

# HIRING & EMPLOYMENT MONITORING REPORT

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

FIRST QUARTER | 2023



## UPDATES

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

This quarter, on January 17, 2023, the Plaintiffs in the *Shakman* case agreed to repay \$525,000 in attorneys' fees to settle the Governor's court action that sought recuperation after the Federal Court of Appeals agreed in August 2022 that the State had demonstrated

substantial compliance with the 1972 decree and implemented "durable remedies to help ensure that compliance sticks." On March 30, 2023, the Federal District Court also terminated an outstanding motion to compel hiring information "given the termination of the consent decree."

In May, the OEIG will hold an all-day training for all employees, including Hiring & Employment Monitoring (HEM) Division staff.

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## HEM Compliance Reviews

Between January 1 and March 31, 2023, HEM's work included the following compliance activities:

Actions Taken During the First Quarter 2023	Count
Hiring-related reviews opened	9
Hiring sequences monitored	5
Desk audits completed	8
Hiring reviews transferred to the OEIG Investigative Division	0
Hiring reviews administratively closed	0
Advisories issued	15

## 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	120 (No objections)
Exempt position description clarifications received and reviewed	32 (No objections)
Exempt personal services contracts (PSCs) received for review	2
Exempt PSCs approved or not objected to this quarter	1
Exempt List addition requests received this quarter	17
Exempt List addition requests approved this quarter	9
Exempt List modification requests received this quarter	0
Exempt List deletion requests received this quarter	3
Exempt List deletion requests approved this quarter	2
Exempt List pending requests	11

Exempt List Additions and Deletions by Agency - First Quarter 2023		
Agency/Entity	Working Title	OEIG Determination
Illinois Department of Central Management Services	Special Projects Coordinator	Approved Addition
Illinois Department of Children and Family Services	Children’s Behavioral Health Transformation Initiative Chief Officer	Approved Addition
Commission on Equity and Inclusion	Executive Director	Approved Addition
Illinois Department of Human Services	Deputy Director, Office of Communications	Approved Addition
Illinois Department of Human Services	Associate Director of Child Care Programs	Approved Addition
Illinois Department of Human Services	Legislative Liaison	Approved Addition
Illinois Emergency Management Agency	Chief Human Capital Officer/Labor Relations Administrator	Approved Deletion
Illinois Emergency Management Agency	Chief Human Resources Officer	Approved Addition
Illinois Gaming Board	Human Resources and Labor Manager	Approved Deletion
Illinois Gaming Board	Deputy Administrator for Human Resources	Approved Addition
Illinois Liquor Control Commission	Legislative Liaison	Approved Addition

Approved Exempt PSCs by Agency - First Quarter 2023	
Agency/Entity	Position Title
Illinois Criminal Justice Information Authority	Re-Entry Program Consultant

## Non-Exempt PSC Reporting

On March 15, 2023, Illinois Department of Central Management Services (CMS) Compliance provided the State’s Personal Services Contract (PSC) Report for the fourth quarter of calendar year 2022. The following table summarizes this information:

Data from the State’s Personal Services Contract (PSC) Report for the Fourth Quarter of CY 2022	Count
State entities that submitted a PSC report to CMS	52
State entities that decreased their use of PSCs from the previous quarter	11
State entities that increased their number of PSCs	17
State entities that did not have a change in PSCs	24
State entities that reported not utilizing any PSCs	13

## Political Contact Reporting

This quarter, HEM received **3** reports of Political Contacts, summarized below:

- One report stated that a legislative staff person for a U.S. Senator contacted the Legislative Liaison at the Illinois Department of Veterans’ Affairs (IDVA) inquiring about the status of an applicant for a Veterans’ Service Officer position and offering support for the application based on a group of veterans that had contacted the Senator’s office. The IDVA Legislative Liaison responded to the legislative staff person that the Legislative Liaison could not speak to personnel matters, and CMS Compliance agreed.
- One report stated that an applicant for an Illinois Department of Public Health (IDPH) Pediatric Medical Advisor position contacted the IDPH Director regarding the applicant’s interest in the position. CMS Compliance agreed that the Director should not respond.
- One report filed by the Illinois Department of Human Services (IDHS) stated that an applicant referenced work experience for Governor JB Pritzker, former U.S. Congressman Jesse Jackson, Jr., and former U.S. Congressman Mel Reynolds on the applicant’s resume. CMS Compliance responded that the experience entered on the application did not appear to meet the definition of “attempting to affect” the hiring action nor was it solicited.

