

**THE GOVERNOR’S COMPREHENSIVE EMPLOYMENT PLAN FOR AGENCIES  
UNDER THE JURISDICTION OF THE GOVERNOR**

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**I. JURISDICTIONAL STATEMENT**

This Comprehensive Employment Plan (CEP) sets forth the principles that will govern the State’s hiring and employment policies and procedures for positions at agencies under the jurisdiction of the Governor. This CEP applies to current State employees as well as all applicants and candidates for State positions. The Office of the Governor and the Department of Central Management Services (CMS) may issue guidance for adhering to this CEP. This CEP supersedes any Administrative Orders, prior memos or guidance related to the covered hiring process. The CEP will be construed and administered consistent with the Illinois Public Labor Relations Act, 5 ILCS 315, *et seq.*, and any applicable CBA to the extent that the construction or administration does not conflict with the United States Constitution or federal civil rights laws. Except as specifically provided herein, this CEP does not apply to any Employment Action concerning Employees holding Exempt Positions.

## II. DEFINITIONS

- A.** Agency. Any agencies under the jurisdiction of the Governor.
- B.** Agency Personnel Officer. The highest-ranking human resources employee at an agency regardless of title (*e.g.*, HR Director, Deputy Director for Personnel, or the head of the relevant shared services center).
- C.** Applicant. An individual who applies for employment in response to a vacancy.
- D.** Candidate. An Applicant who is invited to interview.
- E.** CBA. Any current collective bargaining agreement between the State and any legally recognized collective bargaining representative of Employees of the State. Any reference to “the applicable CBA” means pursuant and subject to the then current collective bargaining agreement.
- F.** Chief Compliance Officer. The employee in a non-exempt position at CMS primarily responsible for the Bureau of Personnel’s statewide compliance efforts. The Chief Compliance Officer’s authority extends to all positions subject to this Comprehensive Employment Plan (regardless of whether positions are subject to the Personnel Code, 20 ILCS 415/1 *et seq.*); subject to the Personnel Code, 20 ILCS 415/1 *et seq.*; and for which an agency utilizes CMS’s centralized personnel functions. Should the Chief Compliance Officer position be unfilled, the Director of CMS shall designate an employee to perform those functions. Notice of such designation shall be provided to HEM and the Special Master, while acting.
- G.** CMS Pre-Posting Review. The review performed by CMS Bureau of Personnel staff prior to posting a vacant position on work.illinois.gov.
- H.** CMS Transactions. The “Transactions” division within CMS that reviews paper-based hiring sequences.
- I.** CMS Hiring Sequence Review. The hiring sequence review performed by CMS to assess compliance with the CEP and other CMS policies.
- J.** Conflict of Interest. A situation in which impartiality and judgment may be compromised or may appear to be compromised because of an actual or potential clash between a person’s self -interest and professional or public-interest.
- K.** Designee. An Employee selected and assigned to perform duties set forth in this CEP on behalf of another Employee typically in the same Department.
- L.** Electronic Application Process. The electronic application process (SuccessFactors) through which applicants apply online for specific listed vacancies. The electronic application process will prevent any unauthorized changes, and changes will be logged so they are reviewable. This CEP applies regardless of whether an electronic or paper-based process is used.

**M. Electronic Hiring Process.** The electronic hiring process (SuccessFactors) that may be used for all or part of the hiring process. This CEP applies regardless of whether an electronic or paper-based process is used.

**N. Employment Action.** Any change (positive or negative) in the terms and conditions of employment, which may include, but is not limited to: hiring, firing, promotion, demotion, layoff, reinstatement, reemployment, transfer, reclassification, granting or denying overtime, assignment, withholding of any job benefit, and imposition of any employment sanction or detriment.

**O. Employment Hiring Error.** A violation of the policies set forth in this CEP, excluding Political Contact and Political Discrimination violations. An Employment Hiring Error may include, but is not limited to, deviating from the terms of this CEP without obtaining approval from CMS Compliance for such deviation (examples include a failure to interview a sufficient number of Applicants, alteration of hiring criteria or interview questions after the position has been posted, or a failure to properly score the Candidates after the interview).

**P. Exempt List.** The list of all Exempt Positions, as such list may be amended from time to time. The current Exempt List is posted at [www2.illinois.gov/cms](http://www2.illinois.gov/cms).

**Q. Exempt Position.** A completely at-will position that (1) is not covered by a CBA or by Personnel Code protections and (2) is also on the Exempt List because the position involves policymaking to an extent that or is confidential in such a way that political affiliation is an appropriate consideration for the effective performance of the job.

