

# HIRING & EMPLOYMENT MONITORING REPORT

FIRST QUARTER | 2024

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## UPDATES

*The Office of Executive Inspector General for the Agencies of the Illinois Governor (OEIG) provides this report each quarter on its hiring-related investigative and compliance work.*

The Hiring and Employment Monitoring (HEM) Division was established in 2015 as the compliance arm of the OEIG, to work with agencies to ensure State hiring practices are compliant and monitor how hiring-related policies are being implemented.

HEM recognizes that State hiring is dynamic: technology updates are occurring at a rapid pace, multiple agencies and actors are involved in each hire, and policies cannot account for every situation. Because of this, HEM's role is not only to review and make recommendations on singular agency hiring decisions but also to offer advice and counsel on ethical concerns and overall hiring reform.

To be able to offer the most effective advice, HEM requests reliable and transparent communication and cooperation from agencies.

This quarter, the majority of Advisories did not have a need for any recommendations, showing strong compliance and cooperation with HEM. As a reminder, agencies should provide detailed and transparent responses to HEM and CMS Compliance in order for us to work together to obtain the best input and hiring outcomes.



## HEM Compliance Reviews

Between January 1 and March 31, 2024, HEM's work included the following compliance activities.

| Actions Taken During the First Quarter 2024                   | Count |
|---|-------|
| Hiring-related reviews opened                                 | 30    |
| Complaints referred to HEM                                    | 6     |
| Hiring sequences monitored                                    | 5     |
| Desk audits completed   | 14    |
| Hiring reviews transferred to the OEIG Investigative Division | 0     |
| Hiring reviews administratively closed                        | 1     |
| Advisories issued   | 20    |

## HEM Exempt List Reviews

The following chart represents the Exempt List reviews conducted this quarter.

| HEM Exempt List Reviews  | Count                 |
|--|-----------------------|
| Exempt appointment notifications/certifications received and reviewed for positions on the Exempt List | 78<br>(No objections) |
| Exempt position description clarifications received  | 36<br>(No objections) |
| Exempt List addition requests received this quarter  | 16                    |
| Exempt List addition requests approved this quarter  | 12                    |
| Agency withdrawal of Exempt List requests this quarter   | 0                     |
| Exempt List deletion requests received this quarter  | 2                     |
| Exempt List deletion requests approved this quarter  | 2                     |
| Exempt List modification requests received this quarter  | 2                     |
| Exempt List modification requests approved this quarter  | 2                     |
| Exempt List pending requests   | 7                     |

| Exempt List Additions and Deletions by Agency - First Quarter 2024   |  |                       |
|--|--|-----------------------|
| Agency/Entity  | Working Title  | OEIG Determination    |
| Illinois Department of Agriculture                                   | Deputy Public Information Officer                          | Approved Addition     |
| Illinois Department of Central Management Services                   | Assistant Finance Benefits Officer                         | Approved Addition     |
| Illinois Department of Children and Family Services                  | Chief Litigation Director                                  | Approved Addition     |
| Illinois Department of Commerce and Economic Opportunity             | Deputy Director for Grants Management                      | Approved Addition     |
| Illinois Department of Corrections                                   | Senior Policy Advisor                                      | Approved Addition     |
| Illinois Department of Human Services                                | Associate Director of State-Operated Psychiatric Hospitals | Approved Addition     |
| Illinois Department of Human Services                                | Deputy Director for Clinical Operations                    | Approved Deletion     |
| Illinois Department of Human Services                                | Deputy Director of Facility Management                     | Approved Modification |
| Illinois Department of Human Services                                | Deputy Director of Quality Management                      | Approved Modification |
| Illinois Department of Juvenile Justice                              | Assistant Superintendent of Extended Educational Services  | Approved Addition     |
| Illinois Department of Veterans' Affairs                             | Director of Labor Relations                                | Approved Addition     |
| Illinois Department of Veterans' Affairs                             | Labor Relations Administrator                              | Approved Deletion     |
| Illinois Department on Aging   | Chief Multisector Plan on Aging Officer                    | Approved Addition     |
| Illinois Emergency Management Agency and Office of Homeland Security | Assistant Deputy Director of Homeland Security             | Approved Addition     |
| Illinois Emergency Management Agency and Office of Homeland Security | Chief Platform Integrity Officer                           | Approved Addition     |
| Illinois Prisoner Review Board                                       | Legislative Liaison and Policy and Communications Officer  | Approved Addition     |

