

# HIRING & EMPLOYMENT MONITORING REPORT

OFFICE OF EXECUTIVE INSPECTOR GENERAL FOR THE AGENCIES OF THE ILLINOIS GOVERNOR

FIRST QUARTER | 2022



## UPDATES

The Office of Executive Inspector General for the Agencies of the Illinois Governor (OEIG) provides a report each quarter on its hiring-related compliance and investigative work. This work, authorized by statute, is focused on ensuring the State is in compliance with applicable employment laws, including the *Shakman* decree and the Comprehensive Employment Plan (CEP).

This quarter, the OEIG adjusted the format of its quarterly reports. The Hiring & Employment Monitoring (HEM) Annual Report, issued at the end of the calendar year, will continue to include more detailed descriptions of HEM's monitoring processes. To view that information, we direct you to prior reports found on the OEIG website, including the Fourth Quarter and Annual Report 2021.

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## HEM Compliance Reviews

Between January 1 and March 31, 2022, HEM's work included the following compliance activities:

Actions Taken During the First Quarter 2022	Count
Hiring-related reviews opened	10
Hiring sequences monitored	3
Desk audits completed	8
Hiring reviews transferred to the OEIG Investigative Division	1
Advisories issued	10

The following chart lists out the 10 Advisories issued this quarter. The Advisories that made recommendations are summarized on page 6. In some cases, HEM requested a formal response from the agency, which is also summarized. Responses to Advisories issued last quarter but received this quarter are included under Advisory Updates.

Issued Advisories – First Quarter 2022			
Advisory	Agency	Position Title	Type of Review
<i>Advisories with No Recommendations</i>			
21-HEM-0032	IDOC	Food Service Program Manager	Complaint Referral
21-HEM-0045	IDES	Unemployment Insurance Special Agent	Complaint Referral
<i>Advisories with Recommendations (Summaries available on page 6.)</i>			
21-HEM-0024	IDHS	Quality Assurance Manager	Complaint Referral
21-HEM-0022	IDOC	Administrative Assistant II	Complaint Referral
21-HEM-0023	IDHS	Human Resources Associate	Complaint Referral
21-HEM-0050	IDOC	Command Center Supervisor	Complaint Referral
20-HEM-0059	IDPH	Technician I	Complaint Referral
22-HEM-0005	IDHS	Application Manager Administrator	Term Appointment/ Hiring Sequence Monitoring
21-HEM-0054	DMA	Lincoln Challenge Academy Director	Hiring Sequence Monitoring
21-HEM-0046	GAC	Paralegal Assistant; Guardianship Managing Administrator	Desk Audit

## Non-Exempt PSC Reporting

In February of 2022, CMS submitted the State's Personal Service Contract (PSC) Report for the fourth quarter of calendar year 2021. The table below summarizes this information:

Data from the State's Personal Service Contract (PSC) Report for the Fourth Quarter of CY 2021	Count
State entities that submitted a PSC report to CMS	<b>53</b>
State entities that decreased their use of PSCs from the previous quarter	<b>9</b>
State entities that increased their number of PSCs	<b>9</b>
State entities that did not have a change in PSCs	<b>35</b>
State entities that did not report utilizing any PSCs	<b>10</b>

## HEM Exempt Reviews

The following chart represents the various exempt reviews conducted by HEM this quarter.

HEM Exempt Reviews	Count
Exempt appointment notifications/certifications received and reviewed for positions on the Exempt List	<b>98 (No objections)</b>
Exempt position description clarifications received and reviewed	<b>92 (No objections)</b>
Exempt personal services contracts (PSCs) received for review	<b>0</b>
Exempt List addition requests received this quarter	<b>8</b>
Exempt List addition requests approved this quarter	<b>14</b>
Exempt List modification requests approved this quarter	<b>1</b>
Exempt List deletion requests approved this quarter	<b>1</b>
Agency withdrawal of Exempt List requests	<b>1</b>
Exempt List pending requests	<b>8</b>

