State of Illinois
Department of Central Management Services

CMS Personnel Compliance Semi-Annual Report

August 1, 2021 – January 31, 2022

Compliance Office, Bureau of Personnel,
Central Management Services

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Executive Summary

State agencies continue to expand communications with CMS Personnel Compliance. For this reporting period, the total number of compliance queries responded to grew by over 22% from the previous report. Central Management Services ("CMS") also continued to develop and deliver statewide training on the CEP to refresh knowledge and impact trends.

The Personnel Compliance Division became fully staffed following the successful hiring sequence that brought four Compliance Officers on board. Julie Brightwell, Amy Gurnitz, Rebecca Shuster, and Shawn Wilson all started on September 16, 2021. The Compliance Officers received intensive training and have begun reviewing and responding to agency queries.

For the six months preceding this semi-annual report, the Compliance Office completed 2,034 compliance reviews for queries from 46 separate State agencies, boards, and commissions. The CMS Personnel Compliance Office has also conducted approximately 3 hours of live training, training several hundred state employees on hiring and employment matters. Our Training Coordinator created a new version of Interviewer Certification training that started in Sep 2021. Compliance also oversaw the sunsetting of the previous version of Interviewer Certification Training and the sunsetting of Rutan interviewer training. The current version of Interviewer Certification Training has been completed by 5,355 individuals. The Training Coordinator, in response to a new amendment to the Human Rights Act, created Conviction Record Protection training, which has been completed by 89 individuals.

Under the leadership of Chief Compliance Officer Vern Jakoby, CMS's Personnel Compliance Office continues to expand its impact on state hiring.

CMS Bureau of Personnel

State of Illinois Central Management Services (CMS) Bureau of Personnel (BoP) is aligned to the CMS Chief Administrative Officer (CAO), along with the Bureau of Labor Relations, and is led by a Deputy Director and Assistant Deputy Director.

BoP is responsible for supporting external agency personnel and internal personnel functions and providing meaningful oversight over the integrity of the State's personnel system. The operational divisions include:

(1) Examining and Counseling Division. This division assesses the qualifications of applicants for State employment and promotion performing important pre-posting, pre-interview, and pre-offer compliance checks in the State's electronic application process. It is also responsible for overseeing programs to assist Illinois residents seeking employment as well as state employees seeking to improve their skills and advance their careers including the Veteran's Outreach Program, Disabled Worker's Program, and the Upward Mobility Program.

(2) Transactions, Records and Back Wage Claims Division. This division processes over 32,000 personnel transactions every year covering everything from hiring appointments, promotions, transfers, separations, and salary actions to dozens of other transactions. The division has been integrally important in ensuring that employee movement is completed in compliance with the Personnel Code (20 ILCS 415), Personnel Rules, the CEP, the relevant collective bargaining agreement, and any of a myriad of applicable memoranda of understanding, side letters, or other resolutions.

(3) Technical Services Division. Technical Services Division is divided into smaller sections that include Agency Classifications, Class Studies, Compensation, and Test Development**.** Among other functions, this division is responsible for developing the Classification Plan and the Pay Plan and ensuring compliance with both.

(4) Personnel Compliance Office. The Compliance office is primarily responsible for the Bureau of Personnel's statewide compliance efforts. The Compliance office responds to 4,000 compliance queries annually.

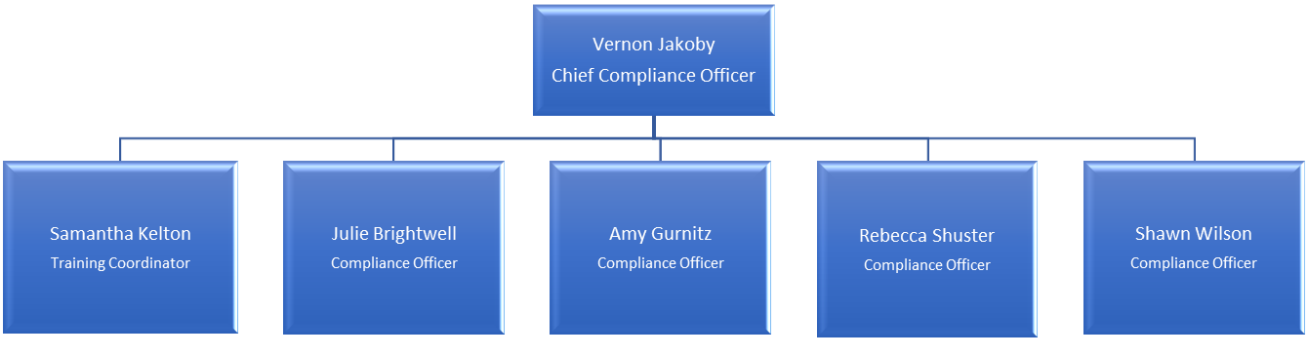
Personnel Compliance Office

The Personnel Compliance Office provides training and meaningful oversight of hiring sequences through enforcement of the State's hiring and employment policies and procedures for positions at agencies under the jurisdiction of the Governor.

