Bertucci admitted that he has never worked in that office.

In early February, Hattie Askew, Director of the EEO office at IDES, noticed that Bertucci appeared on her payroll and had no idea who he was. Upon inquiry, Askew was told that Bertucci was there temporarily until he could be placed in a Rutan exempt position elsewhere. The matter not resolved, on June 4, 2004, Askew wrote the following in an email to Elizabeth Nicholson and carbon copied Grace Chan, Chief of Staff, and Director Brenda Russell:

Liz, I wanted to remind you of the irregularity that still exist (sic) with an EEO position. Back in February I became aware of the fact that Louis Bertucci had been placed on an Executive II position on EEO's Cost Center #2500. His name appeared on the EEO reports and when I questioned it I was told that "he's only there temporality (sic) - he's going to General Services as soon as the Gen. Services job becomes Rutan exempt." System records show that Bertucci is still (sic) on my Cost Center, working in general Services and if I am correct, he is about to become certified under the Exec. II title. Bertucci was hired effective 01/24/04. The Exec II is a factitious title (sic) and if Louis becomes certified in that title it would be unethical and perhaps a violation of some kind. As the Agency's EO Officer, I have to bring this to your attention and recommend you take the appropriate action to correct this situation before the employee becomes certified in the Exec. II position in the EEO unit. If I can be of assistance, please let me know.

(emphasis in original).¹³

2. Conclusion and Recommendation

As Askew correctly points out, Nicholson violated State hiring procedures when they improperly hired Bertucci for a position other than the one that he ultimately filled in order to avoid normal state hiring procedures. There was no exempt position that fit his qualifications so Nicholson placed him on the payroll in a spot where he never spent a day. Again, IDES HR attempted to avoid the absolute preference for hiring veterans as well as the requirements of Rutan by placing Bertucci in a position that was available while they waited for a position where he was to ultimately be placed. Askew rightly pointed out that to manipulate positions and the payroll to place a candidate was unethical. Accordingly, Nicholson should be disciplined for her participation and direction in this unethical activity.

III. GOIA Involvement

Throughout the investigation of the above hirings, a consistent thread has emerged: the Governor's Office of Intergovernmental Affairs directed a significant portion of the hiring at IDES. Below we have detailed just a sampling of the email traffic at IDES and interview statements that evidence the involvement of GOIA in HR matters at IDES.¹⁴

First, Cini's Office consistently checked in on the hiring process. On January 7, 2004, Zalewski sent an email to George Rada that stated, "Has Director Russell scheduled an interview yet? Joe [Cini] would like an update." This demonstrates the involvement of Cini and his office in the day-to-day HR management at IDES.

On November 20, 2003, an email exchange between Tim Walker and Elizabeth Nicholson indicated that a candidate they selected was being trumped by a candidate sent to them by Joe Cini – someone he tried to place in IDES before and was unable to do so because she didn't have a degree. Again, this is an example of the agency's inability to manage as appropriate absent GOIA intervention.

A memorandum entitled "Procedures for Hiring" was recovered. Step one in the process is "We receive resume from Governor's Office." Step nine is "Information should be logged on one status report for the Governor's Office." The process starts and ends with GOIA.

On August 5, 2003, Elizabeth Diaz (former GOIA liaison to IDES) sent the following email to Surami Garcia with a carbon copy to Joe Cini and asked that she send it to Tim Walker immediately:

¹³ Bertucci was the subject of a separate OEIG investigation into whether he committed unemployment insurance fraud. After a finding that he did commit the fraud, the OEIG has recommended Bertucci be terminated. A final decision has not yet been reached by the agency regarding the disposition of Bertucci's case.

¹⁴ There are also allegations that many of the above employees who were candidates of the Governor's Office are not working full days. The OEIG did not fully investigate this allegation but reminds IDES that the Ethics Act requires management of employee work time and recommends that senior staff managers enforce the work hours of their employees.

Tim:

Please provide me with a list of all the candidates that are still being worked on or sitting over at your agency. This should include all the names George Rada has and all the candidates you have (sent by me, Victor, or anyone else). I need to review this and prioritize according to your vacancies. I would also like to have a status on each of them. If Brenda [Director Russell] has any personnel concerns please gather that information and present that with the list of names and status.

On and around January 12, 2004, the following emails were exchanged between Director Russell and George Rada:

George, got the resume for Gary Walker for field operations manager, but I am confused. I thought we already have a candidate, Georgina Heard. In fact, I was only waiting to find out what we need to do to change the job description so that Jim Marron's job is collapsed into the field operation manager's position. And frankly, until Jim moves, there is no job for that person to move into. Was that misunderstood?

Rada responds:

Brenda, I received this resume from Joe Cini's office for an interview with the Director for the position of Manager of Field Operations. I know we have spoken about collapsing this position with Jim Marron's job but I am not sure how this fits in.

The Director then agrees to arrange an interview.