**R. Hiring and Employment Monitor.** The Director of the Hiring & Employment Monitoring Division within the Office of Executive Inspector General for the Agencies of the Illinois Governor.

**S. Hiring Liaison.** An agency HR staff member assigned to work with the Hiring Manager and Hiring Lead when processing a hiring sequence through the State's electronic application process.

**T. Hiring Lead.** The CMS employee overseeing a hiring sequence. The Hiring Lead serves as the CMS reviewer during a hiring sequence through the State's electronic application process.

**U. Hiring Manager.** The agency employee with the hiring need, often a program area manager, who provides meaningful input into the mechanisms of the hiring sequence, *e.g.* the updated position description, preferred qualifications, application questions, and interview questions and ideal responses.

**V. Hiring Plan.** A Hiring Plan is completed by the Hiring Liaison, in consultation with the Hiring Manager, and submitted to the Hiring Lead for pre-posting review and approval by CMS. The Hiring Plan includes all relevant information about how the hiring sequence will be conducted, *e.g.* number of vacancies to be filled, position description, application questions, minimum testing score when applicable, interview requirements, minimum interview score (if

any), whether an interview will be conducted, interview questions with ideal responses, and whether or not the position will be filled through random selection. In the State's electronic posting system, the Hiring Plan is referred to as a "requisition" and includes all the relevant information about a hiring sequence identified above.

**W. Hiring Sequence Record.** A record containing all information related to the selection sufficient to document each step of the selection process and compliance with this CEP, including, but not limited to, the Pre-Posting Review and pre-posting approval of the Hiring Plan by CMS, the current Position Description, Job Posting, Interview Questions, Application Materials, interview scoring sheets, testing protocols (if any), pre-employment test results (if any), Relationship Disclosure and Conflict of Interest, and methods of posting.

**X. Minimum Qualifications.** The objectively ascertainable minimum requirements, including education and experience, that an Applicant must possess to be considered for employment in a Position. For positions covered by the Personnel Code, the applicable class specification contains the qualifications to be deemed minimally qualified. Agencies may establish more detailed, position-specific qualifications that are still consistent with the class specification. Position Descriptions for union positions that require "specialized skills" will contain the specialized skills in the section for minimum qualifications.

**Y. Non-Exempt Position.** Non-exempt positions are positions that are not on the Exempt List. Non-exempt positions include positions that have any form of job protection, whether by collective bargaining agreement, Personnel Code coverage (for example, during the course of a term appointment), or other statutory or regulatory protections against at-will termination.

**Z. OEIG.** The Office of Executive Inspector General for the Agencies of the Illinois Governor.

**AA. OEIG HEM.** The Hiring & Employment Monitoring Division of the Office of Executive Inspector General for the Agencies of the Illinois Governor.

**BB. Paper-Based Hiring Process.** Any hiring process that, after the Hiring Plan has been approved by the Hiring Lead and is posted on work.illinois.gov, is then conducted by a partially or fully paper-based process. This CEP, including the oversight and approvals required by CMS, applies regardless of whether an electronic or paper-based process is used.

**CC. Political Contact.** 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.

**DD. 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.

**EE. Political Reasons or Factors.** Any reasons or factors relating to political, non-merit matters in connection with any Employment Action, including, but not limited to:

- (a) any recommendation 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 for or against the hiring or any other Employment Action for specific persons for nonexempt positions that is not based on actual knowledge of the person's skills, work experience or other job-related characteristics;
- (b) the fact that an Applicant, Candidate, or State employee works or worked on a political campaign or belongs to a political organization or political party; or the fact that the person chose not to work in a political campaign or to belong to a political organization or a political party (The mere fact that a person worked for a political campaign for elective office does not prohibit consideration of a recommendation related to that person insofar as the basis for that recommendation relates to the person's relevant work experience.);
- (c) the fact that an Applicant, Candidate, or State employee contributed or raised money, volunteered, or provided anything of value, to a candidate for public office or a political organization, or refrained from doing so;
- (d) the fact that an Applicant, Candidate, or State employee is a Democrat or a Republican or a member of any other political party or group, or is not a member; or
- (e) the fact that an Applicant, Candidate, or State employee expressed what candidates or elected officials he or she favored or opposed.

**FF. Politically Related Person or Organization.** Any elected or appointed public official, any person acting as an agent of or representing any elected or appointed public official, any political organization or politically-affiliated group, or any person acting as an agent of or representing any political organization or politically affiliated-group.

**GG. Position Description.** The record documenting the Position's typical duties and current responsibilities, Minimum Qualifications, Preferred Qualifications (if applicable), and the knowledge, skills, and abilities needed to perform those responsibilities.

