

# HIRING & EMPLOYMENT MONITORING REPORT

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

SECOND QUARTER | 2022



## UPDATES

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

Division's ability to properly monitor State hiring is dependent on the cooperation of State agencies. HEM reminds agencies that when HEM requests to monitor a sequence, HEM should be included in every step, including screening reviews, interview date selection, and scoring discussions. HEM should also be notified of any hiring plan deviation requests made to the Illinois Department of Central Management Services (CMS).

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## HEM Compliance Reviews

Between April 1 and June 30, 2022, HEM's work included the following compliance activities:

Actions Taken During the Second Quarter 2022	Count
Hiring-related reviews opened	21
Hiring sequences monitored	2
Desk audits completed	6
Hiring reviews transferred to the OEIG Investigative Division	1
Advisories issued	11

## 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	85 (No objections)
Exempt position description clarifications received and reviewed	3 (No objections)
Exempt personal services contracts (PSCs) received for review	8
Exempt PSCs approved or not objected to this quarter	5
Exempt List addition requests received this quarter	13
Exempt List addition requests approved this quarter	16
Exempt List deletion requests approved this quarter	8
Agency withdrawal of Exempt List requests	0
Exempt List pending requests	2

Exempt List Additions and Deletions by Agency - Second Quarter 2022		
Agency/Entity	Working Title	OEIG Determination
Commission on Equity and Inclusion	Chief of Staff	Approved Addition <sup>^</sup>
Illinois Liquor Control Commission	Internal Affairs Manager	Approved Addition
Illinois Department of Public Health	Deputy Chief Operating Officer	Approved Addition
Illinois Department of Healthcare and Family Services	Deputy Chief Operating Officer for Special Projects	Approved Addition
Illinois Department of Human Services	Regional Executive Director	Approved Deletion*
Illinois Department of Human Services	Regional Executive Director - Elgin Mental Health Center	Approved Deletion*
Illinois Department of Human Services	Regional Executive Director - Madden Mental Health Center (Tinley Park)	Approved Deletion*
Illinois Department of Human Services	Regional Executive Director - McFarland Mental Health Center	Approved Deletion*
Illinois Department of Human Services	Regional Executive Director - Chicago-Read Mental Health Center	Approved Deletion
Illinois Department of Human Services	Regional Executive Director - Madden Mental Health Center	Approved Deletion
Illinois Department of Human Services	Regional Manager - Alton Mental Health Center	Approved Deletion
Illinois Department of Human Services	General Community Services Programs and Grant Funded Entities Administrator	Approved Addition
Illinois Department of Human Services	Crisis Community Services Programs and Grant Funded Entities Administrator	Approved Addition
Illinois Department of Human Services	Forensic Community Services Programs and Grant Funded Entities Administrator	Approved Addition
Illinois Department of Human Services	Residential Community Services Programs and Grant Funded Entities Administrator	Approved Addition
Illinois Department of Human Services	Children and Youth Community Services Programs and Grant Funded Entities Administrator	Approved Addition
Illinois Department of Transportation	Deputy Director of Business and Workforce Diversity	Approved Addition
Illinois Department of Human Services	Statewide Opioid Settlement Administrator	Approved Addition

<sup>^</sup> This position was approved last quarter but erroneously not included in the first quarter HEM Report.

\* These positions were also abolished.

Exempt List Additions and Deletions by Agency (cont'd)		
Agency/Entity	Working Title	OEIG Determination
Illinois Department of Innovation and Technology	Chief of Supplier Diversity	Approved Addition
Illinois Department of Corrections	Mental Health Compliance Administrator	Approved Addition
Illinois Department of Innovation and Technology	Chief Service Officer	Approved Deletion
Illinois Department of Labor	Deputy General Counsel for Hearing Administration and Strategic Enforcement	Approved Addition
Illinois Department of Insurance	Deputy General Counsel	Approved Addition
Illinois Department of Insurance	Deputy General Counsel	Approved Addition
Illinois Department of Insurance	Senior Insurance Advisor	Approved Addition

