

CMS Personnel Compliance Semi-Annual Report



Compliance Office,
Bureau of Personnel,
Central Management
Services
Semi-Annual Report
February 1, 2021 –
July 31, 2021



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Executive Summary

The number of compliance actions increased by 90% from the last report. Central Management Services (“CMS”) continued to develop and deliver statewide training on the CEP to refresh knowledge prior to and after the revised CEP was effective on July 15, 2021.

The Personnel Compliance Division grew following a successful hiring sequence that brought Samantha Kelton to CMS as the Training Coordinator. Samantha was previously with the Illinois Department of Transportation (“IDOT”) as the Senior Training Manager. Samantha immediately began work on the task of revising the CMS Interviewer Training Certification Training so that it reflects all the processes implemented this year with SuccessFactors. Hiring of four Compliance Officers is imminent.

For the six months preceding this semi-annual report, the CMS Personnel Compliance Office has conducted approximately 6 hours of live training, training several hundred state employees on hiring and employment matters, and completed 1574 compliance reviews for inquiries from 41 separate State agencies, boards, and commissions.

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

CMS is a large, multi-functional agency meeting some of the State's most complex administrative needs. One of the most critical functions CMS performs is its personnel administration functions.

The Personnel Code is a state statute that "establish[es] for the government of the State of Illinois a system of personnel administration under the Governor, based on merit principles and scientific methods." 20 ILCS 415/2. CMS is the statutory administrator of the Personnel Code, 20 ILCS 415/3, and CMS's Bureau of Personnel (BoP) is responsible for supporting external agency personnel and internal personnel functions.

BoP is aligned to the CMS Chief Administrative Officer (CAO), along with the Bureau of Labor Relations and the Office of Diversity and Inclusion and is led by a Deputy Director and Assistant Deputy Director. BoP has funded headcount for 120 employees across four operational divisions and an administrative office.

The operational divisions include (1) Examining and Counseling, (2) Transactions, (3) Technical Services, and (4) Internal Personnel. Along with the Personnel Compliance Office, the BoP Divisions of Examining and Counseling, Transactions, and Technical Services ensure compliance with the Personnel Code, CEP, and statewide personnel policies at all state agencies directly responsible to the Governor.

As the State moves transitions toward electronic hiring processes and an integrated enterprise-wide personnel technology platform, the important work of the divisions is expected to adjust to meet the evolving needs. To be sure, BoP will continue to work to provide meaningful oversight over the integrity of the State's personnel system.



Examining and Counseling Division

The Examining and Counseling Division assesses the qualifications of applicants for State employment and promotion. In this way, the Division is instrumental in ensuring compliance with the State's Classification Plan and the exercise of CMS's statutory authority to determine qualified applicants for appointment.

The CMS Hiring Leads who report to Division Manager Katrina McCarver, perform important pre-posting, pre-interview, and pre-offer compliance checks in the State's electronic application process.

The Division of Examining and Counseling 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.

- The **Veterans Outreach Program** provides State employment counseling to veterans and is responsible for verifying military service records of veterans pursuing employment with the state.
- The **Disabled Workers Program** works with state agencies to develop and expand state employment opportunities for state residents with disabilities.
- The **Upward Mobility Program** was established in 1989 through the collective bargaining process to provide AFSCME members with career counseling, education, and advancement opportunities. The program focuses on career opportunities within the areas of Information technology, office services, accounting, and human services.

Transactions, Records and Back Wage Claims Division

In addition to employee records maintenance and administering back wage claims, the Transactions Division, led by Division Manager Melinda MacMillan 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, Personnel Rules, the CEP, the relevant collective bargaining agreement, and any of a myriad of applicable memoranda of understanding, side letters, or other resolutions.

Technical Services Division

The 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. The Division is responsible for the creation, revision or abolition of all classes under the Personnel Code. In Fiscal Year 2020, the Division reviewed nearly 14,000 position descriptions and conducted class studies affecting over 900 individual positions.