In addition to the compliance functions carried out by the Bureau of Personnel Divisions, the Personnel Compliance Office is tasked with numerous oversight and review functions from the CEP as well as CMS policy.

Personnel Compliance Office Staffing

The Personnel Compliance Office is staffed by the Chief Compliance Officer, four Compliance Officers, and the Training Coordinator.



Vernon Jakoby, Chief Compliance Officer

Vern came to CMS in August 2020 after completing a 28-year career in the U.S. Army, retiring as a Lieutenant Colonel. Vern brings his years of experience in performance management, setting and achieving goals, creating improvement plans, and writing performance feedback and ratings to CMS as the first-ever Chief Compliance Officer (CCO).

Meet the Team

Samantha Kelton, Training Coordinator, arrived June 16, 2021

Samantha brings over 13 years of experience in training positions. She was previously with IDOT as the Senior Training Manager and as the Training Coordinator for the Executive Ethics Commission. Samantha's knowledge and experience in developing training, talent development, and professional coaching are great assets for Compliance and the BoP.

Julie Brightwell, Compliance Officer, arrived Sep 16, 2021

Julie began her HR career at the SIU School of Medicine working as a Classification/Compensation Specialist for almost 10 years. She has also worked for the Department of Corrections and the Department on Aging, where she learned all aspects of HR within a state agency. Julie's knowledge and experience are terrific assets for the Compliance Team.

Amy Gurnitz, Compliance Officer, arrived Sep 16, 2021

Amy has nearly 20 years of HR experience working for companies including Hewlett Packard, HSHS Medical Group, HD Smith, and the University of Illinois, Springfield. Amy's aptitude towards reporting, internal investigation, auditing, compliance, and labor and employee relations are of great benefit to the Compliance Team.

Rebecca Shuster, Compliance Officer, arrived Sep 16, 2021

Rebecca adds 12+ years of state HR experience to the Compliance Team. Her past positions include Asst. Deputy Director for Strategic Processes for the Public Safety Shared Service Center, HR Director of the Executive Ethics Commission, Organizational Analysis and Compensation Manager for IDOT, and HR Bureau Chief for Agriculture.

Shawn Wilson, Compliance Officer, arrived Sep 16, 2021

Shawn's previous compliance work includes Compliance, Ethics, and Privacy Officer on a contract with Illinois and working for SIU Medical School as a Compliance & Ethics Officer and Conflicts of Interest Manager. Shawn's knowledge and experience with public sector compliance adds vast depth to the Compliance Team.

Personnel Compliance Office Roles & Responsibilities_

Chief Compliance Officer

- Primarily responsible for the Bureau of Personnel's statewide compliance efforts.
- Manage and supervise staff responsible for internal quality control checks for the hiring system across State government.
- Communicate and enforce the Personnel Code and Rules consistent with the CEP.

Compliance Officers

- Perform compliance reviews of live and completed hiring sequences.
- Analyze hiring data to develop risk assessments.
- Complete written reports of compliance monitoring.

Training Coordinator

- Establish, implement, and update the State's training program to educate State employees with the principles in the CEP.
- Equip employees with the necessary tools for consistent and transparent operation of the State's personnel functions.

Personnel Compliance Office – Training

Completed Projects

- Created & Published CMS Interviewer Certification Training - 5,325 individuals completed the training as of January 31, 2022.
- Archived Rutan Certifications with updated training and electronic processes.
- Centralized all BoP Training at: https://onenet.illinois.gov/page.aspx?item=137626
- CEP Trainings are now uploaded within 1 week of the refresher training.
- Converted all CEP Training into an ADA Compliant format.
- Created and Published the Conviction Record Protection Training.
- Strategic Goal Planning Project Completed for Talent Management and Talent Development Goals.

Personnel Compliance Office – Training

CMS University

CMS University is the State of Illinois' talent development portal designed to showcase the innovative programs offered by state agencies to address the professional development needs of our staff.

- Transitioned responsibility for CMS University, CMS University emails and CMS Live Events to CMS Compliance Training.
- Moved the new site into the live version. Centralized all training into one, easy to use location.
- Collaborated with all state training coordinators to transition all live training opportunities to the live training calendar.
- Cataloged and organized 127 on-demand trainings, creating an easier end-user experience.
- Transitioned all CMS Live Events into OneNet for tracking employee transcripts and moved to ADA Compliant Training.

Compliance Reviews

The CEP and other published compliance guidance directs the Chief Compliance Officer/CMS Personnel Compliance to review and approve specific hiring and employment matters. The CEP outlines that the semi-annual report include information regarding (1) the auditing activities required by the CEP; (2) any violations of the CEP discovered, including political contacts, political discrimination, and employment hiring errors, and remedial actions recommended; and (3) any corrective actions taken by CMS and the affected agencies to address the violations.

