


Hiring & Employment Monitoring Report



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

Second Quarter
2020



Message from Executive Inspector General Susan Haling

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

This quarter has been challenging with the onset of the Covid-19 pandemic, which has required that State agencies limit in-person interactions and conduct remote work in unprecedented ways. The OEIG too responded by quickly adjusting its investigative and compliance strategies to a virtual setting. HEM has continued to monitor interview sequences that transitioned to teleconference or video conference in real-time. Similarly, the OEIG's Investigative Division conducted interviews via teleconference or video conference. HEM continued to review and audit documentation related to hiring sequences, complaint referrals, and term appointment renewals – all remotely. HEM also expedited its review of exempt position appointments to positions on the *Shakman* Exempt List to assist the State in meeting the needs of the pandemic, while still confirming that appointees met the necessary minimum qualifications. While some hiring processes and plans needed to be modified because of emergency pandemic circumstances, CMS continued to make HEM aware of these situations and sought HEM's input and review.

We commend the agencies' human resources staff for not only their cooperation but also their responsiveness and flexibility during the Covid-19 pandemic. In times of crisis, maintaining the integrity of these processes are all the more important.

The following Second Quarter Report 2020 describes the OEIG's investigative and compliance work on State hiring from April 1, 2020 until June 30, 2020.

Sincerely,

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

Susan M. Haling
Executive Inspector General

Table of Contents

I. Overview	2
Office of Executive Inspector General for the Agencies of the Illinois Governor	2
Investigative Division	3
Hiring & Employment Monitoring Division	4
Statistical Performance	5
II. HEM's Compliance Reviews	6
Hiring Sequences Monitored	6
Desk Audits	6
Term Appointments	7
Complaint Referrals	7
Advisories	8
Advisory Summaries	9
Other HEM Compliance Reviews	20
Political Contacts	20
Exempt Appointments and Exempt List Modifications .	21
Position Description Clarifications	22
III. Hiring Investigations	23
Appendices	25

I. Overview

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

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

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

The OEIG’s jurisdiction includes more than 170,000 State employees, appointees, and officials, including: the Governor; the Lieutenant Governor; more than 300 executive branch State agencies, departments, boards, and commissions; the nine State public universities across a dozen campuses; the four Chicago area Regional Transit Boards (the Regional Transportation Authority, the Chicago Transit Authority, Metra, and Pace); and vendors and contractors of any of those entities.

The OEIG’s Leadership Team includes:

Susan M. Haling, Executive Inspector General

Neil P. Olson, General Counsel

Fallon Opperman, Deputy Inspector General and Chief of Chicago Division

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

Christine P. Benavente, Deputy Inspector General - Executive Projects

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

Claudia P. Ortega, Chief Administrative Officer

Investigative Division

The OEIG's Investigative Division receives approximately 2,500 to 3,000 complaints every fiscal year from members of the public, State employees, contractors, bidders, and anonymous sources. In the absence of consent from a complainant, the OEIG is required to ensure that the identities of complainants are and will remain confidential unless otherwise required by law. The OEIG evaluates all new complaints to determine the appropriate action. The OEIG also initiates its own investigations based on publicly reported information or information developed during other investigations.