Personnel Compliance Office

The Personnel Compliance Office, led by the Chief Compliance Officer, provides training, meaningful oversight of hiring sequences.

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 by both the CEP and by CMS policy.

Staffing Plans for the Personnel Compliance Office

In addition to the Chief Compliance Officer, the Personnel Compliance Office is staffed by a Training Coordinator. The hiring process for four Compliance Officers is underway.

Vernon Jakoby, Chief Compliance Officer

Vernon (Vern) Jakoby was hired August 1, 2020.

Vern arrived at CMS after completing a 28-year career in the U.S. Army, retiring as a Lieutenant Colonel. Prior to retiring he was the Director of Inspections in the Inspector Generals Office at the Army and Air Force Exchange Service, headquartered in Dallas, TX. In that position, he built and led a team responsible for the inspection of 4,000 locations with 35,000

employees in 34 countries. His other significant assignments include Director of Logistics for the Defense POW/MIA Accounting Agency, Commander of a U.S. Army Recruiting Battalion, and Deputy Commanding Officer of the 593rd Sustainment Brigade. Vern brings his many 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). The CCO reports to the Deputy Director of Personnel.



Training Coordinator

Samantha Kelton, Training Coordinator

Samantha Kelton joined the Compliance team on June 16, 2021. Samantha brings over 10 years of experience in training positions. She was previously with IDOT as the Senior Training Manager and before that was the Training Coordinator for the Executive Ethics Commission. Samantha's knowledge and experience in training development, talent development, and professional coaching are great assets for Personnel Compliance and the BoP. The Training Coordinator performs research and needs assessments on compliance data and trends to make changes to current training and create new training designed to change trends towards a positive compliance environment.



Compliance Officers

These positions were posted on June 25, 2021, and the hiring sequence is complete. Four Compliance Officers, who will assist the Chief Compliance Officer with compliance monitoring of hiring sequences for the Office, are beginning work with the Office September 16, 2021.

The Compliance Officers will analyze hiring data to develop risk assessments, perform compliance reviews of live and completed hiring sequences, perform proactive audit work, and complete written reports of compliance monitoring.

Personnel Compliance Office – Training

A primary objective of the Personnel Compliance Office is comprehensive and effective ongoing training. With the revision of the CEP, there was a need to conduct not only refresher training but also cover the amendments to the CEP. With feedback from its external partners, CMS is developing and presenting updated training on the CEP over six sessions.

CEP Refresher Training Sessions	
Session 1 - 5/26/2021 Relationship/Conflict of Interest	Session 4 - 9/1/2021 PSCs
Session 2 - 6/30/2021 Updates	CEP Session 5 - 9/29/2021 SuccessFactors & agency required submissions to compliance
Session 3 - 7/28/2021 Sequences	Cancelled Session 6 - 10/27/2021 Seasonal/emergency/interns; Temporary Appointments; bypasses

The videos of the live sessions, along with any training materials, will be available on the State’s online training portal.

Immediately upon arriving to CMS in June 2021, our new Training Coordinator, in partnership with the CMS Hiring Reform Team (“HRT”), selected Agency Personnel Officers, and the OneNet Team, began revising the CMS Interviewer Certification Training. The final draft was shared with our external partners for editing before going final early into the next reporting period, August 23, 2021.



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 –The Personnel Compliance office conducts detailed reviews of agency requests to bypass a candidate for interview or a selected candidate based on employment history/background checks.

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. Most commonly these are a change to the interview panel or to hire below minimum qualifying score.

- **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. In most situations this is due to not getting any applicants, not getting enough applicants to meet small pool guidance, 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 illness, a conflict of interest, or other 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.

Personal Services Contracts (PSC) – 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 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.

With the Office of the Executive Inspector General’s Hiring and Employment Monitoring Division (OEIG HEM), the Personnel Compliance Office established an electronic form for the reporting of potential political contacts. That form is available to all State employees with Illinois.gov accounts on the CMS [Personnel Resources page](#).