CEP Required Reviews

Bypass Requests – Approval authority to bypass the selected candidate based on employment history checks, reference checks, or other pre-employment screening.

Employment Hiring Errors – Employment Hiring Errors, as that term is used in the CEP, may include, but are not limited to, a failure to interview sufficient applicants without obtaining approval, alteration of hiring criteria or interview questions after the position has been posted, or a failure to score the candidates after the interview. The CEP requires CMS to report and discuss material Employment Hiring Errors with its external partners.

Exempt Employment Plan Compliance - The Exempt Employment Plan, included in the CEP, contains several compliance touchpoints for exempt positions. CMS facilitates the vetting of agency requests to add or delete positions from the exempt list. The Personnel Compliance Office maintains the list of all exempt positions at agencies directly responsible to the Governor. This list is updated monthly and made publicly available on CMS's website.

The Personnel Compliance Office receives notice of the following items related to exempt positions:

- Governor's Office's intent to fill exempt positions;
- Agency Personnel Officers' exempt position certifications; and
- Clarifications of existing exempt position descriptions.

Exempt-to-Covered Sequences – The Chief Compliance Officer performs a thorough review of hiring sequences resulting in the competitive selection of an individual who last served in an exempt position.

Hiring Plan Deviations – The CEP calls for agencies to develop a plan for competitive selection of non-exempt positions. When a situation occurs requiring the agency to deviate from that pre-established plan, the agency must seek approval to proceed.

- **Cancel a Posting** - Requests from agencies to cancel a posting and not repost. This occurs most frequently due to the position getting eliminated.
- **Cancel a Sequence Without Making a Hire** – If, at the conclusion of a hiring sequence, the agency intends to not select any of the Candidates, the agency must submit a justification to CMS for review and approval. The agency must include in its justification requesting to cancel the hiring sequence without making a hire its plan to have the duties of the position performed until the position is filled.
- **Cancel and repost** – Requests from agencies to cancel and repost a position. For the following situations, compliance approval is not needed: no qualified applicants, no qualified applicants accept to interview, an error in the posting requires a posting to be closed, corrected, and reposted prior to the closing of the posting period, or not having any candidates meet a minimum qualifying score.
- **Change Interviewers** – Requests from agencies to replace members of an interview panel. This can be due to a variety of unforeseen circumstances.
- **Increase Number of Positions Filled (additional hires)** – The CEP allows for agencies to make hires using the same interview pool as late as 7 months after the first offer of employment is made.
- **Less than Minimum Qualifying Score** – If an agency wants to hire a candidate who scored below the minimum qualifying score stated in the hiring plan, they must receive compliance approval.
- **Extend posting** – If the agency wants to extend the job posting beyond the number of days specified in the hiring plan compliance approval is needed.

Personal Services Contracts (PSC) – The CMS Compliance Office has several roles concerning PSCs. For exempt PSCs, the CMS Compliance Office must approve that the Description of Services reflects exempt work. If the PSC is with a former state employee (PSC not competitively selected), the agency must provide evidence of past satisfactory performance to the Chief Compliance Officer prior to the start of contracted work. When an extension or renewal is requested for a PSC, the CMS Compliance Office must approve the action.

Potential Political Contacts - Any contact, whether in person, in writing, by telephone, by facsimile, by e-mail, or any other means from any elected or appointed official of any political party or any agent acting on behalf of an elected or appointed official or political party, attempting to affect any hiring or employment action for any Non-Exempt Position. Any unsolicited contact related to a Non-Exempt Position directed to any personnel involved in an employment action is also considered a Political Contact.

Small Interview Pools – Requests from agencies to interview less than three candidates for a single vacancy or interview fewer candidates for sequences with multiple vacancies than stated in the guidance published in March 2019.

Other reviews

Conflict of Interest Guidance – Agencies sometimes request the CCO to review a disclosure statement and recommend whether a conflict exists.

IDOT Convert-to-Code Position hiring sequence reviews – The Compliance Office performs a thorough compliance review prior to offering of all hiring sequences for IDOT technical positions that are converting to Personnel Code-covered positions.

Open Competitive (OC) Screening Letters – In accordance with guidance published in June 2019, agencies must send the Draft OC Screening letter to the Compliance Office for review prior to sending it out to eligible people.

Compliance Reports

Annual Technical and Non-Code Positions Report - a listing of all non-Code positions that do not appear on the Exempt List.

Quarterly PSC Report – a listing of all PSCs for all agencies, whether under the jurisdiction of the Governor or not, in the quarter.

Quarterly PSC Audit – results of the audit made on a sample of PSCs selected from the quarterly report.

Quarterly Temporary Assignments (TA) Report – a listing of all TAs that exceed 60 days.