## HEM Exempt PSC Reviews

The following chart represents the exempt personal services contract (PSC) reviews conducted by HEM this quarter.

| HEM Exempt PSC Reviews                               | Count |
|--|-------|
| Exempt PSCs received for review                      | 2     |
| Exempt PSCs approved or not objected to this quarter | 2     |
| Exempt PSCs withdrawn this quarter                   | 1     |

| Approved Exempt PSCs by Agency - First Quarter 2024 |  |
|---|--|
| Agency/Entity                                       | Position Title   |
| Illinois Department of Juvenile Justice             | Expert Consultant – <i>R.J. vs. Mueller</i> Consent Decree |
| Illinois Criminal Justice Information Authority     | Project Administrator – Innovations Institute              |

## Non-Exempt PSC Reporting

On April 12, 2024, the Compliance Office at the Illinois Department of Central Management Services (CMS) provided the State’s PSC Report for the fourth quarter of calendar year 2023. The following table summarizes this information:

| Data from the State’s PSC Report – 4 <sup>th</sup> Qtr. Of 2023           | Count           |
|---|-----------------|
| State entities that submitted a PSC report to CMS                         | 48 <sup>1</sup> |
| State entities that decreased their use of PSCs from the previous quarter | 6               |
| State entities that increased their number of PSCs                        | 16              |
| State entities that did not have a change in PSCs                         | 26              |
| State entities that reported not utilizing any PSCs                       | 12              |

<sup>1</sup> Three agencies had not yet submitted reports: the Illinois Department of Children and Family Services; the Illinois Department of Veterans’ Affairs; and the Illinois Guardianship and Advocacy Commission.

## Political Contact Reporting

This quarter, HEM received **2** Political Contact reports, summarized below.

- One report stated that an applicant for a Mental Health Technician Trainee position at the Illinois Department of Human Services (IDHS) provided a recommendation letter from a State Representative in response to a background report that was under review. CMS Compliance responded that the agency should disregard the letter of recommendation.
- One report filed by the Legislative Affairs Director at the Illinois Department of Transportation (IDOT) stated that a State Representative had inquired about the status of an application on behalf of an applicant. The IDOT Legislative Affairs Director relayed that the Representative was told that they did not get involved in specific personnel matters and recommended the applicant contact IDOT human resources directly. CMS Compliance agreed with this response.

## HEM Advisories

The following chart lists out the Advisories issued this quarter that resulted in HEM finding that the agency’s selection for the position was merit-based and justifiable without any recommendations.

| Advisories with No Recommendations – First Quarter 2024 |        |   |                    |
|---|--------|---|--------------------|
| Advisory  | Agency | Position Title                            | Type of Review     |
| 23-HEM-0062   | CDB    | Administrative Assistant I                | Desk Audit         |
| 22-HEM-0009   | IDPH   | Health Facilities Surveyor I              | Complaint Referral |
| 23-HEM-0036   | LCC    | Paralegal Assistant                       | Desk Audit         |
| 23-HEM-0050   | IDES   | Unemployment Insurance Research Economist | Desk Audit         |
| 23-HEM-0059   | ALPLM  | Human Resources Specialist                | Desk Audit         |
| 23-HEM-0054   | HFS    | Regional Team Supervisor (Executive II)   | Desk Audit         |
| 23-HEM-0067   | CMS    | Internal Auditor II                       | Desk Audit         |
| 23-HEM-0058   | IDHR   | Housing Investigations Supervisor         | Desk Audit         |

| <b>(cont'd) Advisories with No Recommendations – First Quarter 2024</b> |               |  |                       |
|---|---------------|--|-----------------------|
| <b>Advisory</b>   | <b>Agency</b> | <b>Position Title</b>                                    | <b>Type of Review</b> |
| 23-HEM-0063   | OSFM          | Payroll Officer  | Desk Audit            |
| 23-HEM-0022   | IAC           | Program Representative                                   | Desk Audit            |
| 24-HEM-0003   | IDoA          | Rebalancing Long Term Services and Supports Program Lead | Desk Audit            |
| 23-HEM-0071   | ISP           | Human Resources Transactions/Classification Manager      | Desk Audit            |
| 24-HEM-0001   | IDHS          | Social Worker II   | Desk Audit            |
| 24-HEM-0011   | IDPH          | Public Health Program Specialist III                     | Desk Audit            |

## HEM Advisory Summaries

Advisories that included a HEM recommendation are summarized below. 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.