Other reviews

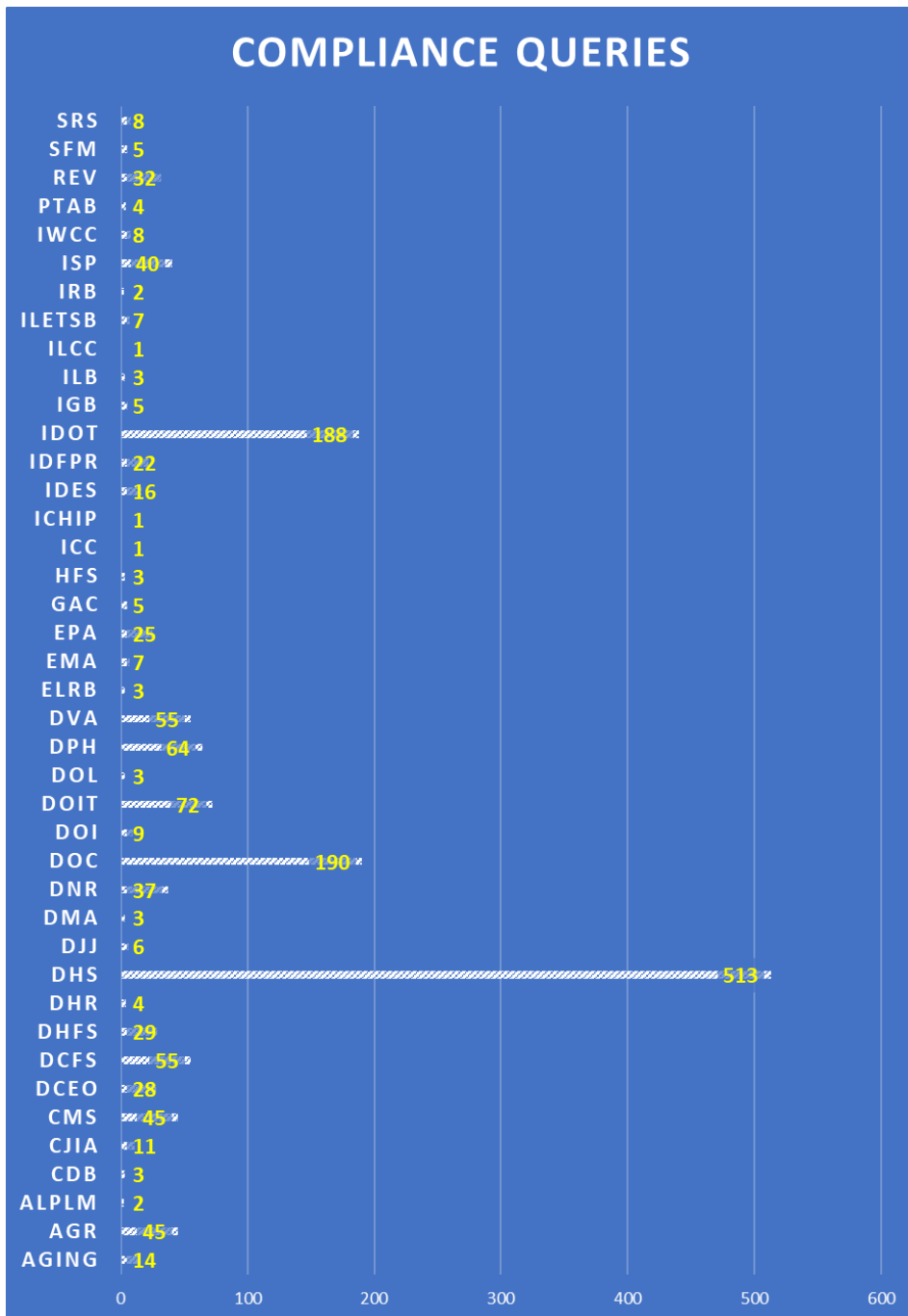
Conflict of Interest Guidance – Agencies sometimes request the CCO to review a disclosure statement and recommend whether a conflict exists.