Quarterly Temporary Assignments Audit Report - results of the audit of a sample of TAs, focusing on those that have lasted more than 120 days, to ensure that a valid justification supports the TA.

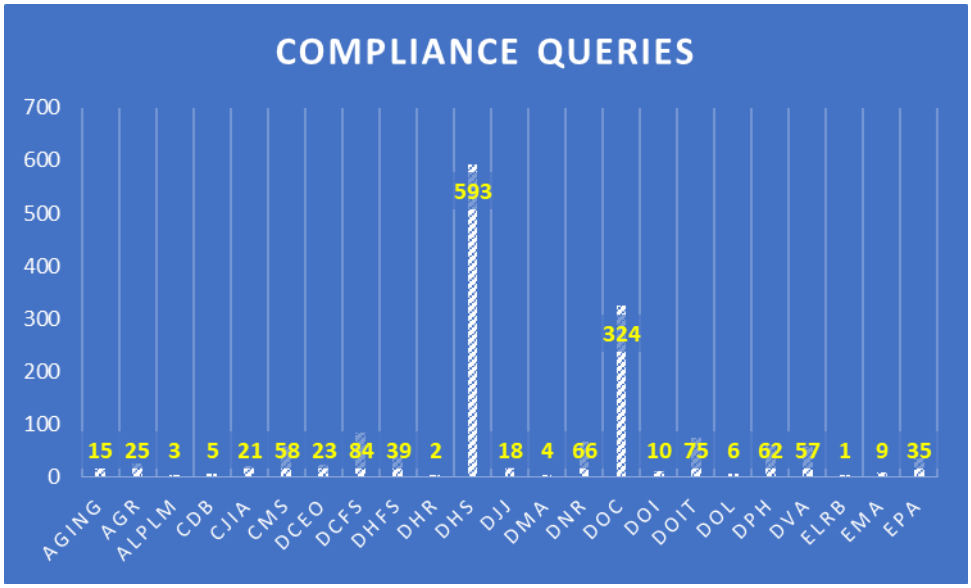
Quarterly Interim Assignments (IA) Report – a listing of all IAs that exceed 60 days.

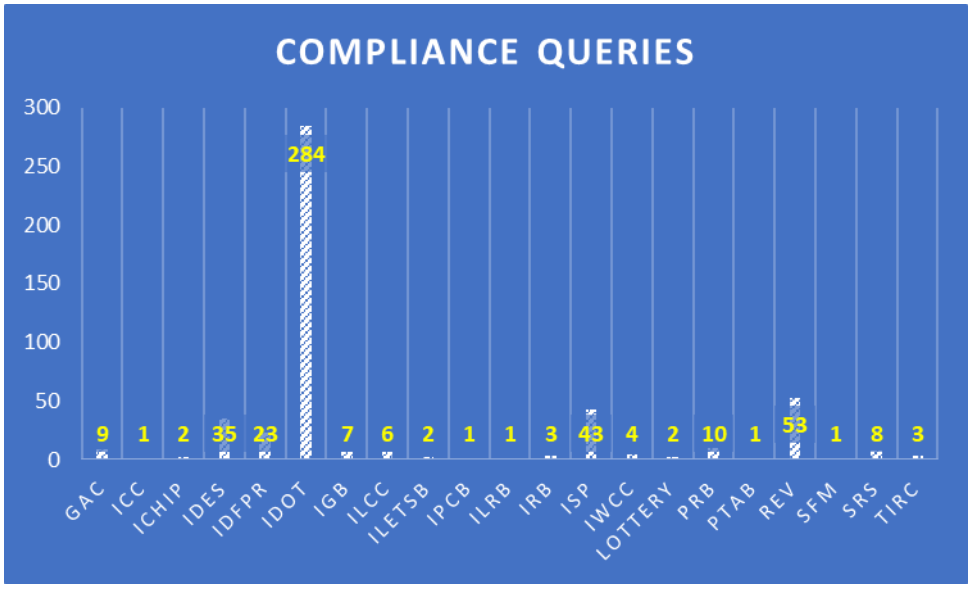
Quarterly Interim Assignments Audit Report - results of the audit of a sample of IAs, focusing on those that have lasted more than 120 days – to ensure that a valid justification supports the IA.

Quarterly Report to OEIG HEM and the Special Master's Office – a listing of all deviations from pre-established hiring plans, potential conflicts of interest forwarded to the Compliance Office from Agency Personnel Officers, and all reviews of hiring sequences for non-Exempt positions where the selected candidate was employed in an Exempt Position immediately prior to being selected.

Semi-Annual Compliance Report – a publicly posted report that details the activities of the Personnel Compliance office.