### ***24-HEM-0004***

HEM issued an Advisory in response to a decision by the Illinois Department of Veterans' Affairs (IDVA) to extend an exempt personal services contract (PSC) for a Labor Relations Administrator without a request or notice to HEM. HEM had previously approved the exempt PSC for a six-month term on the condition that the contract not be extended. However, after the term expired, the PSC was renewed with CMS Compliance approval. In the Advisory, HEM noted IDVA's disregard for HEM's condition placed on the approval of the original PSC, the failure to seek authorization from HEM for the renewal, and lack of response from IDVA when asked to confirm if a hiring action had been taken. Based on these issues, HEM requested a response from IDVA and CMS.

IDVA and CMS provided a joint response which noted that there had been significant turnover in staff that contributed to the issues; however, the agencies also recognized that an improved process should be in place rather than relying on

continuity of staff. To correct this, IDVA stated that it had updated its internal approval process for PSCs. IDVA also stated that it was critical that the contractor continue in the PSC due to her breadth of knowledge and experience. IDVA explained that the contractor would finalize the draft training materials and provide guidance to staff while IDVA sought to fill the related vacancies.

CMS Compliance explained that this situation had revealed a weakness in their process; HEM's conditional approval was sent to the Chief Compliance Officer's email address rather than the shared CMS Compliance mailbox, so the CMS Compliance team was not aware of the restriction. To mitigate the risk of this recurring, CMS Compliance has added a required field regarding HEM's monitoring and/or involvement on the agency's initial submission form in the internal Compliance monitoring system. Additionally, CMS Compliance will ensure all PSC communications with HEM will be sent from the CMS Compliance shared mailbox.

## **22-HEM-0009**

In response to a complaint referral, HEM reviewed two Illinois Department of Public Health (IDPH) hiring sequences for a Health Facilities Surveyor I position. While HEM did not make any formal recommendations in the Advisory, in the course of this review, HEM requested that IDPH repost the initial sequence. In this sequence, applicants were screened according to the legacy grading process, resulting in only three eligible applicants. If the electronic process had been used, at least eleven applicants would have been eligible. Additionally, the position description did not contain preferred qualifications; however, the hiring criteria used to score candidates during interviews did. Lastly, there was a nine-month delay between the posting and interviews. Consequently, HEM asked IDPH to repost and complete the sequence through SuccessFactors. HEM found the resulting selection decision to be merit-based and did not make recommendations.

## **24-HEM-0008**

HEM issued an Advisory regarding a pattern of non-responsiveness from Illinois Department of Children and Family Services (DCFS) staff to requests from HEM, and/or CMS Compliance, as well as DCFS proceeding on hiring sequences without obtaining CMS approval. HEM highlighted four of its recent DCFS reviews to illustrate that these issues are not isolated to a single sequence or staff member:

- 22-HEM-0002: DCFS effectively bypassed a higher-ranked candidate and hired a lower-ranked candidate without obtaining CMS Compliance approval. In addition, the selected candidate did not meet the default minimum interview score of 70, and DCFS did not contact CMS to ask whether it was appropriate to hire a candidate who scored below 70.
- 22-HEM-0072: HEM contacted DCFS regarding two employees who were alleged to be in temporary assignments. Despite repeated follow-up, it took more than four months for HEM to learn DCFS did not have the documentation.
- 22-HEM-0047: After DCFS informed HEM that two hiring sequences HEM planned to monitor would be postponed, along with all other hiring in the involved DCFS unit, HEM asked to be notified of any new postings or interview sequences in that unit. Although HEM regularly checked in with DCFS and asked for hiring status updates in this unit, in reviewing SuccessFactors, HEM discovered that some sequences had proceeded without DCFS informing HEM.
- 23-HEM-0070: HEM initiated a review of a DCFS hiring sequence after CMS Compliance contacted HEM regarding issues with the sequence and DCFS' non-responsiveness to CMS Compliance's requests for information. DCFS hired a candidate without responding to CMS' requests. After HEM sent two requests to DCFS for the status of the sequence, DCFS contacted CMS Compliance for offer approval, not identifying to CMS that a candidate had already started in the position two months before. When HEM sent a third status request to DCFS, the agency responded that the selected candidate had already started in the position.

HEM concluded that these instances of non-responsiveness or action taken on a hiring sequence without proper authorization reflect, at minimum, a communication problem, or at most, a failure to cooperate, as required by the Comprehensive Employment Plan (CEP). HEM also highlighted that such actions by DCFS impair HEM's and CMS Compliance's ability to properly review hires and erode the trust necessary to proceed along a compliance path. HEM requested a response from DCFS to the Advisory and also asked to meet with DCFS to discuss the response, preferably with CMS and Governor's Office representation present. Finally, HEM indicated it was willing to assist DCFS in improving its processes, training, and/or employee education, but would need an equal commitment from DCFS management.