IDOT Convert-to-Code Position hiring sequence reviews – The Chief Compliance Officer performs a thorough review prior to offering of all hiring sequences for IDOT technical positions that are converting to Personnel Code-covered positions. From January 31, 2021, through July 31, 2021, 15 of these reviews have been performed.

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.

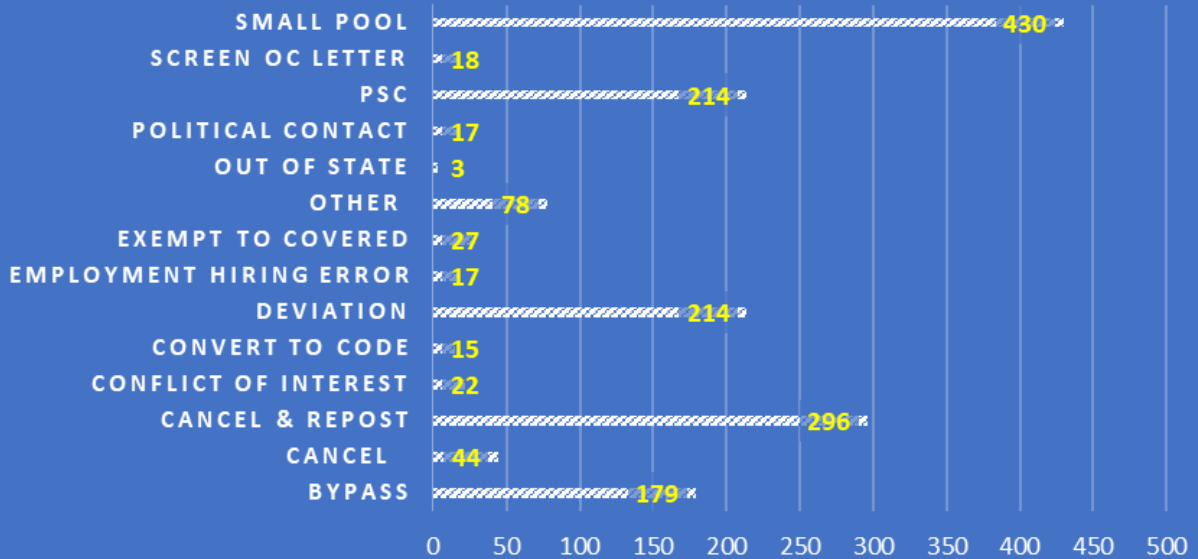
Small Interview Pools – Requests from agencies to interview less than three candidates for a single vacancy or interview fewer candidates for sequences with multiple vacancies than stated in the guidance published in March 2019.

Compliance Review Audit Activity



For the reporting period, there were a total of **1574** compliance queries submitted by **41** agencies, boards, and commissions. The Department of Human Services (DHS) led with 32.6% (513 of 1574) of the total. The Department of Corrections (DOC) was next with a large increase from the previous report, 12.07% of the total (190 of 1574) as compared to 7.63% (66 of 865).

DISTRIBUTION OF COMPLIANCE QUERIES



Deviations from the original hiring plan, including cancellations (with or without reposting and other deviations, account for 35.2% (554 of 1574) of total compliance queries. This category includes multiple situations where a hiring sequence did not play out as expected, including requiring change to the interview panel, extending a posting to attract additional applicants, extend offer to a candidate who scored below the pre-established scoring threshold, make additional hires from a sequence, and canceling/closing a sequence without making a hire.

Sixty-one percent of all deviation requests (340 of 554) were requests to cancel or cancel and repost a position.

Further analysis of the 214 deviation actions that did not involve cancellations shows that 75% of this number involved 4 categories of deviations.

Change panel member – 46
 Extend posting – 42

Change questionnaire – 49
 Make an additional hire – 24

Requests to conduct interviews with smaller candidate pools account for 27.3% (430 of 1574) of all compliance queries. Twenty-six agencies made requests for small pool approval. Of these, six agencies accounted for 78.4% (337 of 430) of the total, primarily concerning medical or technical positions.