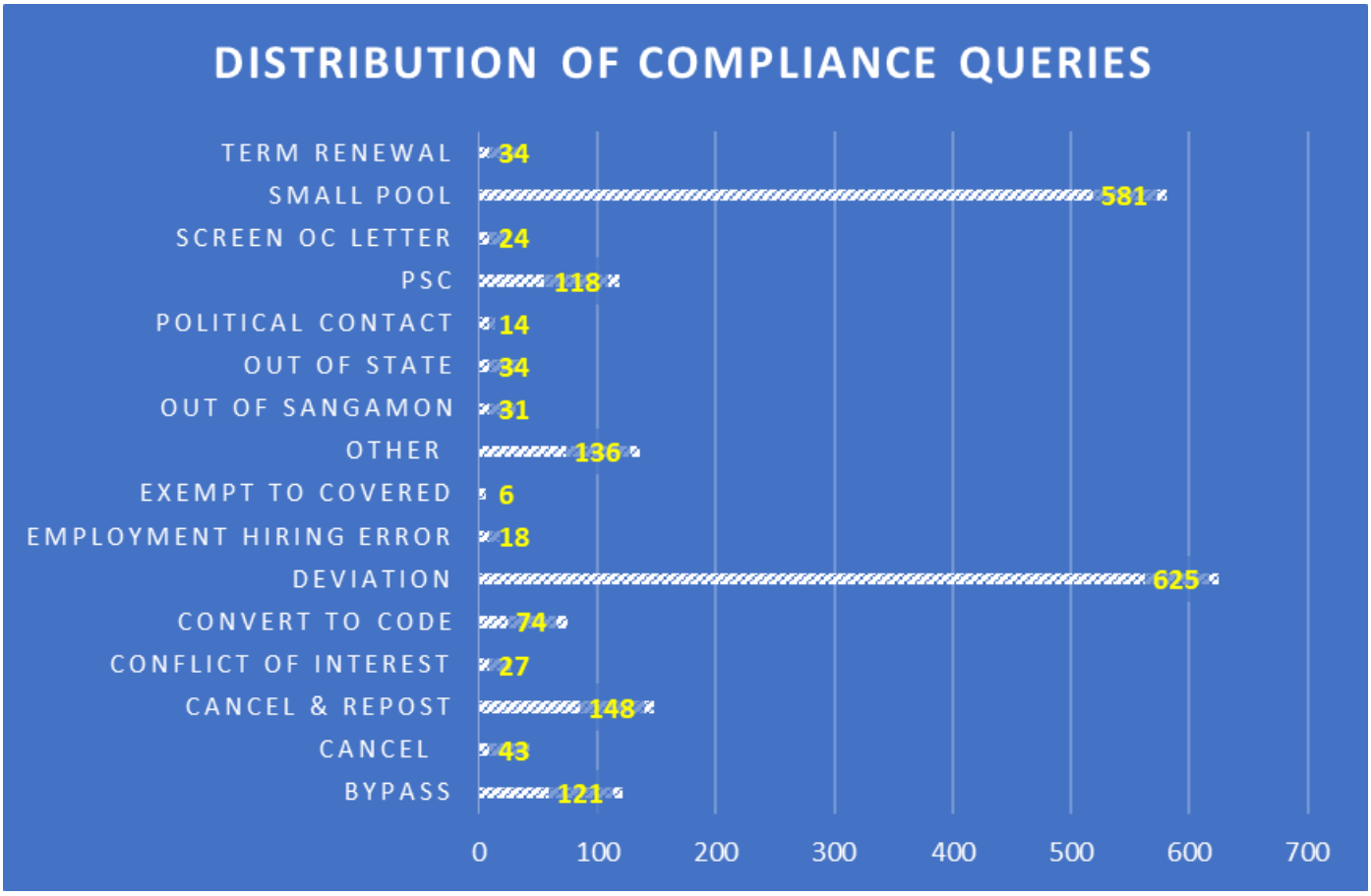
Compliance Review Audit Activity





For the reporting period, there were a total of **2,034** compliance queries submitted by **46** agencies, boards, and commissions. The Department of Human Services (DHS) led with 29% (593 of 2034) of the total. The Department of Corrections (DOC) was next with an increase from the previous report, 16% of the total (324 of 2034). IDOT was next with 14% (284 of 2034). These 3 agencies accounted for 59% of the total (1198 of 2034).