Approved Exempt PSCs by Agency - Second Quarter 2022		
Agency/Entity	Position Title	Contractor
Illinois Department of Public Health	Executive Management Consultant*	Justin DeWitt
Illinois Department of Juvenile Justice	Licensed Physician Medical Director for the <i>R.J. v. Mueller</i> Consent Decree	Dr. Justin Kwak
Illinois Department of Financial and Professional Regulation	Dental Coordinator	Dr. Mary Ranieli
Illinois Department of Juvenile Justice	Court Monitor for the <i>R.J. v. Mueller</i> Consent Decree	Dr. Kelly Dedel
Illinois Department of Juvenile Justice	Chief of Psychiatry	Dr. Lynn Maskel

## Non-Exempt PSC Reporting

On May 18, 2022, CMS posted the State’s Personal Services Contract (PSC) Report for the first quarter of calendar year 2022. The following table summarizes this information:

Data from the State's Personal Services Contract (PSC) Report for the First Quarter of CY 2022	Count
State entities that submitted a PSC report to CMS	53
State entities that decreased their use of PSCs from the previous quarter	16
State entities that increased their number of PSCs	10
State entities that did not have a change in PSCs	27
State entities that did not report utilizing any PSCs	14

## Political Contact Reporting

This quarter, HEM received **5** reports of Political Contacts summarized as follows:

- One report stated that a legislative staff person from an Illinois State Representative's office contacted the Illinois Department of Veterans Affairs regarding questions about veterans preference and the Highway Maintainer position at the Illinois Department of Transportation. CMS Legislative Staff reported that it provided a general explanation to the State Representative's staff person in response.
- One report was filed by the Illinois Department of Human Services (IDHS) identifying a contact made by an Illinois State Representative regarding an IDHS employee that the State Representative felt should not be terminated.
- Two separate reports were filed regarding inquiries made by a politician or his/her staff about applicants that were selected for State positions but then had the offers rescinded.
  - One report identified an Illinois State Senator who contacted CMS regarding a candidate that was offered a CMS Financial Planning and Management position which was then rescinded due to an error in the initial posting requirements. CMS Legislative Staff reported to CMS Compliance that the State Senator did not request a specific action during the call.

- One report identified two legislative staffers of an Illinois State Senator who contacted CMS and IDHS regarding a rescinded employment offer to a candidate for an IDHS position. CMS Legislative Staff reported that, after obtaining information from CMS Personnel, it explained the rescission to the State Senator’s legislative staffers and subsequent actions taken.
- One report stated that a potential applicant contacted the Illinois Environmental Protection Agency by email with her resume while referencing an Illinois State Representative and Legislative Aide. CMS Compliance reported that it responded to the potential applicant.

## HEM Advisories

The following chart lists out the 8 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. The Advisories that made recommendations are summarized on the following pages. 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.

Advisories with No Recommendations – Second Quarter 2022			
Advisory	Agency	Position Title	Type of Review
22-HEM-0004	IDOR	Revenue Tax Specialist Trainee	Complaint Referral
22-HEM-0013	OSFM	Division Manager of Fire Prevention	Complaint Referral/Desk Audit
22-HEM-0015	Aging	Older American Services Program Manager	Desk Audit
22-HEM-0014	IDOR	Interview & Hiring Manager	Desk Audit
22-HEM-0007	HFS	Bureau Chief of Waiver Operations	Complaint Referral/Desk Audit
22-HEM-0011	DCEO	Assistant General Counsel and EDGE/LBDP Program Manager	Desk Audit
21-HEM-0035	IDHS	Director of Nursing, Mental Health Center	Complaint Referral/Hiring Sequence Monitoring
22-HEM-0018	IDFPR	Health Services Manager	Desk Audit

## HEM Advisory Summaries

### *21-HEM-0051*

In response to a complaint referral, HEM reviewed the interim assignment of an Assistant Chief Legal Counsel at the Illinois Department of Juvenile Justice (IDJJ). In the Advisory, HEM requested that IDJJ explain why the Assistant Chief Legal Counsel position has continued to be filled by an interim assignment for three and half years without having been posted. HEM also requested that IDJJ explain what steps will be taken to avoid this from happening again. HEM recommended that IDJJ take concrete steps to post the Assistant Chief Legal Counsel positions and that IDJJ include HEM in all aspects of the hiring process so that HEM can monitor the hiring sequence. HEM requested a response from CMS and IDJJ.