Agency	Number of Small Pool Requests
DHS	138
DoIT	64
DCFS	36
DPH	30
DVA	22

Requests for Personal Services Contracts increased from the last report, with 29 agencies requesting approval for PSCs. This increase is likely due to the end of the fiscal year and the increased training. PSCs accounted for 13.6% of the total compliance requests (214 of 1574).

Agency	No. of PSC Requests	Percent of Total Requests
Agriculture	35	78% (35 of 45)
Criminal Justice Information Authority	12	55% (12 of 22)
Aging	7	50% (7 of 14)

Requests to bypass a candidate accounts for 11.37% (179 of 1574) of compliance requests with 21 agencies making bypass requests. Most requests, 51% (91 of 179), are due to the top candidate in a sequence declining or vacating the position within seven months. However, this compliance action receives the most denials. Bypass requests to pass over a top candidate are looked at in depth, requires agencies to submit supporting evidence, and account for how people can change over time. Generally, if a pattern of poor performance, misconduct, or both, exists within the last two years, that is seen as grounds to approve a bypass. Three agencies account for 70% (124 of 179) of bypass requests.

Agency	Number of Bypass Requests
DOC	58
DHS	43
IDOT	23

The 78 inquiries denoted in the “Other” category (4.96% of total compliance 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. Twenty-eight agencies made these requests with DHS the leader with 17.

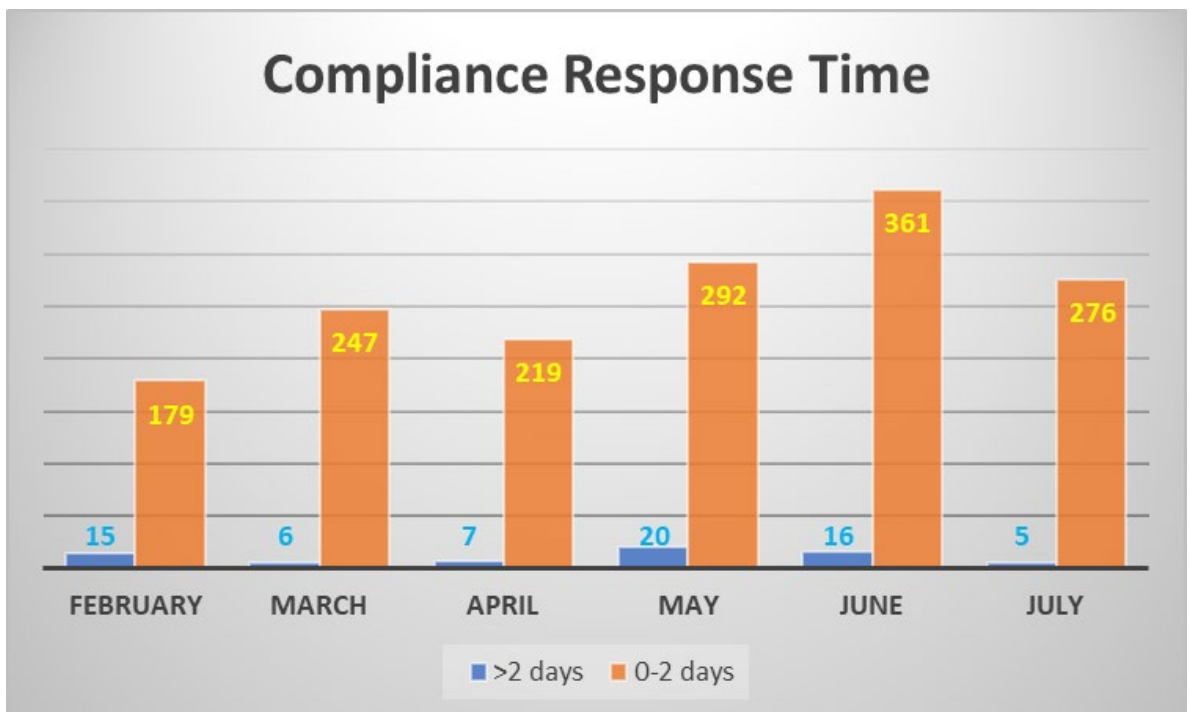
Another area of partnership with agencies is conducting conflict of interest reviews. While Agency Personnel Officers have the authority to approve or disapprove disclosed relationships and conflicts of interest, they are encouraged to ask for a Chief Compliance Officer review. Seven agencies did this a total of 22 times with DHS as the leader with 10.