## HEM Exempt Reviews (continued)

Exempt List Additions and Deletions by Agency - First Quarter 2022		
Agency	Working Title	OEIG Determination
Abraham Lincoln Presidential Library and Museum	Director of Marketing and Guest Experience	Approved Modification
Commission on Equity and Inclusion	General Counsel	Approved Addition
Commission on Equity and Inclusion	Chief Fiscal/Human Resources Officer	Approved Addition
Illinois Criminal Justice Information Authority	Communications Media Administrator	Approved Addition
Illinois Criminal Justice Information Authority	Assistant Deputy Director	Approved Addition
Illinois Criminal Justice Information Authority	Program Analyst Director	Approved Addition
Abraham Lincoln Presidential Library and Museum	Director of Public Programs and Community Engagement	Approved Addition
Abraham Lincoln Presidential Library and Museum	Development Director	Approved Addition
Illinois Department of Juvenile Justice	Deputy Ombudsman	Approved Addition
Illinois Department of Juvenile Justice	Restorative Justice & Community Outreach Manager	Approved Addition
Illinois Environmental Protection Agency	Electric Vehicle Coordinator	Approved Addition
Illinois Department of Healthcare & Family Services – Office of Inspector General	Chief Operating Officer	Approved Addition
Illinois Department of Healthcare & Family Services – Office of Inspector General	Chief of Staff	Approved Addition
Illinois Department of Innovation and Technology	Chief Information Accessibility Officer	Approved Addition
Illinois Department of Central Management Services	Legal Investigator	Approved Addition
Abraham Lincoln Presidential Library and Museum	Museum Guest Services Division Manager	Approved Deletion
Illinois State Police	Director of Legislative Affairs	Withdrawn

## Political Contact Reporting

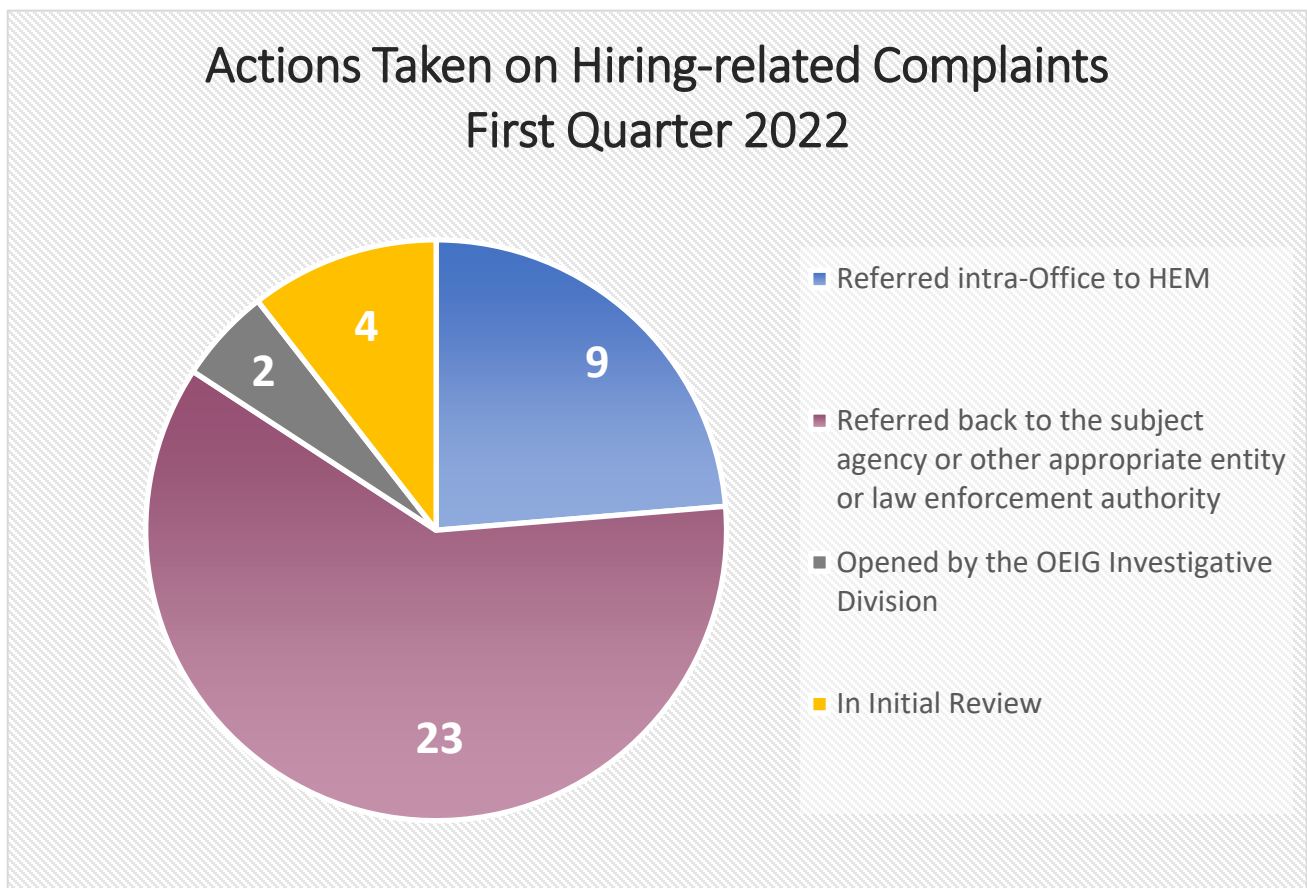
This quarter, HEM received **2** reports of Political Contacts summarized as follows:

- One report stated that an Illinois State Representative submitted a letter of recommendation for an applicant for an IDOT position.
- One report identified a letter of recommendation from an Illinois State Senator that was submitted with an applicant’s application materials for a IDHS position.

## Investigative Division

### *Hiring-Related Complaints*

For the first quarter of 2022, the OEIG received **29** hiring- related complaints. Also, in this quarter, the following actions were taken with regard to hiring-related complaints:



# Investigative Division

## *Hiring Investigations*

The following are the Investigative Division’s numbers at the close of this quarter.

Hiring-related Investigations	Count
Hiring-related investigations pending at the close of the quarter	<b>21*</b>
Hiring-related investigations closed this quarter	<b>6</b>
Founded reports related to hiring issued this quarter	<b>1</b>
Founded reports related to hiring made available to the public this quarter	<b>0</b>

\*One investigation was inadvertently not previously counted as a hiring-related complaint.

# HEM Advisory Summaries

## *21-HEM-0024*

In response to a complaint referral, HEM monitored the interviews for a Quality Assurance Manager in the Illinois Department of Human Services (IDHS) Division of Rehabilitation Services. HEM found the selection process for the position to be merit-based and justifiable. While HEM did not have any recommendations regarding the hiring sequence, HEM requested a response from IDHS and the Illinois Department of Central Management Services (CMS) on whether the reasonable accommodation process for applicants with disabilities currently utilized through the SuccessFactors electronic process is sufficient.

IDHS responded, incorporating input from CMS in the response. IDHS and CMS provided additional information regarding the SuccessFactors reasonable accommodation process and explained that CMS is developing a job aid for reasonable accommodations for all agency human resources staff. This resource will provide step-by-step instructions for reasonable accommodations to ensure compliance with all policies. CMS expects to implement this within the next few months.



## **21-HEM-0022**

In response to a complaint referral, HEM reviewed the hiring file for an Administrative Assistant II at the Illinois Department of Corrections (IDOC). While HEM's review found the hire to be merit-based and justifiable, HEM made several recommendations. HEM requested that the agency review whether the position description, hiring criteria, interview questions, and ideal responses could be better tailored to the needs of the Administrative Assistant II position. HEM also recommended that the agency ensure that the position description reflect the actual duties to be performed as well as review the Executive Secretary I position descriptions at the IDOC correctional centers to determine whether there needs to be variations or rather, should be consistent, and whether these position descriptions accurately reflect the actual duties performed. Finally, while HEM did not take issue with the final scores, HEM asked that IDOC remind the interviewers that they are required to explain any changes to their scores pursuant to CEP Section V., ¶ 37. Moving forward, HEM recommended that IDOC check that interviewers have noted any reasons for changing the score on the scoresheet before proceeding with the hire.