**HH. Preferred Qualifications.** In addition to Minimum Qualifications (often contained in a class specification), preferred qualifications – additional knowledge, skills, and abilities related to the job duties that would set a candidate apart as more qualified than one who met just the minimum qualifications – may be included in the a position description. These preferred qualifications are used to distinguish between qualified applicants and to establish an interview pool.

**II.** Shakman Case. *Shakman et al. v. Democratic Organization of Cook County, et al.*, United States District Court for the Northern District of Illinois Eastern Division Case Number 69 C 2145.

**JJ.** Special Master. The Special Master appointed in the *Shakman* Case and her staff.

**KK.** State Employee. Any person employed full-time, part-time, or pursuant to a personal services contract by a State agency under the jurisdiction of the Governor.

**LL.** Technical and engineering staff. “Technical and engineering staffs,” as referenced in 20 ILCS 415/4c(12), are defined as those employees performing duties that require knowledge or skills acquired by obtaining a college degree, accredited technical school degree, appropriate certifications, and/or specialized on-the-job training in the fields of architecture, science, technology, engineering, engineering technology, statistics, or mathematics. “Technical and engineering staffs,” as referenced in 20 ILCS 415/4c(12), include but are not limited to positions in the following position classifications:

(a) At the Illinois Department of Transportation: Aircraft Technician, Cartographer, Chemist, Civil Engineer, Electrical Engineer, Engineering Technician, Engineering Technician Intern, Geologist, Land Surveyor, Landscape Architect, Operations Supervisor, Photogrammetrist, Realty Specialist, Technical Manager.

(b) At the Illinois Emergency Management Agency: Nuclear Safety Administrator series; Nuclear Safety Associate; Nuclear Safety Emergency Preparedness Coordinator; Nuclear Safety Emergency Response Technician series; Nuclear Safety Engineer series; Nuclear Safety Health Physicist series; Nuclear Safety Health Physicist Technician series; Nuclear Safety Information Systems Specialist series; Nuclear Safety Inspector series; Nuclear Safety Manager series; Nuclear Safety Radiochemistry Lab Analyst series; Nuclear Safety Scientist series; and Nuclear Safety Senior Equipment Technician series.

(c) At the Capital Development Board: Administrators for Capital Planning, Contracts, Construction, Professional Services and Project Development; Project Manager Trainee; Project Manager; Senior Project Manager; Regional Manager; Technical Specialist; and Senior Technical Specialist.

### III. PROCESSES RELATED TO EXEMPT POSITIONS

1. Hiring Process. CMS will maintain current and accurate Position Descriptions for all Exempt Positions. Each Position Description will include the minimum qualifications for the position, duties to be performed, and reporting structure. Agencies are responsible for ensuring that position descriptions are updated to reflect changes to minimum qualifications, duties or reporting structure, with the Agency Personnel Officer bearing primary responsibility for this process. The agency into which an Exempt Position is assigned shall follow the procedures in the General Procedures for Filling Non-Exempt Positions to ensure that position descriptions are current and accurate.

2. Monitoring. All State employees are required to cooperate fully with OEIG and OEIG HEM, as required by 5 ILCS 430/20-70. Any State employee who fails to report or cooperate as required by Court order(s), Executive Order, or otherwise as required by law will be subject to disciplinary action, up to and including termination. OEIG HEM and the Special Master while acting shall have access to all records, information, and State employees to fulfill their responsibilities and to monitor compliance with the Court order(s) and applicable law.

3. Consideration of Potential Candidates for Exempt Positions and Sharing of Information Regarding Potential Candidates with Agencies. The Governor's Office may send to agencies the resumes of individuals or candidate information for those who appear qualified for Exempt Positions. The Governor's Office and agency leaders may consider candidates for Exempt Positions that are either currently vacant or potentially will be vacated. If the Governor's Office sends resumes or candidate information to an agency for consideration for an Exempt Position, the Governor's Office shall transmit the resumes or candidate information under a cover letter or form that indicates the candidate is being sent for consideration for an Exempt Position and states either (1) the specific Exempt Position for which the individual(s) should be considered; or (2) that the individual(s) has a particular expertise, experience, or skill set that aligns to a particular type of Exempt Position (e.g., the individual possesses health insurance industry experience, has criminal justice system expertise, or has accounting skills that would be appropriate for a budget or CFO type of role). The Governor's Office may send candidates to agencies individually, may bundle and send multiple candidates for consideration for a particular role, or may bundle and send candidates with like experience or skills who may be considered for the same type of job function or substantive area. Regardless of whether transmitted individually or bundled, the Governor's Office shall track what resumes/candidate information are sent to which agencies, and shall maintain copies of the resumes, candidate information, and transmittal cover letters between the Governor's Office and agencies regarding the candidate(s). Upon request, OEIG HEM and the Special Master, while acting, shall have access to the candidate resumes or information sent from the Governor's Office to any agency. Because it has the authority to both identify candidates and approve final selection for all Exempt Positions, the Governor's Office will be responsible for conducting employment history checks for these individuals.