## 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 2023			
Advisory	Agency	Position Title	Type of Review
22-HEM-0062	IDJJ	Correction Nurse 1	Desk Audit
22-HEM-0061	LCC	Liquor Control Inspector Trainee	Desk Audit
22-HEM-0066	IDoA	Deputy State Home & Community Ombudsmen	Desk Audit
22-HEM-0054	IDOT	Financial Services Manager	Desk Audit
22-HEM-0074	IDOT	Operations Supervisor I	Desk Audit
22-HEM-0065	IDHS/ DoIT	Application Management Administrator	Term Appointment/Hiring Sequence Monitoring
22-HEM-0073	IDHS	Disability Hearings Supervisor	Complaint Referral/Hiring Sequence Monitoring
22-HEM-0059	HFS	Medical Billing & Claims Manager	Desk Audit
22-HEM-0078	IDHS	Nursing Coverage Supervisor	Complaint Referral
22-HEM-0050	GAC	Guardianship Managing Attorney	Hiring Sequence Monitoring
21-HEM-0029	IDNR	Natural Resources Coordinators	Complaint Referral/Hiring Sequence Monitoring
22-HEM-0075	CMS	Agency-Wide Timekeeping Administrator	Desk Audit

### 21-HEM-0029

One of these Advisories, 21-HEM-0029, is demonstrative of the agency willingness and efforts to comply with, and potentially improve upon, State hiring processes.

In response to a complaint referral, HEM reviewed the hiring documentation for two Natural Resources Coordinator positions at the Illinois Department of Natural

Resources (IDNR); both were posted in 2014, and both sequences were canceled without interviews. In this review, HEM learned that IDNR had not been hiring full-time employees for these positions and instead, contracted with the Prairie Research Institute at the University of Illinois for this work. According to IDNR, the agency believed that hiring for the Natural Resources Coordinator positions through the State processes limited the agency's ability to seek higher qualifications and employ the most qualified people for the position. HEM met with IDNR human resources, program, and legal staff, CMS staff, and staff from the Governor's Office to further discuss the contracting of the Natural Resources Coordinator positions in relation to a pending agreement between IDNR and the Prairie Research Institute. In response to these discussions, IDNR determined that it would post the Natural Resources Coordinator positions as full-time State positions. HEM monitored the interviews for one of the Natural Resources Coordinator positions and found the selection process to be merit-based and justifiable. In its review, HEM commended the agency's efforts to reconsider whether these positions could be brought back to IDNR as full-time, Personnel Code-covered positions using the State's electronic hiring system and the coordination it required among different divisions at IDNR to accomplish this. HEM encourages other agencies to re-evaluate whether work can be completed in-house by State employees when contracts approach renewal.

## 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.

### **22-HEM-0037**

In response to a complaint referral, HEM conducted a desk audit of the hiring file for the Occupational Safety Health Plan Coordinator at the Illinois Department of Labor (IDOL). While HEM found that the selection decision was merit-based and justifiable, HEM recommended IDOL maintain documentation sufficient to support all hiring related decisions.

### **22-HEM-0070**

HEM conducted a desk audit of the hiring file for the Central & Southern Region Facilities Manager at the Illinois Department of Central Management Services

(CMS). HEM found that the selection decision was merit-based and justifiable, but recommended that CMS ensure the results of the Subject Matter Expert's (SME) review are appropriately documented in SuccessFactors, including explanations for any point deductions. While HEM did not request a response to this Advisory, CMS responded that it agreed with HEM's recommendation, noting that the employee who served as the SME reviewer for this sequence had not performed this duty before and did not fully understand the process.

## **22-HEM-0079**

In response to a complaint referral, HEM conducted a desk audit of the hiring file for the Unit Manager/Working Supervisor position in the Illinois Environmental Protection Agency (IEPA) Springfield Laboratory. While HEM found that the selection decision was merit-based and justifiable, HEM made two recommendations. First, HEM recommended that when IEPA determines an employee has an actual or potential conflict of interest with one or more candidates, IEPA should remove the employee from having any further involvement in the hiring sequence, rather than only removing the employee from certain roles within the sequence. Second, HEM recommended IEPA ensure a common understanding of minimum qualifications and the application questions derived from the same, including updating the position description prior to posting a position. HEM also recommended IEPA refrain from using unnecessary application questions that do not add value to the applicant assessment process and might confuse applicants. While HEM did not request a response to this Advisory, IEPA responded, in coordination with CMS, acknowledging that employees with conflicts should be excluded from all roles within the hiring process. IEPA further responded that since this sequence occurred, IEPA has worked with CMS to rephrase, reorder, and redraft its application questions to improve applicant comprehension and create "a more positive applicant experience."