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

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

Hiring & Employment Monitoring Division

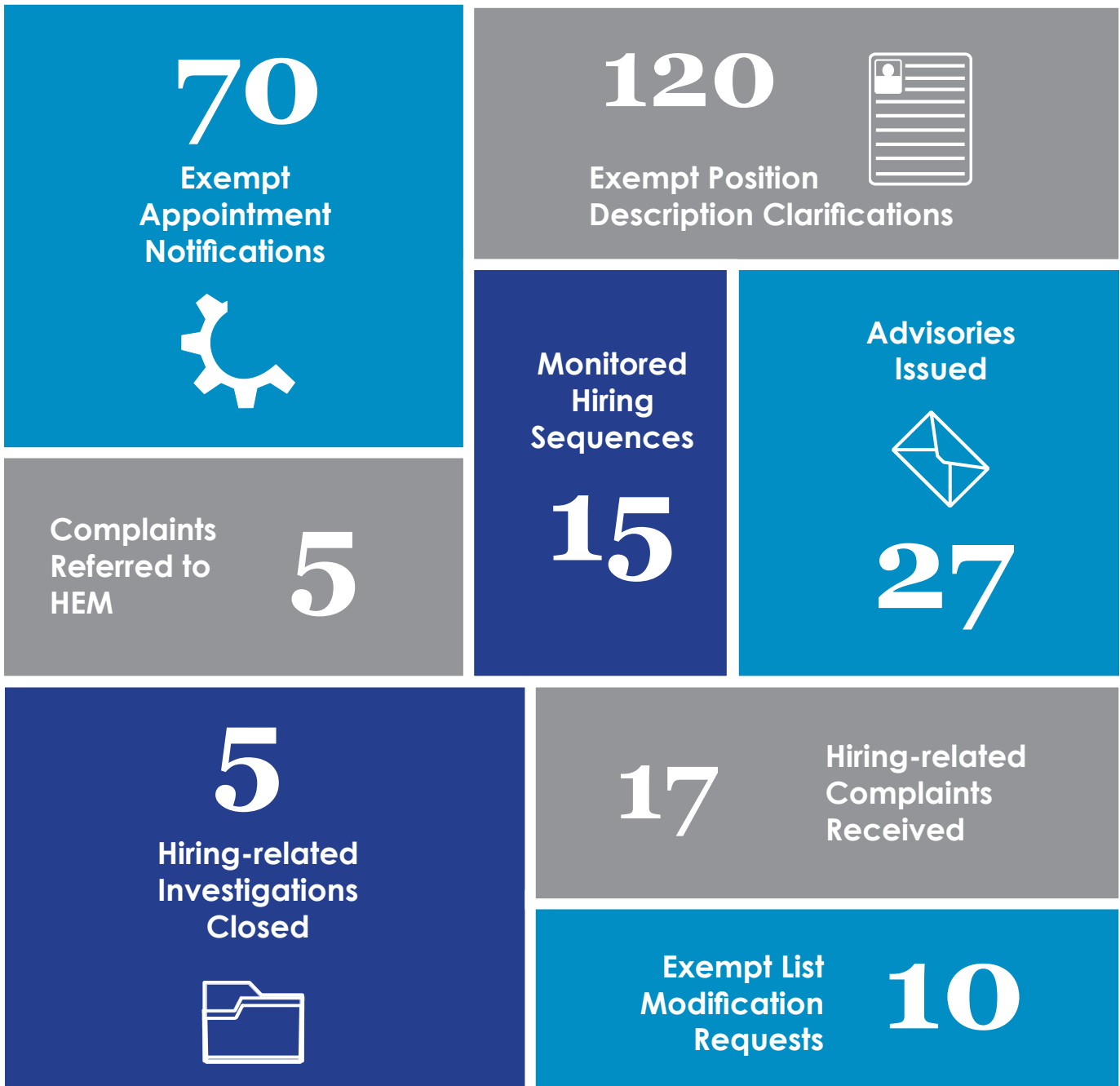
The OEIG's Hiring & Employment Monitoring (HEM) Division — created in FY2016 to operate independently of but complementary to the Investigative Division — ensures that State hiring procedures and decisions are lawful, merit-based and/or justifiable. The Ethics Act directs the OEIG to “review hiring and employment files of each State agency within [its] jurisdiction to ensure compliance with *Rutan v. Republican Party of Illinois* ... and with all applicable employment laws.” 5 ILCS 430/20-20(9). In keeping with this mandate, HEM conducts compliance-based reviews of State hiring and employment procedures and decisions and provides recommendations in order to help improve the efficiency and quality of State hiring.

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

During the second quarter of 2020, HEM staff monitored 15 hiring sequences, completed 18 desk audits, and reviewed 18 term appointment positions to ensure that individuals were selected pursuant to a truly competitive selection process. HEM staff also reviewed 70 exempt appointment notifications and 120 exempt position description clarifications and received 10 Exempt List addition or deletion requests. Since April 1, 2020, HEM has issued 27 Advisories.

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 activities of the OEIG during the period from April 1, 2020 through June 30, 2020. The report includes statistics and narrative descriptions of the OEIG's work as required by the Comprehensive Employment Plan for Non-Exempt Employees (CEP).

Hiring Sequences Monitored

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

This quarter, HEM monitored 15 hiring sequences.

Desk Audits

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

During the second quarter, HEM completed 18 desk audits.

Term Appointments

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

During this quarter, HEM reviewed the hiring files for 18 term appointment renewals.¹