4. Initiating the Hiring Process. Once the Governor's Designee has identified a Candidate to fill a specific Exempt Position, the Governor's Designee shall initiate the hiring process for that position by sending a notice of intent to fill the position to the relevant Agency Personnel Officer. The form of the notice of intent to fill positions may be established by the

Governor through a written policy and procedures memorandum to Personnel Officers, and such notice may be given electronically.

5. Application. The selected Candidate being considered for appointment to an Exempt Position must complete an employment application (CMS100 or equivalent, such as a resume or CV) for the State to assess whether the individual meets the minimum qualifications for the position, and, if applicable, holds any required licenses or certifications. The employment application must contain sufficient information to allow the Agency Personnel Officer to make the determination described below in the Certification. If the individual does not possess the minimum qualifications or hold any applicable required licenses or certifications, he or she must not be appointed to the Exempt Position.

6. Certification. No less than five days before the individual's first day of work in the Exempt Position, the Agency Personnel Officer must certify in writing to the Governor's Office Designee (1) that the individual meets the minimum qualifications of the specific position being filled, including any required licenses or certifications; (2) that the position to which the individual is appointed is an Exempt Position in that it is on the Exempt List and is exempt from job protections under the Personnel Code or a CBA; and (3) that the individual will be performing the duties of the Exempt Position as described in the position description. The documentation should also include if the individual will be on an acting basis or is on a leave from a Non-Exempt Position while appointed to the Exempt Position. The Governor's Office Designee shall provide a copy of the certification, before the individual's first day of work in the Exempt Position, to the CMS Chief Compliance Officer, HEM, and the Special Master, while acting. This certification must be maintained in the individual's personnel file and forwarded to the Governor's Office Designee for exempt hiring.

7. No Other Specific Selection Process Required. Except as specifically provided in this Section, the Governor, the applicable agency, and CMS are not required to follow any other selection process in filling an Exempt Position and may consider any lawful factor in making the hiring decision.

8. Changes to Exempt List. The Governor's Office or HEM may from time to time change the Exempt List by adding Exempt Positions, deleting Exempt Positions, or amending the titles of Exempt Positions contained on the Exempt List. Such changes can only be made as follows:

- (a) Request to Change by Governor's Office. The Governor's Designee must send HEM, the CMS Chief Compliance Officer, CMS Deputy Director of Personnel, and the Special Master, while acting, a written notice of any proposed change to the Exempt List, along with supporting documentation, including but not limited to: (a) the position number, position classification, working title, and current Position Description of the Exempt Position or proposed-to-be-exempt position; and (b) a description of the basis on which the change is proposed. The Executive Inspector General shall provide a written approval or objection to the proposed change within 10 business days of receipt to the CMS Chief Compliance Officer, CMS Deputy Director of Personnel, Governor's Designee, and the Special Master, while acting. If the Executive Inspector General provides an objection to the change, the Governor's Designee and the Executive Inspector



General or Designee will then meet to discuss the matter. If the Executive Inspector General does not rescind the objection following such discussion, the Governor's Designee will provide the Executive Inspector General a final response in writing explaining why the Governor's Office believes the position qualifies as exempt under applicable law. The Executive Inspector General's objection and the Governor's Office's final response shall be publicly posted on the CMS website.

(b) Request to Change by the Executive Inspector General. The Executive Inspector General may propose changes to positions on the Exempt List that the Executive Inspector General believes are necessary to ensure compliance with applicable law. HEM shall send to the Governor's Designee, the CMS Chief Compliance Officer, CMS Deputy Director of Personnel and the Special Master, while acting, written notice of any proposed change to the Exempt List that is due to (1) the position description not meeting proper Exempt designation or (2) the person in the position not consistently performing the duties of the Exempt Position in a meaningful manner as provided in the Exempt Position's approved Position Description. HEM shall include in the request supporting documentation, which shall include but not be limited to: (a) the position number, position classification, working title, and current Position Description of the Exempt Position; and (b) a description of the basis on which the change is proposed. The CMS Chief Compliance Officer, CMS Deputy Director of Personnel and Governor's Designee shall review the request and shall provide a written approval or objection to the proposed change within 10 business days of receipt to HEM and the Special Master, while acting. If the Governor's Designee objects to the change, the parties shall meet to discuss the objection and the Governor's Designee shall be permitted to seek modifications to the Exempt Position Description and/or ensure that the person in the Exempt Position is performing the duties as provided in the Exempt Position Description. The Governor's Office bears the burden of demonstrating that the position is one for which an employer may take into account political considerations when deciding whom to hire, promote, or transfer to fill these positions. Both HEM's proposal and the Governor's Office's objection shall be publicly posted on the CMS website.