In the response, CMS and IDJJ stated that the current structure is a result of the significant operational need and limited staffing within IDJJ and more specifically within the IDJJ legal team. Because the other IDJJ attorney positions are currently vacant, the employee was functionally performing the role of Assistant Chief Legal Counsel, and IDJJ determined that the employee should be compensated for that work and interim assigned into the position.

CMS and IDJJ acknowledged that this interim assignment lasted both beyond what the agencies had anticipated and beyond what best practices suggest. Additionally, the response stated that this is not the normal practice at IDJJ, as IDJJ does not often use interim assignments. IDJJ's Chief Legal Counsel has been working with the Governor's Office's legal team to assess the appropriate structure for the IDJJ legal department in order to ensure it is able to address current and anticipated needs, which includes work on an active consent decree. Once the new structure is formalized and new positions created as necessary, IDJJ stated it will end the use of this specific interim assignment.

Regarding CMS's role, the response stated that CMS approved the interim assignment for a number of extensions because it assessed the operational need and purpose to be legitimate. As CMS Compliance works to continue to strengthen its oversight of interim assignments, part of its work will be to assess and audit longer-lasting interim assignments. CMS also will work with agencies to develop plans to reduce longer-lasting interim assignments like the one at issue (whether by posting the position or otherwise) within a reasonable period of time.

## **22-HEM-0012**

HEM conducted a desk audit of the hiring file for a Storekeeper I position at the Illinois Department of Insurance (DOI). The position was filled contractually based on seniority and the selected candidate was the only applicant with contractual rights to the position. While HEM agreed with the selection decision, HEM recommended that DOI ensure compliance with the Comprehensive Employment Plan (CEP) by reviewing and updating all interview documents accurately and ensure the documents consistently reflect the position's required and preferred qualifications, regardless of the likelihood that the position will be filled contractually without interviews. While HEM did not request a response to this Advisory, DOI's Human Resources Director (who was not a DOI employee in 2021 when this sequence occurred) responded that since coming to the agency she has implemented new hiring processes to drastically minimize, if not eliminate, the issues identified in the Advisory. The Human Resources Director also emphasized the checks and balances involved at every step of the SuccessFactors electronic hiring process to facilitate compliance with the CEP.

## **21-HEM-0011**

As a result of a review of probationary appointments to Personnel Code-covered positions in 2021, HEM obtained and reviewed the hiring file for the Illinois Department of Commerce and Economic Opportunity (DCEO) Assistant General Counsel position. HEM agreed with the selection but noted some areas that needed improved documentation by the agency. HEM also conducted an additional desk audit of a more recent DCEO hire, DCEO EDGE/LBDP Program Manager to determine if there was any recurrence of issues. HEM found that there were none. HEM noted there was a timing issue for completing the Relationship Disclosure and Conflict of Interest Certification forms (Disclosure Forms) which appeared to stem from confusion over when Disclosure Forms are to be disseminated or submitted. HEM has been in discussions with CMS and CMS Compliance regarding this issue and recommended the continuance of these discussions to shore up this confusion and ensure further guidance/training on this issue.

HEM did not request a response, however DCEO provided one. DCEO responded that it is currently utilizing the CMS Interview Scoring Tool v7; checking each scoring tool to ensure interview questions and desired responses are present before approving the requisition to post; and ensuring all of the agency's interviewers have

completed the CMS interviewer training and reminding interviewers that a discussion must take place if the interviewer's scores have a discrepancy of ten points or greater. DCEO also noted that interviewers are reminded to document that the conversation took place and whether the interviewers decided to change their score based on the conversation. Additionally, DCEO noted the hiring team asks interviewers to complete the Disclosure Form prior to a position being posted and again once the candidate names are released to the interviewers.