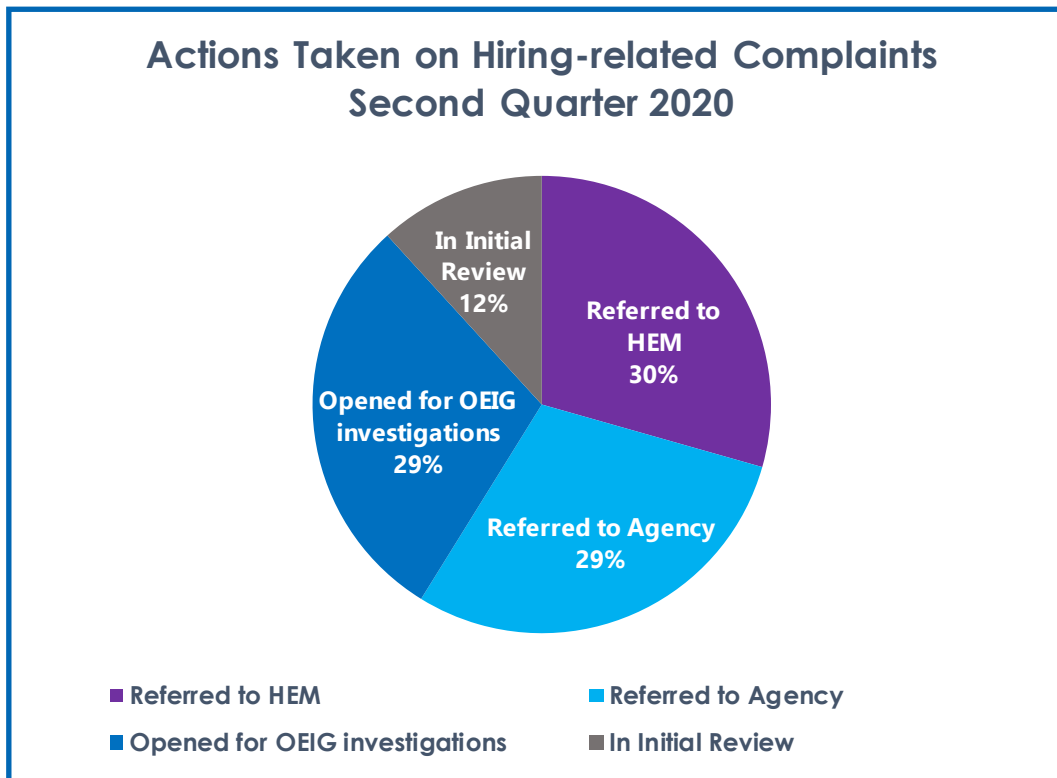
Complaint Referrals

The OEIG conducts a review of each hiring complaint it receives and exercises its discretion to determine the most appropriate disposition. Upon receipt of a complaint, the OEIG's Investigative Division performs an initial review of the allegations, which must be completed within 30 days. After this initial review, the OEIG has the discretion to open an investigation, refer to HEM for a hiring compliance review, or refer to other entities, as it deems appropriate. In some instances, HEM's compliance function makes it best suited to respond quickly to allegations of hiring violations, as HEM can potentially intervene before, during, or immediately after a hiring violation has occurred. For the second quarter of 2020, the OEIG received 17 hiring-related complaints. Also, in this quarter, the following actions were taken with regard to hiring-related complaints:²

- 5 referred intra-Office to HEM;
- 5 referred back to the subject agency;
- 5 opened for OEIG investigations;
- 2 are still in initial review.

¹ Due to the Covid-19 pandemic, some term appointments due to expire in May and June were granted extensions by CMS to July or August; HEM continues to work directly with the agencies on these extended term appointment sequences.

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



Advisories

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

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

Since April 1, 2020, HEM has issued 27 Advisories. The substance of these Advisories is set forth below, ordered by the Advisory issue date. In some cases, with the issuance of the Advisory, HEM requested a formal response from the agency, which is also summarized.

Advisory Summaries

20-HEM-0008

HEM monitored the interviews and reviewed the hiring documentation for a term appointment renewal of an Illinois Department of Human Services (DHS) Chief Accountability Officer. HEM did not identify any issues that needed addressing.

20-HEM-0033

HEM reviewed the term appointment renewal of a DHS Assistant Deputy Director in the Division of Developmental Disabilities. While HEM did not object to this hiring sequence, HEM recommended that the agency provide reasons for excluding applicants and make such documentation part of its hiring file, particularly within the Screening Justification form. In addition, the Screening Justification form should show how an agency developed its candidate pool and identify who was responsible for determining the candidate pool. HEM further recommended that when a Technical Advisor takes part in the interview process, this employee is required to disclose any prior relationships with any of the candidates.

HEM requested a response from DHS to these recommendations. In its response, DHS requested formal written clarification on the purpose of the screening form and how it should be applied. DHS explained that no screen was applied in this case, and the bid record identified and provided reasons for why candidates were or were not invited to interview. In addition, DHS explained that it believed it did not have to sign the screening justification form if the form is not sent to CMS because no screen was applied. Further follow-up between DHS and CMS staff revealed the agency's understanding of the need for the file to be kept in a manner that facilitates the hiring decision and review of external monitors. DHS agreed that going forward it would fully complete the Screening Justification form even if a screen is not applied and agreed to have all employees involved in the hiring, including Technical Advisors, complete Conflict of Interest Certification & Disclosure (Conflict of Interest) forms.

20-HEM-0028

HEM reviewed the term appointment renewal of a DHS Chief of Clinical Services. HEM initially planned to monitor the interview sequence on-site but was ultimately unable to do so due to the COVID-19 pandemic. While HEM did not object to this hiring sequence, HEM made several recommendations. HEM recommended that the agency ensure consistency between Box 19 of the position description (PD) and the hiring criteria and interview questions by reviewing and updating the PD prior to posting to appropriately reflect required and preferred qualifications. HEM also reiterated a previous recommendation that questions involving qualifying conditions of employment, such as licensure, be asked outside of the structured interview, such as during the pre-interview screening. HEM further recommended the agency ensure that the Conflict of Interest forms are fully and properly executed and that any potential conflicts are resolved prior to interview.

HEM requested a response from DHS to these recommendations. In its response, DHS requested training on the use of preferred qualifications. DHS further stated that it would refrain from utilizing inquiries about licensure as scored interview questions. DHS also acknowledged that its review of the Conflict of Interest forms was insufficient and committed to a more thorough review in the future.

19-HEM-0007

In response to a complaint referral, HEM reviewed the hiring documentation for an Illinois Department of Transportation (IDOT) Services & Development Technician. HEM did not identify any issues that needed addressing.