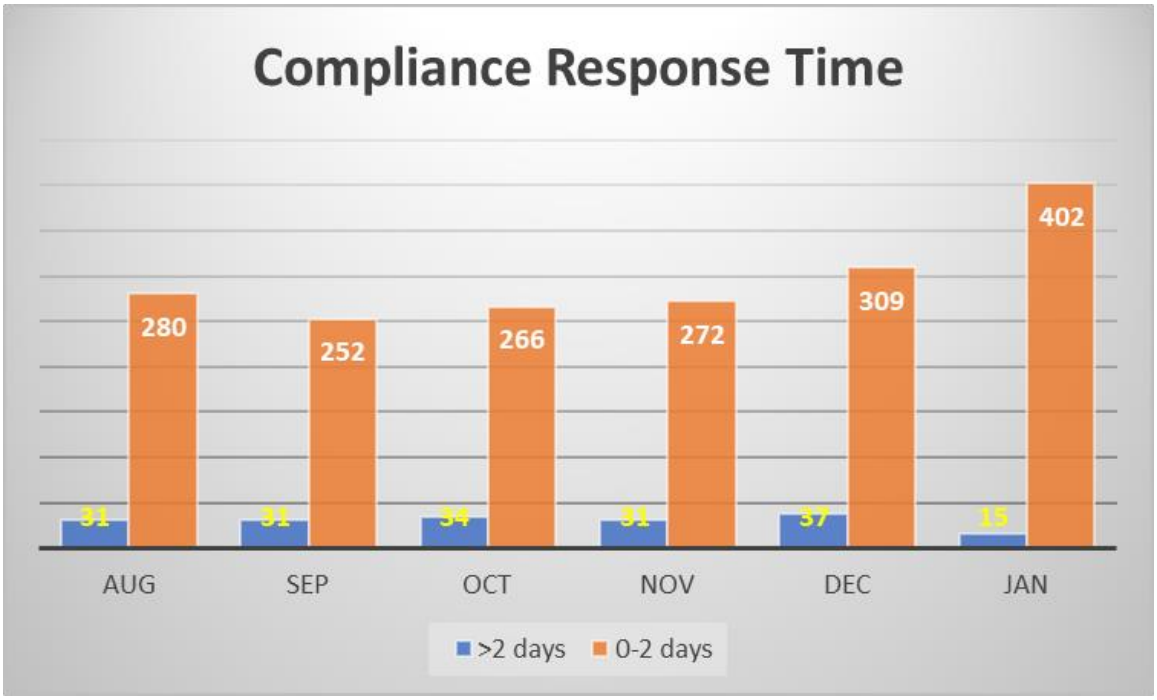
Compliance Review Audit Activity



Deviations from the original hiring plan, including cancellations (with or without reposting and other deviations, account for 40% (625 of 2034) of total compliance queries. During this reporting period, deviations outgrew small pool requests, which in previous reports had been the most numerous query type. For this report, small pool requests are still many, accounting for 37% of the total (581 of 2034), increasing by 151 queries from the previous report. Another significant increase was noted on the convert to code reviews. For this reporting period the Compliance Office completed 74 convert to code reviews for IDOT, compared to only 15 on the previous report. The 136 inquiries denoted in the "Other" category (8.64% of total requests) reflect inquiries that do not fall into one of the other categories. Many of these involve proactive thought partnership and problem solving rather than explicit requests for approval. During the last six months two new Compliance Query categories were added, Out of Sangamon County requests and Term Renewal requests.

Timely Responses

Providing excellent customer service is a priority effort for the Compliance Office. The Personnel Compliance Office worked to deliver timely and actionable replies to organizations. The goal is to provide a same day response, or at the latest the next day. What occasionally slows this down are the queries that require a referral outside of compliance to gather more data or receive a reply with the recommended action to take. For this reporting period compliance replied the same day or the next day over 91% of the time. The Compliance Office has received numerous agency responses thanking us for the quick response.



Employment Hiring Errors

"Employment Hiring Errors" are also reported in CMS's semi-annual report. The CEP definition is the following:

> *Any violation of the policies set forth in this CEP… An Employment Hiring Error may include, but is not limited to, a failure to interview a sufficient number of Applicants without obtaining approval, alteration of hiring criteria or interview questions after the position has been posted, or a failure to score the Candidates after the interview.*

During this reporting period, CMS is reporting 18 instances of Employment Hiring Errors. None of the errors were material. These errors fell into the following categories:

- Conflict of Interest forms completed late - 2
- Small pool request late - 6
- No pre-offer approval provided - 6
- Other (minor issues not affecting the outcome of the sequence) - 4

CMS Transactions closes the loop with the Compliance Office on any hiring sequences that failed to timely seek and receive small pool approval or did not complete the pre-offer approval process.