## **HEM Advisory Updates**

### **22-HEM-0053**

On January 5, 2023, the Illinois Department of Corrections (IDOC) provided a response to HEM Advisory 22-HEM-0053, issued last quarter on December 5, 2022. In the Advisory, HEM discussed its review of a Sex Offender Therapist I

Hiring sequence and recommended that if an exception is made during a hiring sequence, such as allowing a candidate to interview that had not responded by the deadline, IDOC should ensure that the exception is applied to all similarly situated applicants or candidates. HEM also recommended that IDOC check that the Hiring Plan and Interview Scoring Tool contain the same minimum interview score. Additionally, HEM reminded IDOC that if the agency wants to change any of the minimum scores during a sequence, it must seek CMS Compliance approval.

IDOC responded that it will continue to not allow candidates who do not respond by the deadline to interview; however, for hard-to-fill positions, if an exception is made, as occurred in the hiring sequence discussed in Advisory 22-HEM-0053, all applicants will be treated in the same manner. IDOC also stated that it will work to ensure that the Hiring Plan and Interview Scoring Tool contain the same minimum interview score and reflect the needs of that particular sequence. IDOC will continue to contact CMS Compliance for any deviation to the score.

## **22-HEM-0071**

On January 7, 2023, Capital Development Board (CDB) provided a response to HEM Advisory 22-HEM-0071, issued last quarter on December 21, 2022, regarding HEM's desk audit review of an Account Technician position at CDB. In the Advisory, HEM noted several discrepancies between the required and preferred qualifications listed in the position description for the Account Technician position and those identified in the June 2022 job posting for the position and the application questions. HEM recommended that CDB ensure a common understanding of minimum and preferred qualifications prior to posting a position and further ensure that such qualifications are consistently assessed throughout the interview and selection process. Due to the extent of the discrepancies, HEM requested a response from CDB and recommended that CDB consult with CMS in formulating its response. In its response, CDB stated that when this sequence occurred, shortly before the transition of AFSCME positions to SuccessFactors, its understanding of how to use preferred qualifications to draft application and interview questions "was still in its infancy." CDB indicated that it now has a better understanding of how preferred qualifications should be assessed throughout the hiring process and has also received additional training from CMS on how the position description "is the foundation" from which the application and interview questions should be derived.