(c) Notice to Plaintiffs' Counsel. Until the effective date of a court order finding the State in substantial compliance in the *Shakman* Case, after the procedures above have been completed, the CMS Deputy Director of Personnel shall send a copy of the proposed change to the Exempt List, and any written objection or response made by either the Executive Inspector General or Governor, to the Plaintiffs' Counsel. Proposed changes to the Exempt List will not be deemed approved and begin to be implemented until after ten business days of providing confirmation of the Executive Inspector General's approval to Plaintiffs' Counsel. If Plaintiffs' Counsel sends a written objection of the proposed change to the Exempt List to the CMS Chief Compliance Officer, CMS Deputy Director of Personnel, the Governor's Designee and the Executive Inspector General within ten business days of the CMS Deputy Director of Personnel providing written notice of the Exempt List change, the Position will not be placed on the Exempt List and the matter shall be referred to the Special Master, while acting, for a recommendation and then to the court having jurisdiction in the *Shakman* Case for final resolution. Upon objection by the Plaintiffs' Counsel, the Exempt List will not be changed until final resolution by the court.

(d) Civil Service Commission Review of Proposed Changes to the Exempt List. If the parties agree to the proposed change pursuant to Sections 1 through 3 or if a party elects to proceed with the proposed change over any objection, the CMS Chief Compliance Officer and CMS Deputy Director of Personnel will submit to the Civil Service Commission positions that are within the jurisdiction of the Civil Service Commission and that are proposed for addition to or removal from the Exempt List through a Request to Change. The CMS Deputy Director of Personnel will provide to the Civil Service Commission any documentation or information necessary for a request for rescission or creation of a 4d(3) position.

The Civil Service Commission will then review the proposed change. If the Civil Service Commission determines that the position is appropriately classified as a position that has job protection under the Personnel Code, then the position will not appear on the Exempt List and neither the Governor nor the Executive Inspector General may appeal that decision. If the Civil Service Commission determines that the position is appropriately exempt from any job protection under Section 4d(3) of the Personnel Code, then the position can be added to the Exempt List. Until the effective date of a court order finding the State in substantial compliance, Plaintiffs in the Shakman Case may challenge the Civil Service Commission's determination by filing a motion with the court overseeing the Shakman Case.

The process for changing a position from Exempt to Non-Exempt is outlined below.

(e) Court Approval. Until the effective date of a court order finding the State in substantial compliance in the Shakman Case, no amendment to the Exempt List will be implemented until the change has been approved by the court overseeing the Shakman Case. If either the Governor or the Class Plaintiffs object to a proposed change to the Exempt List, and the objection is not resolved after referral to the Special Master, while acting, the Governor's Office or Class Plaintiffs may file a motion asking the court to amend the Exempt List. The Governor's Office bears the burden of demonstrating that the position is one for which an employer may take into account political considerations when deciding whom to hire, promote, or transfer to fill the position.

**9. Steps When a Filled Position Changes from Exempt to Non-Exempt.** Any State employee who is appointed to or the incumbent in an Exempt Position shall continue to be considered exempt and not subject to Personnel Code or other job protection.

If a position is determined to be non-exempt through a Request to Change as described above, the position shall change from exempt to non-exempt on the 90th day after notice of termination is provided to the incumbent employee, as described below in Section 2. During those 90 days, the State shall undertake the following steps:

(a) Any position that is within the jurisdiction of the Civil Service Commission will be forwarded by CMS to the Civil Service Commission for review. The Civil Service Commission's review will occur concurrently with the steps described below.

(b) Upon agreement between the Governor's Office, the Executive Inspector General and the Special Master, while acting, CMS shall provide notice to the agency and the incumbent that the employee will be terminated effective on the 90th day unless he or she is selected for the position through a compliant competitive hiring process. However, because the incumbent is in the position on an at-will basis, in the discretion of the Governor's Designee, the incumbent's employment may be terminated earlier than the 90th day.

(c) If the agency desires to have this position filled beyond the 90th day, the agency must initiate a competitive hiring process that is compliant with the process for Non-Exempt Positions, as described in the General Procedures for Filling Non-Exempt Positions.