The number of compliance reviews completed is 42. 27 of these were reviews of hiring actions where the top candidate was formerly an Exempt employee (Exempt to Covered), and 15 reviews were completed for IDOT's convert to code project. 13 agencies had Exempt to Covered actions.

5 agencies sent 18 requests to screen open competitive lists, including review of proposed correspondence as directed in the June 2019 CMS Memorandum "Clarification on Working Open Competitive Lists." These accounted for 1.14% of the total. DHS led with 6 requests.

Timely Responses

The Personnel Compliance Office worked to provide 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 either 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 **95%** of the time.



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 17 instances of Employment Hiring Errors. This is a decrease of 4 from the previous report. Of these errors, 13 of them were untimely requests either from older hiring sequences, due to a last-minute cancelled interview by the candidate, or a lack of understanding of the agency’s obligation of when to request to repost or proceed with a small pool.

It appears that the CEP training is having a positive impact. The Personnel Compliance Office has seen a reduction in the number of untimely requests, resulting in the decrease of “Employment Hiring Errors.”

CMS Transactions closes the loop with the Compliance Office on any hiring sequences that failed to timely seek and receive small pool approval.



Four substantive Employment Hiring Errors were reviewed or are in review currently by Personnel Compliance during this reporting period.

Illinois Council on Development Disabilities – Senior Public Service Administrator Opt. 2

At the request of CMS Transactions, Compliance reviewed a 2018 hiring after the Council, having failed to submit all requested documents to CMS Transactions since 2018, sent documents that appeared to be created after the fact. The review showed that the documents were not produced at the same time as other original documents from the hiring sequence. The resolution was for the Council to place the employee into a Temporary Appointment status and redo the hiring sequence.

ILRB - Administrative Assistant I Opt W1

The selected candidate did not have a valid OC grade for the title hired into (start date was July 1, 2021), the agency did not request an OC List, and there are no documented results of screening (64 applicants, 4 interviews conducted). CMS is reviewing the hiring sequence but has not decided on a resolution yet.

IDOT - Engineering Tech IV – Utilities Agreements Technician

While conducting a Compliance Review of this sequence, it was found that the selected candidate did not meet the minimum requirements for the position. The hiring sequence was not completed yet. IDOT stopped the hiring process and requested to cancel and repost the position, which was approved by CMS Compliance.

Capitol Development Board - Contract Specialist III (4 vacancies)

A compliance review of this hiring sequence was completed following discussion with the new HR Director regarding pending matters. For this sequence, initial review reflects multiple errors, and Compliance is still communicating with the Board to determine how the sequence proceeded and how to proceed with solutions.

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 18 reports of political contacts related to 15 hiring sequences via the Political Contact SharePoint page. For IDOT, one sequence was reported by three different employees and another incident was reported by two employees.

IDOT – 6 (3 sequences) | DHS – 8 | CMS – 3 | DJJ – 1

These contacts fell into the following categories:

- Elected official listed on resume (work history) – 6
- Elected official listed as reference with application or resume - 2
- Elected official letter of recommendation submitted with application – 2
- Elected official (or rep) inquired about a position or applicant status for a position – 3
- Elected official rep inquired about submitting a letter of recommendation for a constituent for a merit comp position – 1
- Elected official submitted a resume on behalf of a constituent – 1