In response, IDOC stated that the IDOC Classifications unit will work with the IDOC Operations team to ensure positions accurately reflect the duties performed. IDOC confirmed that as bargaining unit positions go live in SuccessFactors, the position descriptions will be updated when the positions are vacated prior to posting. Additionally, the Administrative Assistant II position title is a merit comp title which is part of the new hiring reform, and these position descriptions will also be updated when the positions are vacated prior to posting. IDOC also stated that new questions and ideal responses are being created to align with the position description changes and should be more focused. IDOC explained that all positions posted after October 1, 2021 will utilize the CMS Interview Tool, thus providing a place for interviewers to document an initial score, any revised scores, and an explanation for the change. Shared Services staff reviews the scoring tool prior to moving forward with hiring sequences. IDOC also confirmed that on January 26, 2022, all IDOC Managers were reminded to follow CEP instructions on interview scoring and to advise any staff certified in interview and selection training.

## ***21-HEM-0023***

In response to two complaint referrals regarding hiring sequences for two different positions at an IDHS Developmental Center, HEM monitored the interviews for a Human Resources (HR) Associate position and reviewed the contractual hire for the other position. HEM also discussed this matter with CMS, including regarding any disciplinary action taken against an IDHS employee named in the two complaints. CMS provided a copy of the counseling memo issued to this employee by IDHS and indicated that CMS was working with IDHS to produce a training for its facility-level HR staff. While HEM found the selection decisions for both positions to be appropriate, HEM recommended that IDHS invite additional candidates to interview from the Open Competitive List to develop a larger, more competitive interview pool. HEM also requested a response to the Advisory from IDHS and CMS. Specifically, HEM requested a response from IDHS regarding any additional disciplinary action taken against the employee identified in the complaints and asked CMS to provide a copy of the proposed IDHS training module in advance of the training, so that HEM could provide its input.

In its response, IDHS indicated that it was continuing to investigate the actions of the employee named in the two complaints and would notify HEM of the outcome of the investigation and any resulting discipline. IDHS also provided an outline of its training plan. IDHS subsequently provided a copy of the proposed training module. HEM reviewed the training materials and provided feedback.

## ***21-HEM-0050***

In response to two complaint referrals, HEM reviewed the hiring file for a Command Center Supervisor position at IDOC. While HEM found the selection decision to be merit-based and justifiable, HEM recommended that IDOC HR staff notate any follow-up regarding disclosed relationships on the Relationship Disclosure & Conflict of Interest Certifications (Disclosure Forms) and ensure that HR review and sign Disclosure Forms for all employees involved in the hiring sequence, not just those who serve as interviewers. HEM also recommended that IDOC remind interviewers to clearly document the reason(s) for any scoring changes, as required by the CEP.



## **20-HEM-0059**

In response to two complaint referrals, HEM conducted a review of contractual hires under an Emergency Hiring Plan to assist with Covid-related work in the Illinois Department of Public Health (IDPH) Chicago Laboratory (Chicago Lab). HEM found that many of the individuals who were hired through personal services contracts (PSCs) as Technician 1s in the Chicago Lab did not meet the minimum requirements in the job posting, which included an associate degree with courses in the life sciences, supplemented by two years of laboratory experience. In contrast, HEM found that many of the Technician 1 applicants who were not hired in the Chicago Lab met or exceeded these qualifications. In addition, HEM found that at least three of the unqualified Technician 1 hires were related to IDPH Division of Laboratory employees. HEM also found that some of the unqualified Technician 1 hires had their PSCs extended or renewed after the initial one-year PSC ended, including one of the individuals who HEM determined was related to an IDPH employee. HEM requested a response from IDPH and CMS to this Advisory. HEM requested the response specifically address: why IDPH did not hire qualified applicants before hiring unqualified applicants; who was responsible for hiring the individuals related to IDPH employees; what action IDPH would take if these hires did not comport with the Emergency Hiring Plan; whether the same issues occurred for two other emergency positions and how IDPH's other two labs handled the selection of all three positions; and the existence of any relationships between temporary workers and IDPH employees and whether these relationships violate IDPH's Nepotism Policy. The responses from CMS and IDPH were not due within this reporting period.