20-HEM-0029

HEM reviewed the term appointment renewal for an Assistant Deputy General Counsel at the Illinois Department of Children and Family Services (DCFS). While HEM did not object to this hiring sequence, HEM made several recommendations. HEM recommended that agency personnel review the Conflict of Interest forms at least three days prior to the interviews in case another interviewer needs to be secured. HEM also underscored that all relevant relationships with candidates– including professional – are considered potential conflicts and those individuals should be disclosed on the form. Additionally, HEM recommended that the agency ensure that each interviewer individually score each candidate rather than all interviewers agree to the same score (agreement to the same score is also referred to as consensus scoring). Due to HEM's concern with how an interview question was scored, HEM recommended rephrasing that interview question or include experience from the applications when scoring.

20-HEM-0034

HEM reviewed the term appointment renewal of a DHS Bureau Chief, Bureau of Recovery & Support Services in the Division of Mental Health. HEM did not object to the renewal of the incumbent's term. However, upon finding that DHS failed to appropriately report that one of the candidates interviewed had a letter of recommendation from an Illinois senator attached to her application, HEM informed the agency that it is required to report any Political Contact it receives regarding a non-exempt position to CMS or HEM within 48 hours, in accordance with the CEP. HEM also reiterated its previous recommendation regarding the need to ensure consistency between the required and preferred qualifications contained in Box 19 of the position description (PD) and the hiring criteria and interview questions.

HEM requested a response from DHS to this Advisory. In its response, DHS committed to training staff on reporting Political Contacts and ensuring consistency between the PD and hiring criteria.

19-HEM-0060

HEM reviewed the hiring sequence for the Technical Specialist and Technical Specialist Trainee positions at the Illinois Capital Development Board (CDB). While HEM did not object to this hiring sequence, HEM recommended that CDB ensure it completes the Screening Justification form in full, providing details on how it evaluated applicants. In addition, HEM noted that although there were two separate postings for the Technical Specialist and Technical Specialist Trainee positions, the two positions were not treated separately as the agency combined interview times and selected a candidate for a position for which he did not interview. HEM stated that job postings or their results should not be retroactively combined, and strongly recommended that the agency not proceed in this fashion in the future.

HEM requested a response from CDB to this Advisory. In its response, CDB stated that it understood HEM's concerns regarding the confusion caused by this hiring sequence and will follow the guidance in the future to ensure proper screening and interview documentation is completed.

20-HEM-0017

HEM reviewed the term appointment renewal for the Illinois State Fire Marshall Chief Internal Auditor. While HEM did not object to this hiring sequence, HEM recommended that the agency clearly document, in the hiring file, decisions to not invite out-of-state applicants to interview. This preferably should be done on the employment bid record. HEM also reminded the agency that both the CEP and CMS interviewer training instructs agencies that interview questions and responses “must be established prior to the position being posted.” See CEP, Section V.C. HEM also noted that the incumbent’s 2018-2019 performance evaluation listed the identical information as the previous years’ evaluation. The agency addressed this with the evaluator, confirming that future evaluations will be specific to the evaluation period.

20-HEM-0036

HEM reviewed the term appointment renewal of a DHS Southern Deputy Director in the Bureau of Pharmacy and Clinical Support Services. While HEM did not object to this hiring sequence, HEM recommended that the employee responsible for documenting how the candidate pool was developed sign the Screening Justification form, even if a screen was not applied. HEM further recommended that the agency ensure the completion of the Conflict of Interest forms at least three days before the start of the interview sequence to ensure impartial staff conduct the interviews, and, when the Personnel Representative also serves as an interviewer, that another impartial employee vets and signs the Conflict forms. In addition, HEM recommended that performance evaluations be signed by all relevant parties, including the employee being evaluated, and that the comments throughout the performance evaluations should specifically reflect the employee’s performance for the relevant evaluation period.

20-HEM-0037

HEM reviewed the term appointment renewal for the Illinois Department of Public Health (IDPH) Division Chief, Health Care Facilities & Programs. While HEM did not object to this hiring sequence, HEM noted that the ideal responses to the interview questions contained preferred or required certifications and experience that were not listed in the position description. HEM recommended that if such certificates or experience are preferred for the position, Box 19 of the position description should be updated prior to posting to appropriately reflect this. HEM discussed this issue with the agency, and the agency acknowledged the importance of updating position descriptions prior to posting. The agency noted that their classifications division had been working to update outdated position descriptions before the Covid-19 pandemic.

20-HEM-0023

HEM reviewed the term appointment renewal for the Assistant Deputy Director at the Illinois Department of Insurance (IDOI) Financial/Corporate Regulatory Section. While HEM did not object to this hiring sequence, HEM recommended that the agency request the Open-Competitive List when it has a small candidate pool, or, in the alternative, conduct its hiring through the State's Test Track system. HEM also recommended that panel members complete the Conflict of Interest forms timely and completely, including the disclosure of work relationships. HEM further recommended that the agency ensure that performance evaluations are completed in a timely manner.

20-HEM-0039

HEM reviewed the term appointment renewal for the Administrator of Infrastructure Development at the DHS Division of Substance Abuse and Recovery. While HEM did not object to this hiring sequence, HEM reiterated its previous guidance that the Screening Justification form and related documentation should be accurate in reflecting the total number of applications that the agency received, including the applications of applicants that did not meet the minimum requirements of the position. HEM further recommended that the person who filled out the Screening Justification form should sign the form even if a screen was not applied.