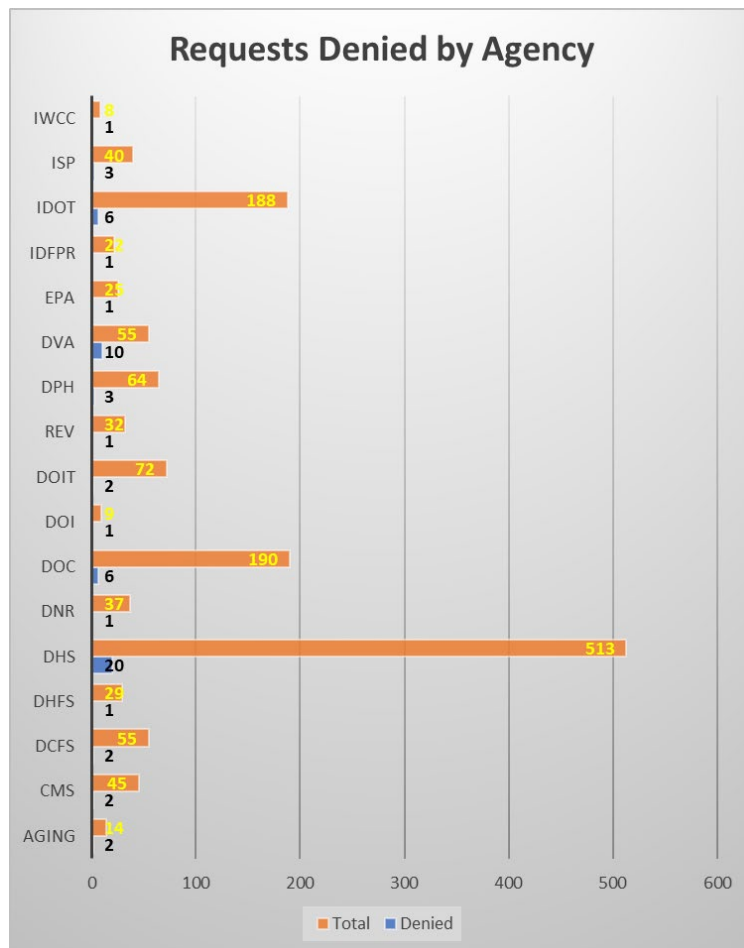
Review of these sequences did not reveal evidence that the contact/reference had any impact on the outcome of the sequences.

Remedial and Corrective Actions

During the reporting period, the Personnel Compliance Office uncovered four substantive Employment Hiring Errors. These errors were discussed on page 17.

The Personnel Compliance Office successfully worked with agencies to reach compliant solutions to the challenges they were facing 96% of the time. The partnership between the agencies and Compliance throughout the last six months resulted in Compliance denying an agency request 63 times, or 4%, of the 1574 total queries. Bypass request denials were the highest. 36.51% (23 of 63) 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.



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.

Additionally, the Personnel Compliance Office will explore how it can more closely collaborate with OEIG HEM. The vision for this is to develop an audit cycle in which compliance reviews are performed that focuses on hiring sequence performance as well as providing targeted training to agencies based on hiring errors, HEM advisory data, and other data trends captured over periods of time.

A joint effort compliance review will give an agency, board, or commission a look at their performance, practices, and how well they align with state guidance on compliance and human resources. These are opportunities to train personnel in depth on current processes, reviews of past errors, and the effectiveness of fixes put in place to stop errors from occurring

A proactive Personnel Compliance Office is a useful thought partner when challenges arise, assisting agencies with decision making, actions, and recommendations to remain compliant. The Chief Compliance Officer performs this function. Another method to aid is by disseminating information, innovative ideas, good news stories, and lessons learned.

Currently, email is the primary means of communicating with Personnel Compliance. In development is a system of SharePoint pages that will serve as a web-based intake method that will also track Compliance data and provide reports.

As the Compliance Office grows, so too will the use of compliance metrics. The Compliance Office expects to continue and expand its use of compliance metrics. This will 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.

Resources and Contacts

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

Chief Compliance Officer
Vernon Jakoby

Vernon.Jakoby@Illinois.gov

Office: (217) 558-3093

Cell: (217) 685-6008

Compliance requests can be directed to
CMS.PersonnelCompliance@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>