DCFS provided a joint response to this Advisory and 23-HEM-0070, summarized separately below. In this response, DCFS expressed its commitment to working with CMS, the Governor's Office, and HEM to resolve the issues identified in the two Advisories. With regard to 24-HEM-0008, DCFS stated it had identified a specific human resources (HR) employee who will act as a liaison to HEM and ensure all future requests are addressed timely and appropriately. DCFS also indicated it had modified its vacancy tracking form to identify whether HEM has asked about a particular hiring sequence and signal to staff that HEM should be notified of any developments with the sequence.

### **23-HEM-0070**

In response to a referral from CMS Compliance, HEM reviewed a DCFS Area Administrator, Permanency Services sequence. HEM found that DCFS failed to appropriately obtain approval for the hire, and communicate with HEM, which is discussed in the summary for Advisory 24-HEM-0008 above. In addition to these issues, in this Advisory, HEM also made recommendations regarding the completion and vetting of Relationship Disclosure and Conflict of Interest Certifications (Disclosure Forms). HEM reiterated its prior recommendation that Disclosure Forms must be submitted and/or collected for review at least three days prior to the first interview. HEM noted that a Disclosure Form is not complete if an identified relationship is not described or the candidate is not identified. HEM suggested that DCFS not allow interviewers to participate in the interviews if they have failed to timely and completely submit a form. HEM also recommended that DCFS track interviewers who repeatedly do not comply and remove them from participating in hiring sequences.

Also, HEM recommended that, if a relationship is disclosed, HR staff ask the participant to clarify the extent of any relationship listed. HR staff should also consider how others, particularly other applicants, might view the relationship. HEM noted that, while not required, having those vetting the Disclosure Forms briefly document notes on their inquiry can help reduce the appearance of a conflict, protect the integrity of the hire, and reduce the need for a repost.

Finally, HEM recommended that DCFS consider whether the interviewer with the problematic Disclosure Form, Interviewer A, and the individual assigned to vet this sequence's Disclosure Forms, an HR Rep, should continue in such roles. At minimum, HEM recommended additional training for these individuals and others who are in these roles. HEM requested a response from DCFS.

In response, DCFS stated that they are now requiring submission of Disclosure Forms by interviewers no less than seven days prior to interviews, which will allow additional time for vetting. If the forms are not submitted at least three days, the interviews will be rescheduled. If conflicts are identified, the Transactions Manager will provide final approval. Additionally, CMS plans to conduct an additional training for all staff who are involved in assessing conflicts of interests. DCFS also shared that Interview A will no longer participate on interview panels and the HR Rep had been placed on a Corrective Action Plan and will not vet Disclosure Forms until DCFS determines this duty can be resumed.

### **23-HEM-0024**

In response to a complaint referral alleging inconsistent CMS screening of applicants for Internal Security Investigator (ISI) II positions at the Illinois Department of Corrections (IDOC), HEM reviewed the four hiring sequences identified in the complaint. HEM identified four applicants who applied to at least two of the ISI II sequences for whom CMS made opposite decisions as to whether they were minimally qualified. HEM determined the disparate screening decisions appeared to stem primarily from CMS validators inconsistently crediting certain IDOC experience, particularly in determining whether internal applicants who do not meet the education requirement outright are equivalently qualified. This is likely exacerbated by confusion as to whether the experience of employees assigned to the IDOC Intelligence & Internal Investigations Division (IID) should be credited differently toward the ISI II title than the experience of non-IID assigned IDOC employees. HEM identified specific areas where CMS validators might need additional training or instruction to ensure ISI II applicants are screened appropriately and consistently, and noted it is available to work with both agencies to assist in developing a path forward. HEM requested a response from CMS and IDOC to this Advisory.

CMS and IDOC issued a joint response to the Advisory, stating that CMS' Hiring Resource Team (HRT) will take actions in four areas for increased accuracy and consistency going forward. First, the HRT management team will increase spot-checking of sequences to ensure requirements are applied evenly across candidates and sequences. Special attention will be paid to those titles where circumstances require that multiple team members validate multiple postings. Second, HRT managers will discuss these outcomes during regularly scheduled weekly meetings with their assigned team members. Third, HRT team members

will receive additional training including on what work experiences fit the various types of work included on State of Illinois job descriptions. All training information will be documented and distributed for team reference. Fourth, CMS validators will be encouraged to request a second opinion on any validation where they question an applicant's qualification(s).