19-HEM-0071

In response to a complaint referral, HEM reviewed the hiring documentation for the DHS Facility Director for Murray Developmental Center. HEM noted that the position was *Shakman* exempt and that the selected candidate met the position description's minimum requirements. HEM did not identify any issues that needed addressing.

20-HEM-0038

HEM reviewed the term appointment renewal for the Bureau Chief, Bureau of Revenue Management and Federal Reporting, at DHS. While HEM did not object to this hiring sequence, HEM recommended that the agency ensure consistency between Box 19 of the position description and the required and preferred qualifications contained in the hiring criteria and interview questions. HEM also recommended that the agency refrain from utilizing hiring criteria, interview questions and/or preferred responses that may have the effect of favoring internal candidates over qualified non-DHS candidates.

20-HEM-0022

HEM reviewed the term appointment renewal for the Field Operations Section Chief (Cook Co.) at IDPH. While HEM did not object to this hiring sequence, HEM recommended that the agency take measures to increase the size and competitiveness of its candidate pool, including by participating in the State's new electronic application system. HEM also recommended that the agency ensure consistency between Box 19 of the position description and the required and preferred qualifications contained in the hiring criteria and refrain from preferring experience that may favor internal candidates over qualified non-IDPH candidates. HEM further recommended that interviewers clearly document their individual candidate scores and maintain this documentation in the hiring file.

19-HEM-0090

In response to a complaint referral, HEM reviewed the positions descriptions for the CDB Human Resource Representative, the CDB Personnel Administrator and the CDB Human Resource Specialist positions to ensure each position had distinct duties. HEM did not identify any issues that needed addressing. HEM also reviewed the initial paperwork for the Human Resource Representative's hiring sequence, which was paused due to the Covid-19 pandemic; HEM is coordinating with CDB to monitor the interviews.

20-HEM-0009

HEM monitored the interviews and reviewed the hiring documentation for the Deputy General Counsel position at the Illinois Department of Revenue. HEM did not identify any issues that needed addressing regarding the agency's selection. However, due to the Covid-19 pandemic, the agency is waiting to extend an offer. HEM requested that the agency inform HEM when the agency makes the employment offer to the selected candidate.

20-HEM-0016

HEM reviewed the term appointment renewal for the Medicaid Management Information Systems/Claims Unit Manager (Sangamon Co.) at the Illinois Department of Innovation and Technology (DoIT)/Illinois Department of Healthcare and Family Services (HFS). While HEM did not object to this hiring sequence, HEM recommended that the agency ensure that all Conflict of Interest forms are completed in full, signed and dated by the panel member, and vetted by a personnel officer. HEM stated that selecting an observer to participate in the hiring sequence only three days before the start of the interviews makes it difficult to comply with CMS guidance regarding conflicts of interest, and that agencies should work together to ensure that staff who participate from another agency complete the Conflict of Interest form three days prior to interviews.

20-HEM-0031

HEM reviewed the hiring sequence for the Liquor Control Special Agent I position at the Illinois Liquor Control Commission (ILCC). While HEM did not object to this hiring sequence, HEM recommended that the agency include how it developed its candidate pool, regardless of whether a screening tool was applied, and identify who was responsible for determining the candidate pool on the Screening Justification form. HEM further recommended that the agency ensure that ideal answers are consistently applied to candidate responses, and that when the Personnel Representative also serves as an interviewer that another impartial employee vet and sign off on the Conflict of Interest form.

19-HEM-0073

In response to two complaint referrals, HEM reviewed the hiring documentation for the IDOT Traffic Services Manager position in District 1. While HEM did not object to this hiring sequence, HEM made recommendations regarding the agency's conflict of interest vetting and scoring procedures. HEM recommended that IDOT ensure that disclosures are vetted by someone other than the discloser, and that the vetting is documented, which includes the identification and signature of the person responsible for vetting the disclosure. Additionally, HEM recommended that any agency staff who participate in the selection process must complete a Conflict of Interest form for the hiring sequence, including the agency staff that wrote and received the interview Questions & Criteria. HEM also noted that when reviewing the Candidate Evaluation forms, interview notes, and scores, it was sometimes difficult to ascertain why one candidate scored higher in one criterion than another. HEM recommended that the agency utilize additional scoring guidance, such as ideal or preferred responses and a scoring guide specific to the questions/ideal responses, to distinguish stronger responses especially when the candidates were so closely qualified. HEM also recommended that the agency consider providing more detail on the interviewer notes or Candidate Evaluation forms to support (dis)similar scores and to justify the selection decision.

19-HEM-0081

In response to three complaint referrals, HEM reviewed three canceled hiring sequences at the Kiley Developmental Center (Kiley Center), operated by DHS. HEM found that the first sequence, for a Human Resources Representative I, was canceled without interviews upon DHS's determination that filling the position would put the Kiley Center over its allotted headcount. The other two sequences, both for Administrative Assistant (AA) I positions, were canceled because no candidate interviewed in either sequence met the preestablished minimum scoring threshold. HEM did not challenge DHS's bases for canceling the three sequences. However, HEM found that although one of the AA I sequences was canceled after the CEP was filed, DHS did not submit a written justification for canceling the sequence, as required by the CEP, until prompted to do so by HEM. Further, DHS's justification did not include the agency's plan for having the position duties performed until the position is permanently filled, including any temporary assignment (TA) to the position, although HEM later learned of a TA to the position. In the Advisory, HEM reminded DHS of its obligations under the CEP regarding the cancellation of hiring sequences. HEM also reminded DHS of its duty under the CEP to cooperate with requests from HEM, upon learning that DHS had failed to inform HEM that the AA I position had been reposted, although HEM had requested notification of the reposting so that it could monitor the interview sequence.