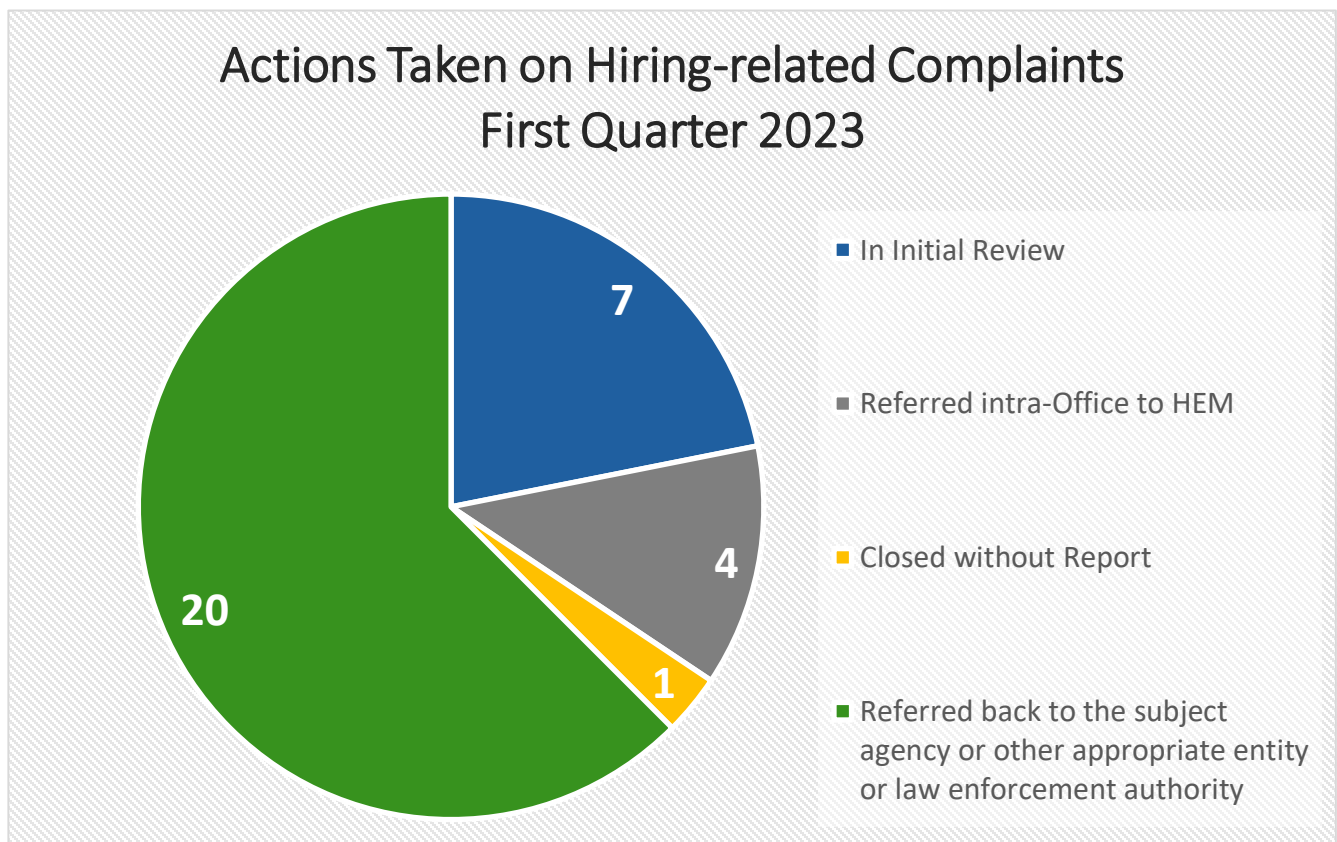


## Investigative Division

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. 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 2023, the OEIG received 33 hiring-related complaints. Also, in this quarter, the following actions were taken with regard to hiring-related complaints:



## Hiring-Related 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>11</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>1</b>

This quarter, the Executive Ethics Commission (EEC) made one OEIG founded report related to hiring available to the public, which is summarized below. The redacted report, as well as previous publicly released reports, are available at [www.inspectorgeneral.illinois.gov](http://www.inspectorgeneral.illinois.gov).

### Case No. 17-00932

The Illinois State Police (ISP) Merit Board is responsible for certifying ISP applicants for appointment or promotion and serves as the hearing entity for the review of disciplinary actions taken by the ISP against officers. The Merit Board employs administrative staff to support and assist the Board Members in carrying out their duties. The OEIG investigated allegations that a Merit Board employee engaged in inappropriate relationships with ISP applicants at and around the time these individuals were going through the ISP hiring or promotional process.

The OEIG investigation revealed that the Merit Board employee at issue was responsible for developing, coordinating, and overseeing the recruitment and selection, promotional, and disciplinary processes for the ISP. In this role, the employee reviewed application packets; invited applicants to participate in a physical fitness test; determined how many applicants to invite to participate in the background investigation phase; and certified applicants for inclusion in the ISP Academy class. The employee also had access to promotional testing materials and information, such as test questions and answer keys, as well as confidential

information regarding ISP officer disciplinary hearings.

The investigation also revealed that after initially contacting two ISP applicants about matters related to the ISP hiring process, the Merit Board employee began exchanging phone calls and messages of a personal nature with the applicants. Phone and email records showed that the Merit Board employee regularly communicated with these applicants during the periods they were going through the ISP hiring process, including communications on several dates of importance throughout the hiring process, such as the applicants' ISP testing dates and interview dates. In addition, investigators learned that the Merit Board employee had also been in an ongoing personal relationship with a different ISP employee for several years, including periods of time during which the ISP employee was going through promotional processes administered and overseen by the Merit Board. Phone and email records—including records from the employees' State phones and email accounts—reflected thousands of communications between the Merit Board employee and ISP employee during this time. While many of the communications between the Merit Board employee and ISP employee were personal in nature, investigators discovered that the Merit Board employee had also been regularly sharing confidential Merit Board documents and information with the ISP employee. For example, the Merit Board employee shared confidential material related to Merit Board disciplinary matters; ISP internal investigations; promotional tests; and background checks of ISP applicants—none of which involved or required the attention of the ISP employee to whom the materials were sent and much of which included personal, sensitive, and serious information.

Ultimately, given the Merit Board employee's role in overseeing the ISP hiring process, the OEIG determined that the employee's personal relationships with the two ISP applicants and the ISP employee presented a conflict of interest with respect to the Merit Board employee's duties and responsibilities and reflected unfavorably on the Merit Board due to the creation of an appearance of impropriety in the hiring process caused by these relationships. The OEIG also determined that the Merit Board employee disseminated confidential Merit Board and ISP information to the ISP employee, in violation of agency and State policies. During the course of the OEIG investigation, the Merit Board employee was terminated as a result of the conduct discovered.