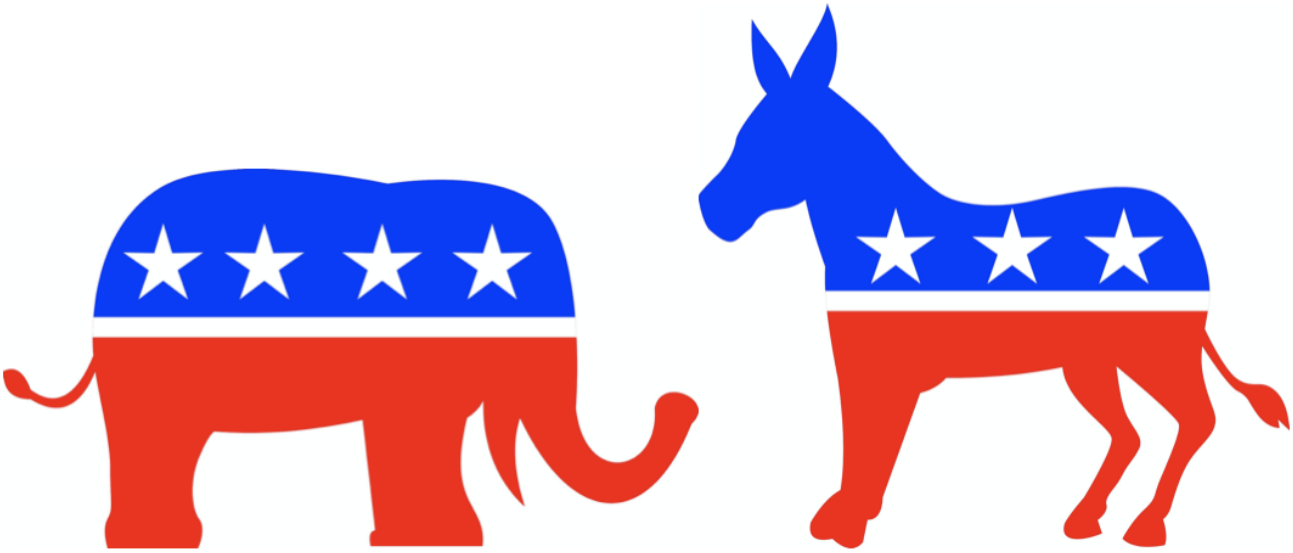
During this reporting period, Compliance and CMS Transactions worked together to provide final responses to 2 of the material employment hiring errors detailed in the previous report. Final responses were provided to the Capital Development Board and the Illinois Labor Relations Board. Both responses stated that the actions of the agencies were not compliant, provided specific details, but resulted in the transactions getting approved.

Political Discrimination

Instances of political discrimination, or allegations thereof, are also required to be reported on a semi-annual basis. The CEP provides a comprehensive definition of political discrimination.

Any positive or negative employment action based on Political Reasons or Factors involving an Applicant, Candidate or State employee applying for, being considered for or holding a non-exempt position.

No allegations of Political Discrimination have been raised or otherwise discovered during this period.



Political Contacts

CMS also provides notice of reports of political contacts. The CEP provides a detailed definition of political contacts required to be reported.

Any contact, whether in person, in writing, by telephone, by facsimile, by e-mail, or any other means from any elected or appointed official of any political party or any agent acting on behalf of an elected or appointed official or political party, attempting to affect any hiring or employment action for any Non-Exempt Position. Any unsolicited contact (i.e. contact not solicited by the agency to verify employment or check references) related to a Non-Exempt Position directed to any personnel involved in an employment action is considered a Political Contact.

During this reporting period, CMS Personnel Compliance received 14 reports of political contacts related to 12 hiring sequences via the Political Contact SharePoint page.

ALPLM – 1 | DHS – 8 (7 sequences) | CMS – 5 (4 sequences)

These contacts fell into the following categories:

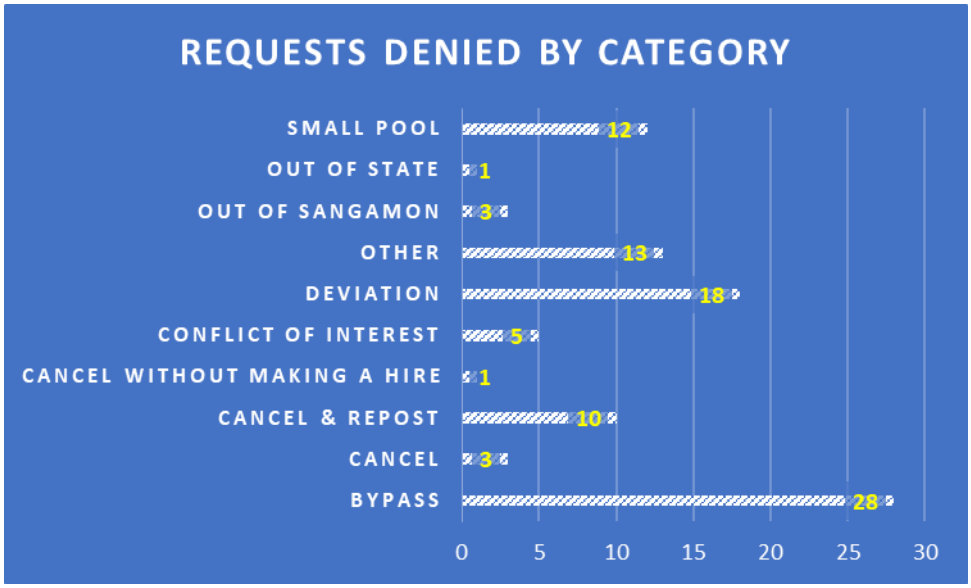
- Elected official listed on resume (work history) – 3
- Elected official listed as reference with application or resume - 2
- Elected official (or rep) inquired about a position or applicant status for a position – 5
- Elected official rep inquired about submitting a letter of recommendation for a constituent for a merit comp position – 1
- Legislative staffer contacted agency and inquired about process for applying to a posted vacancy with the agency - 1