## **22-HEM-0005**

As follow-up to HEM Advisory 20-HEM-0064, HEM continued its review of the Application Management Administrator (formerly titled Manager, Families, Children, Elderly and Veterans Cluster), a term appointment position, at the Illinois Department of Innovation & Technology (DoIT)/IDHS. In the previous Advisory, the hiring sequence (Sequence 1, which held interviews in June 2020) resulted in a failed sequence because the top-ranked candidate, who was also the incumbent, retired, and the other candidates did not accept or meet the scoring threshold. Since then, three additional hiring sequences (Sequences 2-4) have occurred, but the position continues to not be filled by competitive selection, and the former

incumbent has been working on contract in this capacity. In Advisory 22-HEM-0005, HEM described its review of the three subsequent sequences, making several recommendations and requesting a response, which is not yet due. During the sequences reviewed, HEM received inaccurate information about the status of the previous incumbent and also was not contacted to discuss a bypass or failed sequence decision. HEM noted that its ability to properly monitor State hiring, whether by requests for specific information or the actual monitoring of a sequence, depends on the cooperation of State agencies and accurate responses. While HEM understands that this occasionally happens, given the history of HEM's involvement and prior requests regarding this position, HEM requested that, at minimum, if HEM is monitoring a sequence, the agency must notify HEM before a bypass, cancellation, or any other significant hiring action takes place. For instance, in this case, such notification may have yielded a different result. Because of the historical difficulty in filling this position and the small point differential, IDHS may have been justified in seeking approval to lower the scoring threshold and avoided yet another repost. Additionally, agencies should also be required to inform CMS Compliance if HEM or the Special Master's Office (SMO) has been involved in a sequence at the time it requests a review from CMS Compliance. In this case, IDHS's request to CMS Compliance for bypass approval for Sequence 4 did not inform CMS Compliance that HEM was monitoring or that this sequence had undergone multiple attempts and reviews by HEM. HEM also recommended that the agency consider how HEM requests are tracked and made known to other entities or units that may be handling the matter, so this does not continue in this instant hire or otherwise. HEM requested to be notified of the repost of the position so HEM can monitor the sequence.

In response to an OEIG founded report (Case No. 19-02266), IDHS had previously committed to having PSCs handled entirely by the Office of Human Resources (OHR). However, in this case, PSC paperwork showed limited involvement by OHR. Thus, HEM also requested that IDHS explain whether the corrective actions proposed by IDHS had been taken, and if so, why that is not reflected in the paperwork in this instance. Additionally, HEM noted that for almost two years now the previous incumbent continues to perform the term appointment's duties. HEM recommended that 1) DoIT, IDHS, and CMS work together to recruit a qualified pool of more than three interviewed candidates; 2) DoIT, IDHS and CMS work together to review and set requirements and rating scales that are appropriate for this position, given the large number of candidates that have failed to meet the

threshold, but have come close; and 3) IDHS should consider offering the position to the second-ranked candidate of Sequence 4.

HEM also recommended to CMS that CMS determine whether CMS Compliance Officers are asking, as part of their review, whether HEM or SMO has been involved in the hiring sequence to help ensure better outcomes. Determining whether HEM/OEIG or the SMO has been involved in a hiring sequence can alert the CMS Compliance reviewer to issues important to an approval decision, and it can potentially reduce duplicative work.

### ***21-HEM-0054***

As follow-up to HEM Advisory 20-HEM-0030, HEM reviewed the hiring sequence and monitored the interviews for the Lincoln Challenge Academy Director at the Illinois Department of Military Affairs (DMA). While HEM observed significant progress in DMA's implementation of the CEP requirements, HEM made one recommendation. HEM recommended that DMA ensure that interviewers complete the Disclosure Forms at least three days before the first scheduled interview in accordance with the CEP so that the agency personnel officer has time to adequately vet potential conflicts and avoid delays.