In September 2003, Elizabeth Diaz and George Rada discuss via email getting a list to determine the number of veterans in a particular location. Diaz states that "if there is no possibility of looking at our candidates . . . he can go ahead and fill out a PAR to get it approved through the channels and I will approve it at the tail end." This demonstrates Diaz's willingness to approve candidates pre-selected for positions where the veterans' preference would otherwise eliminate them as an option.

On January 7, 2004, Zalewski emailed Rada and asked whether Director Russell had scheduled an interview because Joe [Cini] wanted an update.

Finally, on November 20, 2003, Elizabeth Nicholson emailed Tim Walker and stated as follows:

I just received a call from Mike [Zalewski] that Joe Cini would like IDES to interview Stacey Butler-Cross for the same position we're hiring Bruce Hodo in....I was under the impression that the Bruce Hodo sign-off was being done but apparently it is not yet. I told Mike that the Hodo job was very specific in it's requirements, but Joe seems to think Stacey is as qualified as Bruce as a web designer.....who should interview Stacey? As background, Stacey is the

candidate the Governor's Office wanted us to consider for a PAI spot -- we could not do that as she does not have her degree.

There can be little dispute that the Governor's Office improperly exercised a great deal, if not all, control over the hiring at IDES.

IV. Policies

The IDES Policies and Procedures Manual (10/31/01) contains three pages detailing appropriate hiring pursuant to Rutan. According to Section 2013.4, "The Human Resource Management (HRM) Interview and Recruitment Unit *is responsible for coordinating all aspects* of the hiring process when filling a vacancy by ensuring adherence to all mandates and guidelines and attaining the Department's employment goals." (emphasis in original). "The Interview and Recruitment Unit will coordinate and observe all interviews and determine the make-up of the panel with the consultation of bureau management. *This unit will not ask questions or rate the candidates. Only Rutan certified management personnel will perform that function.*" (emphasis in original). Rada and Garcia violated this principal on numerous occasions by determining who the agency would hire prior to any Rutan hiring and regardless of the results of the Rutan interview.

Further, the State Executive Branch Personnel Code, 20 ILCS 415 et seq. states,

No person shall defeat, deceive, or obstruct any person in his right to examination, eligibility, certification, or appointment under this law, or furnish to any person any special or secret information for the purpose of affecting the rights or prospects of any person with respect to employment in the State service.

The above-detailed examples most certainly "defeated" the opportunity for other citizens to secure state employment.

Finally, title 20, ILCS section 415/18 states that it is a Class A misdemeanor to violate the veterans' preference. 20 ILCS 415/18. OEIG will continue to review the issue of criminal liability for individuals involved in manipulating hirings to avoid veterans' preference.

Evidence shows noncompliance with State hiring laws. In fact, it reveals a concerted effort to subvert the laws including veterans' preference and the hiring process for non-exempt positions (the Rutan process). This effort reflects not merely an ignorance of the law, but complete and utter contempt for the law.

The OEIG concludes that significant lapses occurred in adherence to rules related to hiring and ethics occurred during the hiring of the individuals identified above. The evidence supports the conclusion that the real machine driving hiring decisions in the IDES HR department was the Governor's Office of Intergovernmental Affairs rather than any professional management team in place in the agency. It is clear that the agency Director was not accorded sufficient authority to put in place a team of individuals with HR experience capable of filling the overwhelming number of vacancies in the agency. Instead, those who sought to bring a sense of professionalism to the operation were viewed as obstructionist and replaced in their positions with those who would "play ball." This administration has made many public statements critical

of the way in which those seeking political gains have compromised systems. We urge a similar response to the issues raised in this report.

FINAL RECOMMENDATIONS

The OEIG has recommended that the following individuals should be disciplined, up to and including discharge, for unethical and fraudulent activity: Sumari Garcia, George Rada, Elizabeth Nicholson, Laura Luna, Timothy Moran, and Kimberly Gierke.

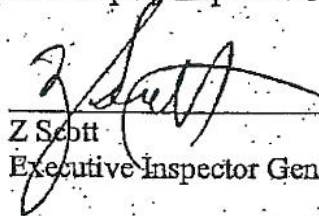
The OEIG further recommends that the employees of GOIA and the HR Department at IDES receive additional training in the areas of Rutan, veterans' preference hiring, and requirements of the personnel code.

A copy of this report will be delivered to IDES Director Brenda Russell with a request that she assemble a working group tasked with bringing the hiring practices of IDES into conformance with State law and policies. A copy of this report will also be delivered to CMS Director Michael Rumman with a request that CMS undertake a review of the Public Administrative Intern program and its use by agencies to avoid hiring veterans as required by law.

No further investigative action is needed and this case is considered closed.¹⁵



Deborah L. Steiner
First Deputy Inspector General



Z Scott
Executive Inspector General

¹⁵ Although we have closed the administrative investigation of these matters, as stated above, the OEIG will continue its review of the conduct described for possible criminal referral.