### ***21-HEM-0035***

In response to a complaint referral, HEM reviewed the hiring sequence for the Director of Nursing for one of the IDHS Mental Health Centers. After reviewing the initial sequence that held interviews in July 2020, HEM and IDHS met and discussed issues that arose during the sequence regarding the application of the minimum requirements, the delay in reposting, and the appearance of the interim assignment to the position. IDHS worked with HEM to develop and repost the sequence which HEM found to be merit-based and justifiable and did not make any recommendations. However, based on the initial sequence, HEM provided a reminder that IDHS – and other agencies – should apply any agency minimum requirements not included in the grading of the applicants prior to inviting candidates to interview. (The issue arose during a paper-based sequence. HEM recognizes that in the electronic application system, typically, both the CMS validation and the Subject Matter Expert screen for minimum requirements.) By verifying agency minimum requirements are met prior to interviews, agencies can ensure an appropriate candidate pool before expending time and effort interviewing and scoring non-viable candidates. Additionally, HEM reminded agencies that while it can be challenging to conduct a widespread review of multiple position descriptions (for the same position title), it is important not only for consistency and uniformity, but also to reduce confusion, misunderstanding, and future complaints by employees.

### ***22-HEM-0010***

In response to a complaint referral, HEM reviewed the hiring file for a Regional Corrections Compliance Coordinator position at the Illinois Department of Corrections (IDOC). HEM recommended that in the future if the CMS validator is unsure if previous experience meets the requirements, the CMS validator should follow up with the hiring agency SME or other staff for further review. Since HEM did not find any undue influence in the disqualification that occurred here nor was

IDOC involved in these decisions, HEM did not require a repost, but requested that IDOC and CMS review to determine the necessity or feasibility of a repost. HEM also recommended that the agency consider requiring candidates to reschedule for a time when video is available not only for consistency of format with the other candidates but also to ensure the candidate is participating appropriately. Per paragraph 35 of the CEP, HEM reminded the agency that the Agency Personnel Officer must review the Disclosure Forms, which should include following up with participants on any questions or corrections regarding the form. HEM requested a response that is not yet due during this reporting period.

## HEM Advisory Updates

### *20-HEM-0059*

On April 22, 2022, HEM received a response from the Governor’s Office (GO) to Advisory 20-HEM-0059, issued last quarter on March 10, 2022.<sup>1</sup> The Advisory discussed HEM’s review of workers hired through personal services contracts (PSCs) in the Illinois Department of Public Health (IDPH) Chicago Lab under a temporary emergency hiring plan (EHP) during the first months of the Covid-19 pandemic. The GO explained that at the beginning of the pandemic, IDPH needed to dramatically expand its testing capacity and infrastructure, in order to process thousands of Covid-19 tests per day. The EHP was designed to fulfill the State’s emergency operational needs without having to follow the detailed processes set forth in the Illinois Personnel Code and the CEP. The GO acknowledged that IDPH did not “precisely” follow the EHP in retaining individuals to work in its three laboratories. However, the GO represented that IDPH’s Lab Managers who were responsible for these PSC hires “reached out to virtually every candidate who applied” and hired those who were available to work the needed shifts and willing to perform in-person (i.e., not remote) work. The GO further explained that individuals hired under the EHP were assigned different duties based on their qualifications. Those who met the requirements of the federal Clinical Laboratory Improvement Amendments (CLIA) “were hired to perform actual laboratory work[,]” while those who did not meet the CLIA specifications performed non-laboratory work, such as data entry and clerical

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<sup>1</sup> While HEM requested a response to 20-HEM-0059 from IDPH and CMS, the GO responded on behalf of both agencies.

duties. The GO agreed that the EHP did not include this non-laboratory work, acknowledging, “[t]here was clearly a miscommunication during this chaotic time between the different parts of [I]DPH and between [I]DPH and CMS.” Nevertheless, the GO indicated that it supported the IDPH Lab Managers’ decisions to hire individuals to perform non-laboratory work, based on the emergency circumstances, and therefore did not intend to pursue discipline against any IDPH staff. In response to HEM’s inquiry regarding some hires who appeared to be related to IDPH employees, the GO confirmed that six PSC hires were related to IDPH employees but stated that these relationships were appropriately disclosed and none of the six PSC hires reported to an IDPH employee relative. The GO further indicated that none of these six PSC hires were still working at IDPH. The GO indicated that the PSC hires were paid based on the type of work performed, with those performing laboratory work earning more than those doing non-laboratory work. The GO expressed its willingness to improve the State’s emergency hiring processes going forward and asked to discuss potential improvements with HEM. HEM and the GO subsequently met to discuss this matter on three separate occasions. At HEM’s request, the GO also provided additional documentation pertaining to the six PSC hires with IDPH employee relatives.