### ***21-HEM-0046***

HEM conducted a desk audit of a Paralegal Assistant position at the Guardianship and Advocacy Commission (GAC), an entity that HEM has not yet monitored. The position was filled in October 2020. While HEM found that the most qualified candidate was selected, it noted that the hiring file lacked documentation in several areas. GAC staff explained that certain HR employees, including the HR Director who worked on the hiring sequence in 2020, had since left the agency. However, before these employees left the agency, interview sequence documentation was not being collected and processed as it should have been. The State has conducted significant CEP training since this 2020 hire occurred. HEM reviewed a recently completed hiring sequence in SuccessFactors for a Guardianship Managing Administrator (requisition no. 7526) to determine whether GAC had resolved the issues from the 2020 sequence. Based on HEM's review of requisition no. 7526, it appears GAC has resolved many, if not all, of the documentation issues that occurred in the 2020 sequence. Nevertheless, with regard to the 2020 sequence, HEM recommended that GAC assess candidate education and experience separately and

assign more weight to these objective hiring criteria and modify its practice of assessing candidate writing abilities based on an existing writing sample. With regard to both sequences, HEM noted that GAC needs to ensure that all Disclosure Forms are properly vetted, including after any additional disclosures are made once the interview pool has been identified. While HEM's review of requisition no. 7526 reflected that GAC has significantly improved its hiring processes from the 2020 hiring sequence, HEM requested to monitor an upcoming GAC hiring sequence to further assess this progress, and requested that GAC notify HEM when its next non-bargaining unit position is posted.

## HEM Advisory Updates

### **21-HEM-0021**

In response to Advisory 21-HEM-0021 issued last quarter regarding two hiring sequences for an Illinois State Police (ISP) Legal Counsel position, ISP indicated it would implement the new CMS Standardized Hiring Plan (SHP) for all positions and submit the SHP to CMS for approval before posting a position. Additionally, ISP committed to ensuring that conflicted employees are removed from the hiring process. ISP further responded that it planned to implement a standardized minimum interview score for all ISP positions as well as an ideal interview pool size based on the specific position being filled. CMS also responded to this Advisory, agreeing that conflicted employees should be removed from *all* interviews in a hiring sequence, not just the interview(s) of candidate(s) with whom the panel member has a conflict. CMS also collaborated with HEM to develop guidance to agencies instructing that: 1) non-scoring Technical Advisors must still submit Disclosure Forms and complete interview training; and 2) no other non-scoring State employees should be present for interviews, other than HR staff for training purposes.

### **20-HEM-0046**

In response to Advisory 20-HEM-0046 issued last quarter regarding the hiring sequence for a Field Services Manager at the Illinois Department of Veterans Affairs (IDVA), IDVA indicated it had implemented a standardized timeframe for interviews, generally allotting one hour for the interview and an additional 30 minutes to score each candidate after his or her interview. IDVA further responded that it had updated its candidate scoring practices to comport with those set forth in the amended CEP. IDVA also committed to ensuring that all Candidate

Evaluation Forms (CEFs) are fully completed and maintained within the hiring file, noting that CEFs are no longer used for positions filled through SuccessFactors. Finally, IDVA responded that it had modified the position description for the Field Services Manager position and participated in modifying legislation to require that individuals hired for this position are honorably discharged veterans who have served during a time of conflict.

## ***20-HEM-0097***

In response to Advisory 20-HEM-0097 issued last quarter regarding HEM's review of three hiring sequences for the IDHS Director of Nursing for one of the State-Operated Developmental Centers, IDHS confirmed that an employee had not been demoted and provided an explanation of the position changes for both the Director of Nursing and Assistant Director of Nursing positions. IDHS agreed with HEM that the inconsistencies throughout the hiring sequences could cause confusion and stated that IDHS's processes continue to be refined and improved as the agency transitions to the electronic hiring system. IDHS noted that with HEM's assistance and suggestions, IDHS continues to work on consistency of job descriptions throughout the agency, specifically in the 24/7 facilities. IDHS acknowledged that prior to electronic hiring, screening was not being used consistently. The electronic application process remedies this and, for positions for which the electronic hiring is not yet available, IDHS is using the Screening Justification Form and the standardized screening process, including screening the Open Competitive list for all positions that require a screening, which prevents the agency from interviewing candidates that do not possess the required skills of the position. IDHS also stated that it provides reminders to the division personnel as to what they should be disclosing on the Disclosure Forms.