19-HEM-0059

HEM monitored the hiring sequence for a Functional Expert – Cost/Project Accounting for the Enterprise Resource Planning Program at DoIT. The top-ranked candidate declined the position, prompting DoIT to determine it no longer needed a full-time subject matter expert to perform the duties set forth in the position description (PD). DoIT expressed its intent to cancel the posting, clarify the PD duties to more accurately reflect the agency's needs, and repost the position. While HEM did not object to this course of action, it recommended that the agency review the PD before posting any position to ensure it is accurate and up-to-date, in accordance with the CEP. HEM also recommended that DoIT increase the competitiveness of its candidate pools by inviting as many qualified candidates to interview as possible and utilizing the State's new electronic application system. Finally, it was recommended that interviewers score each candidate immediately following his or her interview, rather than waiting until the end of the day to do so, and follow the candidate scoring procedures contained in the CEP.

19-HEM-0091

In response to two complaint referrals regarding three Technical Manager (TM) IV positions at the Illinois Department of Transportation (IDOT), HEM reviewed the hiring file documentation for the Northern Public Information Officer, the Traffic Services Manager, and the Communications Outreach Liaison, Region 1; HEM had previously monitored the hiring sequences for the latter two sequences. While HEM did not object to these hiring sequences, HEM recommended that the agency consider rewording one of the interview questions that was misinterpreted by candidates. HEM also repeated a previous recommendation that IDOT ensure that disclosures on the Conflict of Interest form are vetted by someone other than the discloser, and that the vetting is documented, including the identification and signature of the person responsible for vetting the disclosure.

19-HEM-0072

In response to a complaint referral, HEM reviewed the documentation for all Human Rights Investigator Trainee, Investigator II, and Investigator III positions posted at the Illinois Department of Human Rights (IDHR) since June 1, 2019. Of the 14 postings within that timeframe, three positions had been filled; five postings had been vacated; and six sequences were ongoing. IDHR provided further explanation regarding the canceled postings. HEM also monitored the interviews for one of the ongoing sequences, a Human Rights Investigator Trainee title for which IDHR was seeking to hire five candidates. While HEM did not object to the selection of the five candidates, it recommended that IDHR ensure it follows proper candidate identification procedures for Investigator Trainee sequences, including accessing the Open Competitive and Successful Disability Opportunities Program Lists. It was also recommended that IDHR notify CMS of its intent to cancel a hiring sequence, even if interviews have not been conducted, and appropriately document its decision to cancel a sequence in the hiring file.

20-HEM-0010

HEM monitored the interviews and reviewed the hiring documentation for a term appointment renewal of an HFS Federal Regulatory Compliance Manager. While HEM did not object to this hiring sequence, HEM recommended that the agency clearly note the final grades and the related hiring determination (such as, fail, rejected grade, or unapproved qualification review) on the bid record, so that it is clear why candidates were or were not invited to interview. Additionally, HEM recommended that the agency ensure procedures are in place so that the Box 19 minimum qualifications are applied during the applicant screening process.

20-HEM-0056

HEM reviewed the term appointment renewal of a DCFS Associate Deputy Director, Behavioral Health Services. While HEM did not object to this hiring sequence, HEM recommended that the agency's vetting of the Conflict of Interest form disclosures is documented with the identification and signature of the person responsible for vetting the disclosures. The agency explained that the form had been reviewed by a Personnel Liaison and agreed to include their signature in the future. CMS also confirmed that they are going to amend the form to include both the signature of the certifier and the reviewer.

20-HEM-0044

HEM monitored the interviews and reviewed the hiring documentation for the Chief Grant Administrator at the Illinois Department of Natural Resources (DNR). The top-ranked and selected candidate was not the incumbent, whose term appointment expired on June 30, 2020. While HEM did not object to this hiring sequence, HEM recommended the agency review the Screening Justification form guidance and ensure that the form accurately reflects how an agency developed its candidate pool, regardless of whether a screen was applied. HEM also made recommendations regarding conducting the interview. HEM recommended that, absent extenuating circumstances, interview panel members score each candidate immediately after his or her interview, rather than waiting until the end of the day to do so, or longer in this case, to avoid inferences of consensus or comparison/contrast scoring and to ensure interviewers accurately recall information acquired during the interview. Additionally, HEM recommended that, if the agency is providing the interview questions to the candidate prior to the interview, the agency ensure each candidate receives the same amount of time to review interview questions.