The incumbent may choose to apply for the position through the competitive hiring process. If the incumbent is the selected candidate following the competitive selection process, written notice will be provided to CMS Chief Compliance Officer, CMS Deputy Director of Personnel, the Hiring & Employment Monitor, and the Special Master, while serving.

If the State does not complete the hiring sequence by the 90th day, the incumbent employee shall be terminated, and the position thereafter converts to non-exempt. In the event that it is operationally necessary to fill the position on a temporary basis while the hiring sequence is completed, an individual may be hired through a temporary appointment not to exceed 90 days. Such temporary appointment may not be renewed. Written notice of a temporary appointment will be provided to the CMS Chief Compliance Officer, CMS Deputy Director of Personnel, HEM, and the Special Master, while acting, at least 14 days before the effective date of the temporary appointment.

(d) On the 90th day, if the position has not yet been filled by an individual competitively hired as non-exempt and has not yet converted to non-exempt, then the position automatically converts to a non-exempt Position. The position must be removed from the Exempt List by the 90th day.

**10. Posting of Exempt List.** CMS will post the then-current Exempt List on the CMS website. The posted Exempt List will include: (a) the name of the Agency to which the Exempt Position is assigned; (b) the job title, including the working title, and Position Identification Number; and (c) the name of the incumbent, and identify whether the incumbent is temporarily assigned or "acting," if applicable. CMS will update and repost the Exempt List on a monthly basis.

#### IV. GENERAL PRINCIPLES AND COMMITMENTS APPLICABLE TO HIRING OF NON-EXEMPT POSITIONS

11. Commitment. The State will implement and maintain proactive and transparent employment-related policies, practices, and procedures that will prevent and remedy the negative effects of Political Contacts and Political Discrimination as required by this CEP, Executive Order, Administrative Order, and applicable law. No CBA or other agreement between the State and any other individual or entity shall provide otherwise.

12. No Employment Actions Influenced by Political Reasons or Factors. No Employment Action affecting non-exempt positions shall be influenced by any Political Reasons or Factors.

13. Political Discrimination Reporting. Any State employee who learns of or has a reasonable belief that Political Discrimination has occurred or is occurring, is required to report such matter to the CMS Chief Compliance Officer or OEIG within 48 hours. All State employees are required to cooperate fully in any investigation or review of such matter conducted by the OEIG, the CMS Chief Compliance Officer, or the Special Master, while acting. Any State employee who fails to report and/or cooperate as required will be subject to disciplinary action, up to and including termination, provided that such reporting and cooperation are not required if either would violate the employee's constitutional rights.

14. Political Contact Reporting. Any State employee who receives or has reason to believe a Political Contact has occurred or is occurring is required to report the contact to the CMS Chief Compliance Officer or OEIG within 48 hours. All State employees are required to cooperate fully in any investigation or review of such matter conducted by the OEIG, the CMS Chief Compliance Officer, or the Special Master, while acting. Any State employee who fails to report a Political Contact or cooperate as required will be subject to disciplinary action, up to and including termination, provided that such submission and cooperation are not required if either would violate the employee's constitutional rights.

15. Equal Employment Opportunity. The State is committed to diversity and to providing equal employment opportunity regardless of race, sex, age, religion, national origin, disability, sexual orientation, gender identity, or any other legally protected status.

16. No Retaliation. The State shall continue to prohibit retaliation, punishment or penalty for reporting a Political Contact, initiating a complaint related to any alleged Political Contact or Political Discrimination, or cooperating with or assisting, the OEIG, the *Shakman* Special Master, while acting, or any other authorized investigative body in connection with any such report or complaint.

17. Minimum Qualifications for All Positions. The State shall maintain verifiable, objective minimum qualifications (Minimum Qualifications) for every position at agencies under the Governor's jurisdiction. Minimum Qualifications must be included in each position's official Position Description and must directly relate to the duties and responsibilities of each position.

**18. Accurate Position Descriptions.** Agencies must work to ensure that Position Descriptions accurately reflect the duties of the position, the supervisory and subordinate structure, and the requirements and preferences for satisfactory performance of the job. Position Descriptions should concisely and effectively communicate the duties expected to be performed, the Minimum Qualifications, and the necessary knowledge, skills and abilities needed to perform the work.

**19. Forms.** CMS will create and maintain forms and template forms consistent with this CEP and for employment actions and other human resources and personnel purposes.