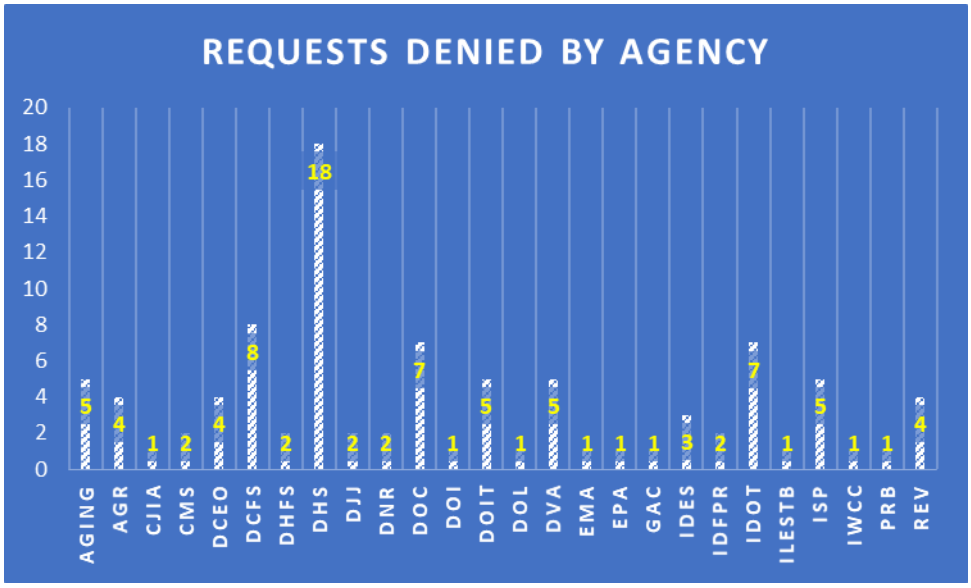
Review of these sequences did not reveal evidence that the contact/ reference had any impact on the outcome of the sequences.

Remedial and Corrective Actions

The Personnel Compliance Office successfully worked with agencies to reach compliant solutions to the challenges they were facing 95.4% of the time. The partnership between the agencies and Compliance throughout the last six months resulted in Compliance denying an agency request 94 times, or 46%, of the 2034 total queries. Bypass request denials were the highest as 29.8% (28 of 94) of bypass requests were denied.

CMS Compliance continues to provide training and guidance to agencies to find compliant solutions to staffing issues that they face.





CMS Illinois Department of Central Management Services

Future Compliance Efforts

The Personnel Compliance Office strives to both react to specific incidents and inquiries and to serve as a proactive compliance model. In execution, the Personnel Compliance Office will explain and teach current policy, explain how specific systems function or are designed, share lessons learned from other agencies that "got it right," and provide informational updates on new or emerging policy.

Currently, email is the primary means of communicating with Personnel Compliance. A system of SharePoint pages will be developed and implemented in 2022 that will serve as a web-based intake method. This system will also track Compliance data and provide reports. The SharePoint site will also assist with the increased use of metrics. The Compliance Office expects that, with this site, it might be able to expand its use of compliance metrics to include measurements such as reporting categories, agency reporting rate, difference between report and incident date, closure rate, follow up rate, referral rate, and intake method.

The Personnel Compliance Office will continue to be a proactive thought partner for agencies. This is a useful relationship for when challenges arise, assisting agencies with decision making, actions, and recommendations to remain compliant. The Chief Compliance Officer primarily performs this function with assistance from the Compliance Officers. Another method to aid the agencies is by disseminating information, innovative ideas, good news stories, and lessons learned. This information can be posted on the Compliance SharePoint or other CMS Bureau of Personnel sites.

CMS Training is currently working with the other operational areas of CMS to compile and update all Electronic Recruitment Process Training with a projected training manual and job aid completion date to disperse to the agencies in spring 2022. Later this year the Compliance team will work on creating a new version of CEP Training with the goal of providing the needed information but greatly shortening the length of training from its current 10+ hour length.

Vision | Goal | Strategy | Action | Success

Resources and Contacts

For questions about this report, please contact Chief Compliance Officer Vernon Jakoby.

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Compliance requests can be directed to
CMS.PersonnelCompliance@Illinois.gov

Compliance Training requests can be directed to
CMS.ATD@illinois.gov

Reports of Political Contacts should be submitted at:
https://ilgov.sharepoint.com/sites/CMSPoliticalContactReporting

This report will be made publicly available at
https://www2.illinois.gov/cms/About/Reports/Pages/default.aspx