Other HEM Compliance Reviews

Political Contacts

HEM reviews all reported or discovered instances where an elected or appointed official of any political party or any agent acting on behalf of an elected or appointed official or political party attempts to affect any hiring or employment action for any Non-Exempt Position by contacting State personnel involved in an employment action whether in person, in writing, by telephone, by facsimile, by e-mail, or any other means. Pursuant to the CEP, any State employee who receives or has reason to believe such Political Contact has occurred or is occurring is required to report it to CMS or OEIG HEM within 48 hours of such Political Contact or learning of such Political Contact. CMS is required by the CEP to maintain records documenting all reports of Political Contacts and Political Discrimination.

During this quarter, HEM did not receive formal notice of any Political Contacts to review pursuant to the process set forth in the CEP. However, HEM became aware of a recommendation letter from an Illinois senator attached to a candidate's application, as identified in Advisory summary 20-HEM-0034, set forth above. HEM confirmed with DHS that the matter was not reported to CMS as a Political Contact. HEM has discussed the issue and the need for implementing a notification process, including a Political Contact log, with both CMS and the Governor's Office. Until a system is implemented, HEM needs to receive notice of Political Contacts either through CMS or directly from the agency.

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 70 exempt appointment notifications for positions on the Exempt List to verify that the selected candidate met the minimum qualifications of the position being filled.

The Exempt Employment Plan also sets forth procedures for adding or deleting positions from the Exempt List, providing that only the Governor or the EIG may initiate such a change. HEM reviews all Exempt List addition and deletion requests from the Governor's Office and recommends approval of or objection to the proposed change to the EIG, who must respond to the Governor's request within 10 business days.

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

In this quarter, HEM received a total of 10 Exempt List modification requests, including 7 addition requests and 3 deletion request.³ HEM made the following determinations on Exempt List modification requests this quarter:⁴

Exempt List Additions and Deletions by Agency - Second Quarter 2020		
Agency	Working Title	OEIG Determination
Department of Public Health	Deputy General Counsel	Approved Addition
Department of Public Health	Deputy General Counsel	Approved Addition
Department of Commerce and Economic Opportunity	Deputy Director, Office of Illinois Works	Approved Addition
Department of Commerce and Economic Opportunity	Managing Director of Africa	Approved Deletion
Department of Public Health	Deputy Director – Office of Disease Control	Approved Addition
Department of Public Health	Deputy Director – Office of Communications	Approved Addition
Department of Public Health	Deputy Chief of Staff for Special Projects	Approved Addition
Department of Public Health	Division Manager – Division of Environmental Health	Approved Deletion
Illinois Criminal Justice Information Authority	Community Engagement Liaison	Approved Addition
Illinois Criminal Justice Information Authority	Target Violence Prevention Program (TVPP) Program Director	Approved Deletion
Department of Financial and Professional Regulation	Deputy Officer, Communications and Coordination, Cannabis Regulation Oversight Office	Pending (Proposed Addition)
Department of Financial and Professional Regulation	Deputy Officer, Legislation and Rules, Cannabis Regulation Oversight Office	Pending (Proposed Addition)
Department of Human Services	Administrative Services Organization Manager, Division of Mental Health	Pending (Proposed Deletion)
Illinois State Police	Major Case Legal Counsel	Pending (Proposed Addition)

[Position Description Clarifications](#)

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

This quarter, HEM reviewed 120 clarifications to Exempt List position descriptions. HEM did not object to any clarifications this quarter.

³ This includes deletion requests that were prompted by HEM.

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

III. Hiring Investigations

Upon receipt of a complaint, the OEIG's Investigative Division performs an initial review of the allegations, which must be completed within 30 days. After this initial review, the OEIG has the discretion to open an investigation, refer to HEM for a hiring compliance review, or refer to other entities, as it deems appropriate. In addition, the OEIG also has the authority to self-initiate an investigation based on information discovered in other investigations or available via public sources. Cases may also be referred to the Investigative Division from HEM when a HEM hiring review reveals evidence of intentional wrongdoing that requires a more in-depth inquiry or evidence of unlawful political discrimination.

After an investigation, the OEIG issues (1) a summary report concluding reasonable cause exists to believe a violation has occurred (a "founded summary report"), or (2) a statement of the decision to close the investigation when there is insufficient evidence that a violation has occurred (an "unfounded summary report"). Founded summary reports document:

- the allegations of wrongdoing;
- facts confirmed by the investigation;
- an analysis of the facts in comparison to the applicable law, rule, or policy; and
- findings and recommendations.

In accordance with State law, the OEIG provides founded reports to the head of each agency affected by or involved with the investigation and the appropriate ultimate jurisdictional authority. The agency or ultimate jurisdictional authority is required to respond to the report and its recommendations within 20 days. Within 30 days after receiving the agency response, the OEIG must forward a copy of the founded report and the agency response to the Executive Ethics Commission (EEC).⁵ Pursuant to the Ethics Act, the EEC is the only entity permitted to determine the public release of OEIG founded summary reports.

⁵ 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 26 hiring-related investigations pending.⁶ 5 hiring-related investigations were closed this quarter.

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

During the second quarter, the EEC did not make any OEIG founded reports related to hiring available to the public. Redacted reports from past quarters and fiscal years are available at www.inspectorgeneral.illinois.gov.