## ***22-HEM-0005***

In response to Advisory 22-HEM-0005, issued last quarter on March 16, 2022 regarding multiple failed sequences for an Application Management Administrator term appointment position at the Illinois Department of Innovation & Technology (DoIT)/IDHS and the hiring of the retired previous incumbent on a PSC, IDHS and CMS acknowledged there was a breakdown in communication during the hiring sequences. To fix this, IDHS stated it will build a check box in the shared hiring portal to be used to indicate when HEM is involved in a sequence, so all IDHS staff working on a requisition will be aware and communicate updates to HEM.

IDHS also acknowledged HEM’s concern regarding the PSC process and the tracking associated with it. IDHS explained that although IDHS had indicated in response to OEIG Case No. 19-02266 that management of PSCs would be moved entirely under the IDHS Office of Human Resources (OHR), after a thorough analysis, it was determined that the IDHS Office of Contract Administration (OCA) was still needed in the PSC process and significant issues would arise if IDHS attempted to duplicate that process fully within IDHS OHR. IDHS provided a new PSC process workflow to show how each area is incorporated to eliminate errors that can occur due to uncertainty over responsibility and lack of communication.

IDHS also agreed to discuss new recruitment options with DoIT and CMS for the subject position. However, IDHS noted that since the area of responsibility relies heavily on technology that is several decades old, recruitment is difficult because very few people have the necessary skill to work on these systems. Given this, IDHS stated that it could not offer the position to the second-ranked candidate of Sequence 4 (who did not meet the scoring threshold) as that candidate's interview responses indicated that the person did not possess the specific technical skills required to be successful in this position.

The response also addressed CMS Compliance's role and stated that CMS Compliance will provide instruction to all agencies about sequences that are monitored by HEM. These instructions will include that HEM must be notified of any significant hiring action taking place in that sequence if a sequence is being monitored by HEM. Additionally, if an agency is requesting a bypass for a sequence, the agency must inform CMS Compliance if HEM is monitoring the sequence and, if so, if the sequence has undergone multiple attempts of review by HEM. The agency must also inform CMS Compliance if the sequence will result in a failed sequence.

After providing the response, IDHS reached out for HEM's approval to move forward with reposting. HEM requested an opportunity to review the posting and position description with the agencies to ensure that the qualifications desired are clear to applicants and appropriate to the position and to further discuss HEM's recommendations to recruit a qualified pool of more than three interviewed candidates and that DoIT, IDHS and CMS review and set requirements and rating scales that are appropriate for this position, given the large number of candidates that have failed to meet the threshold.

HEM, IDHS, CMS, and DoIT met on May 6, 2022 and reviewed the minimum and preferred qualifications. Subsequently, the Subject Matter Expert and IDHS Classifications further reviewed and revised the preferred qualifications and provided a copy to HEM for review. The position is in the process of being reposted.