### ***23-HEM-0069***

HEM conducted a desk audit of a Human Resources Specialist position at the Illinois Department of Military Affairs (DMA). While HEM found that the selection decision was merit-based and justifiable, HEM made two recommendations. Based on the response of the DMA State Personnel Director (SPD) upon receiving follow-up questions regarding this sequence via email, HEM reminded the SPD of his and his agency's obligation under the CEP to cooperate with HEM, including responding appropriately to all requests from HEM. HEM recommended that going forward, the SPD provide written responses to all HEM questions, and, if he is not able to respond to a particular question, to so indicate, including an explanation for why he is unable to respond. In addition, HEM recommended DMA confirm employees are up to date on their training requirements before interviews occur, as documentation in SuccessFactors reflected that the interviewer certifications of two interviewers expired and were not renewed before these interviews were conducted. HEM reminded DMA that not only is this training required, but it also contains useful reminders, noting one of the interviewer's scoresheets contained several procedural errors that might have been avoided had she completed the latest training.

### ***23-HEM-0064***

In response to a complaint referral, HEM monitored the hiring sequence for a Bureau of Land, Materials Management and Compliance Section Manager position at the Illinois Environment Protection Agency (IEPA). While HEM found that the selection decision was merit-based and justifiable, HEM recommended that IEPA review the position description before posting to ensure that the description reflects the duties, minimum qualifications, and preferred qualifications needed for the position.

## HEM Advisory Updates

### *22-HEM-0036*

On January 30, 2024, HEM received a final response from the Illinois Department of Human Services (IDHS) and CMS to Advisory 22-HEM-0036 which was issued on July 11, 2023. In the Advisory, HEM asked for the need/basis for the continuation of multiple leaves of absence, the length of time IDHS believes leaves of absence should reasonably continue, how the duties of the Code-covered positions are being completed, and whether IDHS has a process or mechanism for identifying when an exempt appointee should continue to be on a leave of absence.

IDHS and CMS requested an extension for the response. The initial response provided on November 1, 2023 stated that IDHS agreed with HEM's recommendation and that IDHS, in partnership with CMS and the Governor's Office, will evaluate the continued necessity of each of the leaves of absence flagged by HEM over the next 60 days. IDHS also provided a spreadsheet reflecting how the duties were being covered for each individual on a leave of absence. Additionally, IDHS stated that IDHS, CMS, and the Governor's Office would finalize criteria/guidelines to utilize for future leave of absence extension requests beyond the initial period of up to one year set out in the Personnel Code.