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

Appendices

A. Leadership

B. Percentage of Exempt Positions by Agency

A. Leadership

Susan M. Haling, Executive Inspector General

Ms. Haling was nominated as Executive Inspector General in March 2018, and confirmed by the Illinois Senate in May 2019. She first joined the OEIG in December 2011 as Special Counsel, and served as the First Assistant Inspector General beginning in 2015. In addition, she has more than nine years of experience as an Assistant U.S. Attorney in Chicago, where she tried over 20 criminal trials. Ms. Haling also previously worked for the U.S. Justice Department, Criminal Division, in Washington, D.C. Ms. Haling was a law clerk for the Honorable James F. Holderman, a former U.S. District Judge for the Northern District of Illinois. Ms. Haling received her BA from the University of Notre Dame and obtained her law degree from the DePaul University College of Law, where she graduated Order of the Coif, served as editor for the Law Review, and was a member of the Moot Court Trial Team

Neil P. Olson, General Counsel

Mr. Olson returned to the OEIG in May 2018 and serves as General Counsel. Mr. Olson previously worked at the OEIG as Deputy Inspector General and Chief of Springfield Division before leaving the OEIG in 2013 to serve as General Counsel in the Office of the Illinois State Treasurer. Prior to his return to the OEIG, Mr. Olson also served as an Assistant Attorney General and then the Deputy Public Access Counselor in the Office of the Illinois Attorney General. He also previously worked for the Massachusetts Attorney General's Office, the Massachusetts Commission on Judicial Conduct, as a litigator in private practice, and as the law clerk to the Honorable Kenneth Laurence of the Massachusetts Appeals Court. Mr. Olson is a graduate of Grinnell College and Northeastern University School of Law, and is licensed to practice law in Massachusetts and Illinois.

Fallon Opperman, Deputy Inspector General and Chief of Chicago Division

Ms. Opperman joined the OEIG as an Assistant Inspector General in June 2008 and then served as Chief of the Regional Transit Board Division. As Deputy Inspector General and Chief of Chicago Division since February 2015, Ms. Opperman manages the investigative activities of the OEIG's Chicago office, including oversight of the Regional Transit Board Division. Ms. Opperman received a BA from North Central College and obtained her law degree from the DePaul University College of Law.

Erin K. Bonales, Director of Hiring & Employment Monitoring

Ms. Bonales is responsible for directing the OEIG's Hiring & Employment Monitoring Division, which engages in compliance reviews and monitoring activities related to hiring and employment decisions, policies, and practices. Ms. Bonales previously worked for the OEIG for nearly eight years, including serving as Deputy Inspector General and Chief of the Chicago Investigative Division. Prior to joining the OEIG in May 2006, Ms. Bonales was an Assistant General Counsel for the Illinois Department of Human Services for approximately five years. Ms. Bonales received a JD from the University of Illinois College of Law, and a BA in Political Science from Southern Illinois University.

Christine Benavente, Deputy Inspector General - Executive Projects

Ms. Benavente joined the OEIG as an Assistant Inspector General in August 2011 and later served as a Legislative Assistant Inspector General. As Deputy Inspector General – Executive Projects, Ms. Benavente leads numerous executive projects, including overseeing the Division of External Compliance & Outreach and serving as the legislative attorney for all legislative matters pertaining to the OEIG. Prior to working at the OEIG, she was an Associate at Jenner & Block, LLP. Ms. Benavente obtained her law degree from DePaul University College of Law where she graduated Order of the Coif and magna cum laude. During law school she served as Editor-in-Chief of the Women's Law Caucus Digest and Moot Court Representative for the Hispanic National Bar Association. She obtained a BA from the University of Iowa.

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

Ms. Luning joined the OEIG as an Assistant Inspector General in 2012, became a Deputy Inspector General for Investigations in 2015, and currently serves as Acting Chief of the Springfield Division. Ms. Luning previously served as an Assistant State's Attorney in the Will County State's Attorney's Office, an Assistant Attorney General, and an Assistant Corporation Counsel for the City of Chicago; she also was a law clerk to the Hon. George W. Lindberg in the U.S. District Court for the Northern District of Illinois. Ms. Luning has a BA from Yale University, and received her law degree from Loyola University Chicago, where she served as the Executive Editor for Lead Articles on the Loyola University Chicago Law Journal.

Claudia P. Ortega, Chief Administrative Officer

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

B. Percentage of Exempt Positions by Agency

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

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

2 The percentage was obtained using the number of exempt positions on the June 3, 2020 Exempt List and the agency headcount.

Agency	Agency Headcount	% of Exempt Positions
Human Rights	126	11%
Human Services	12,818	1%
Innovation & Technology	718	9%
Insurance	206	10%
Juvenile Justice	893	4%
Labor	75	15%
Liquor Control Commission ³	32	28%
Lottery	145	6%
Military Affairs	222	2%
Natural Resources	1,483	2%
Prisoner Review Board	25	4%
Property Tax Appeal Board	35	14%
Public Health	1,163	4%
Revenue	1,431	3%
Sentencing Policy Advisory Council ⁴	6	17%
State Fire Marshal	136	7%
State Police	2,776	0.4%
Transportation	5,245	2%
Veterans' Affairs	1,216	1%
% of Exempt Positions Based on Total Headcount	50,369	2%

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

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