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

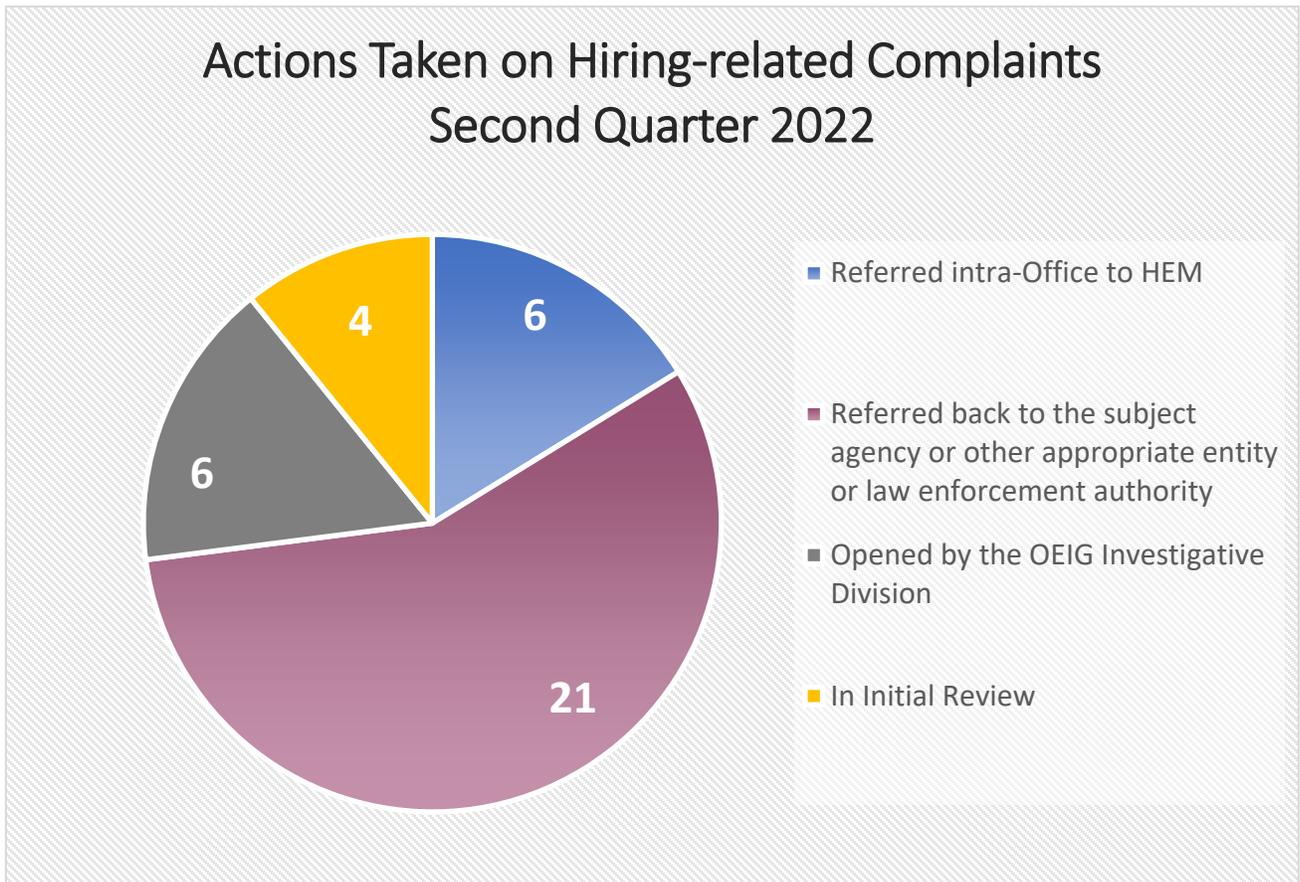
Although HEM did not request a response to Advisory 21-HEM-0054, issued last quarter on March 22, 2022, the Illinois Department of Military Affairs (DMA) confirmed in a detailed written response that it would ensure Disclosure Forms are completed timely in response to HEM's recommendation. DMA also noted that the transition to SuccessFactors and continual training for DMA staff has provided additional checks and balances and process control that has and will assist in ensuring the CEP is followed.

## **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 hiring review reveals evidence of intentional wrongdoing that requires a more in-depth inquiry, or evidence of unlawful political discrimination.

### ***Hiring-Related Complaints***

For the second quarter of 2022, the OEIG received **27** hiring-related complaints. Also, in this quarter, the following actions were taken with regard to hiring-related complaints:



### *Hiring Investigations*

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

Hiring-related Investigations	Count
Hiring-related investigations pending at the close of the quarter	<b>18</b>
Hiring-related investigations closed this quarter	<b>8</b>
Founded reports related to hiring issued this quarter	<b>2</b>
Founded reports related to hiring made available to the public this quarter	<b>0</b>