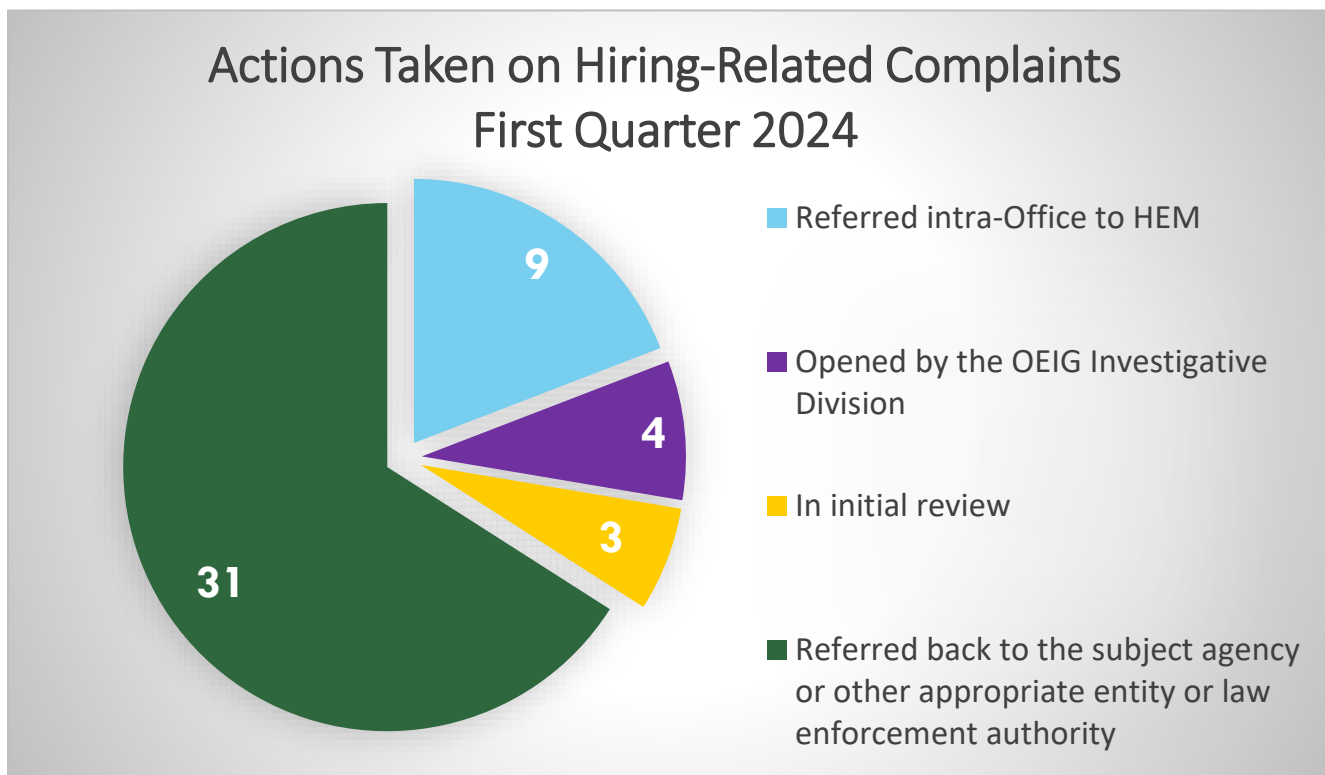
In the final response, received this quarter, IDHS provided a chart indicating effective dates of termination for the leaves of absence that HEM had raised in July 2023. The response also referenced the earlier November 2023 response, stating that it provides the details on the criteria that was developed between CMS, IDHS, and the Governor's Office. According to this criteria, extended leaves of absence may be appropriate where 1) it would be very difficult for the agency to fill the exempt role other than with the employee on an extended leave of absence (for example, employee is mid-stream in a project to which they are essential; there is a lack of viable candidates because of the specific function; or due to nearing the end of a gubernatorial term, it is unrealistic that another person would accept the role); 2) the employee will only continue in the exempt role if the leave of absence is extended (for example, the employee is near retirement); and 3) agencies are able to articulate whether there is a point at which the extension will terminate and how the job duties of both the exempt role and the leave of absence role will be performed in the interim.

## Investigative Division

The OEIG’s Investigative Division typically receives over 2,500 complaints every fiscal year from members of the public, State employees, contractors, bidders, and anonymous sources. 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. In addition, the OEIG also has the authority to self-initiate an investigation based on information discovered in other investigations or available via public sources. Cases may also be transferred to the Investigative Division from HEM when a HEM review reveals evidence of intentional wrongdoing that requires a more in-depth inquiry or evidence of unlawful political discrimination.

### *Hiring-Related Complaints*

For the first quarter of 2024, the OEIG received 34 hiring-related complaints. The following chart reflects the actions that were also taken with regard to hiring-related complaints during this quarter.



## *Hiring-Related Investigations*

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

| <b>Hiring-related Investigations</b>  | <b>Count</b> |
|---|--------------|
| Hiring-related investigations pending at the close of the quarter           | <b>19</b>    |
| Hiring-related investigations closed this quarter                           | <b>2</b>     |
| Founded reports related to hiring issued this quarter                       | <b>0</b>     |
| Founded reports related to hiring made available to the public this quarter | <b>0</b>     |

## HIRING-RELATED REFERENCES

### OEIG Hiring and Employment Monitoring Quarterly/Annual Reports

<https://oeig.illinois.gov/hem/hem-reports.html>

### The Governor's Comprehensive Employment Plan for Agencies Under the Jurisdiction of the Governor (CEP)

<https://cms.illinois.gov/content/dam/soi/en/web/cms/personnel/employeeresources/documents/comprehensive-employment-plan.pdf>

### CMS Exempt List

<https://cms.illinois.gov/content/dam/soi/en/web/cms/documents/exemptlist-w-incumbents.pdf>

### CMS Political Contact Reporting (For State Employees)

<https://ilgov.sharepoint.com/sites/CMSPoliticalContactReporting>

### Personnel Code

<https://www.ilga.gov/legislation/ilcs/ilcs3.asp?ActID=236&ChapterID=5>

### OneNet Trainings

<https://onenettraining.illinois.gov/onenettraining/page.aspx>

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