**20. Union Relations.** The State respects its relationships with its Employees' legally recognized collective bargaining representatives and the provisions of the CBAs it has negotiated with such representatives. The CEP will be construed and administered consistent with the Illinois Public Labor Relations Act, 5 ILCS 315, *et seq.*, and with any applicable CBA, to the extent that the construction or administration does not conflict with the United States Constitution or federal civil rights laws. If any provision in a CBA allows for management discretion involving any Employment Action, such management discretion shall be exercised subject to the procedures contained in the CEP. If the CBA does not contain a specific procedure or is otherwise silent, the relevant procedure in this CEP shall be followed.

**21. No Exempt Position Has or Will Be Afforded Job Protection(s).** The State is committed to ensuring that no person in an Exempt Position has or will be afforded job protection(s) against at-will discharge under the Personnel Code, a CBA, or applicable regulation.

**22. Disclosure of Potential Conflicts of Interest.** State employees who serve as interviewers, screeners/subject matter validators, Hiring Managers or who otherwise provide material input into requirements, preferences, hiring or screening criteria, and interview questions/ideal answers must complete a disclosure form to assess any potential conflicts of interest. Conflicts could occur due to work relationships, personal relationships, or undue outside influence or pressure. The State shall utilize a disclosure substantively similar to the Relationship Disclosure and Conflict of Interest Certification form available on the Personnel Workbench. Employees identified above shall sign the Relationship Disclosure and Conflict of Interest Certification form, or provide similar attestation, and the State shall maintain and track disclosures electronically. For positions that are filled using a paper-based process, these forms will be retained as part of the Hiring Sequence Record.

**23. Review by CMS Compliance Officer and CMS.** The CMS Compliance Officer and CMS shall have full access at all times to all documents and all aspects of hiring for each posting and may review them on an ongoing basis. If a concern is raised regarding an ongoing hiring process, the CMS Compliance Officer or Designee or the Hiring Lead may suspend the hiring process until the Deputy Director of Personnel, the CMS Compliance Officer, the Agency Personnel Officer, and other appropriate parties have met and conferred about the appropriate way to proceed. The CMS Compliance Officer or Designee shall provide the Special Master, while acting, with notice of the concern and any meeting to discuss the appropriate way to proceed. The Deputy Director of Personnel or Designees shall document in the Hiring Sequence Record the concern, the resolution, and any objection raised during the conferral.

**24. Commitment to Continuous Improvement/Hiring Reform.** The State is committed to process improvement. To that end, CMS has been working to reform the State's hiring processes from beginning to end. These reforms include removing non-value-added steps, increasing transparency, standardizing processes and documentation across agencies, and increasing CMS approval at various stages of the hiring process. CMS will cooperate with HEM and the Special Master, while acting, regarding potential improved processes and coordinating expectations.

## V. GENERAL HIRING PROCESS FOR NON-EXEMPT POSITIONS

**25. Starting the Hiring Process.** An agency seeking to fill a position shall document a request to fill a position for internal approval and ultimately transmit the request to the Agency Personnel Officer or Designee. The request should justify the hiring need, identify the position and number of vacancies, and set forth an updated, accurate position description.

**26. Review of Position Description.** Before filling any position, the Agency Personnel Officer or Designee must review the Position Description to ensure that the position description is accurate and up-to-date. The Agency Personnel Officer or Designee shall: (1) consult with the Hiring Manager and appropriate staff, if necessary, and evaluate the Position Description for each Position for which the Agency Personnel Officer receives a request to hire to ensure that the Position Description is accurate and reflects the actual duties and Minimum Qualifications and Preferred Qualifications, if any, for the job; (2) update and revise any Position Description that is not accurate; and (3) only equivalencies included in Position Description's documented minimum qualifications will be considered in determining if an applicant is minimally qualified.

**27. Hiring Plan.** Once approved to fill, the Agency Personnel Officer or Designee will assign a Hiring Liaison, who will create a Hiring Plan. The Hiring Plan must include all relevant information about how the hiring sequence will be conducted, including the number of vacancies to be filled, a current and updated Position Description, application questions, minimum testing score when applicable, screening criteria (if any), interview requirements, minimum interview score (if any), whether an interview will be conducted, interview questions with ideal responses, and whether or not the position will be filled through random selection or another non-interview process. The Deputy Director of Personnel or Designee shall assign a CMS employee to act as the CMS Hiring Lead.

**28. CMS Pre-Posting Review.** Prior to posting a position on [work.illinois.gov](http://work.illinois.gov) or any other posting site, the CMS Hiring Lead will review the agency's Hiring Plan for compliance and to ensure that all required prerequisites have been appropriately completed by the hiring agency. Positions will be posted only after CMS has provided approval to post. The CMS Hiring Lead must approve the Hiring Plan before posting and CMS must maintain the documentation in the hiring file. Once the Hiring Plan is approved by the Hiring Lead, approval is required from the CMS Chief Compliance Officer to adjust or deviate from the plan. The CMS Chief Compliance Officer will report all requests for adjustments/deviations and its response to HEM and the Special Master, while acting, and in its quarterly reports.

**29. Job Postings.** Job postings must reflect the class specifications and minimum qualifications of the position and include the position description. All non-exempt positions must be posted for a minimum of 10 business days to [www.work.illinois.gov](http://www.work.illinois.gov) but may also be posted on additional job posting sites. To generate a large pool of qualified Applicants, Positions also may be posted at locations required by any CBA, and with schools, professional organizations, labor organizations, professional publications, online job posting sites, and other appropriate locations. Interested applicants must submit applications within the posting period.

**30. Interview Questions and Ideal Responses.** As part of the Hiring Plan, the Hiring Liaison will include the interview questions and ideal responses related to the job-related

knowledge, skills, and abilities set out in the preferred qualifications or otherwise reflected in the duties of the position. Interview questions shall be designed to objectively assess whether the Candidates match the preferred qualifications and determine which Candidate is most qualified for the position being filled. For high volume positions, the Agency Personnel Officer or Designee may develop a pool of interview questions to avoid the same questions being asked every time the position is filled.

**31. Application of Contractual Rights.** After the posting closes, the Applicant pool will be reviewed to ensure that contractual rights are protected. The applicable CBA governs the manner in which contractual rights are applied to a hiring sequence for a bargaining unit position. If a qualified Applicant has contractual rights to the position being filled (absent application of contractual provisions such as demonstrably superior, less senior Applicants or failure to meet specialized skills), an agency may, consistent with the application of contractual rights, choose to fill the position without conducting interviews. When interviews are conducted for application of contractual rights, the interview provisions contained in this section of the employment plan shall apply. All hiring sequences that result in a hire or promotion based on application of contractual rights (including applicable bypass procedures) shall be approved by CMS.

**32. Testing.** Testing requirements for all positions must be pre-established. If testing is required for the position, CMS shall determine the number of Applicants that shall proceed to the testing phase, providing adequate choice for the hiring agency and the number of vacancies to be filled. CMS shall maintain a list of position classifications that require testing.

**33. Number of Candidates Interviewed.** Prior to posting, the Agency Personnel Officer or Designee will identify the preferred size of the interview pool for the position(s) being filled. An interview pool of 10 candidates for a single vacancy is suggested. However, at least three Candidates per vacancy should be interviewed in every hiring sequence. If there are fewer than two more qualified Applicants than vacant positions, an Agency Personnel Officer or Designee may repost the position to attract more Applicants or may seek approval from the CMS Chief Compliance Officer or Designee to proceed with interviewing the qualified Candidates accepting an invitation to interview. If the Agency Personnel Officer or Designee determines and certifies that no minimally qualified Applicants applied to the posting, the Agency Personnel Officer or Designee may cancel and repost without additional approval.

**34. Creation of Interview List/Schedule.** For positions filled through the electronic application process, the CMS Hiring Lead will provide the Agency with a list of the most qualified Applicants based on their validated numerically ranked application score. For positions filled through paper-based processes, agencies shall pre-establish screening criteria including in their Hiring Plan and approved by the Hiring Lead prior to posting. If more than 10 Candidates for a single vacancy or more than 5 Candidates per vacancy for multiple vacancies, the Agency Personnel Officer or Designee shall apply the pre-established screening criteria to the Applicants to create the interview pool. Upon request, the Agency Personnel Officer or Designee shall provide a copy of the interview schedule to OEIG HEM or the Special Master, while acting, prior to any interview.



**35. Relationship Disclosure and Conflict of Interest Certifications.** Hiring Managers, Hiring Liaisons, interviewers, agency staff who serve as Validator/SMEs or screeners, and anyone else who has meaningful input into qualifications, application questions, and interview questions/ideal responses shall complete a Relationship Disclosure and Conflict of Interest Certification at least three days prior to the first interview or prior to taking action on the hiring sequence and update as necessary during the sequence. The Agency Personnel Officer shall review the disclosures and render a determination on the existence of a conflict or appearance of a conflict. Disclosures will be made part of the Hiring Sequence Record. Upon request, the Agency Personnel Officer or Designee shall provide a copy of the Relationship Disclosure and Conflict of Interest Certifications to the CMS Compliance Officer, OEIG HEM or the Special Master, while acting.

**36. Conducting the Interview.** The Hiring Liaison, Agency Personnel Officer or Designee, in consultation with the Hiring Manager or Designee, shall select at least two State employees from the hiring agency who are familiar with the position's requirements and have completed State interview training to interview each candidate. The same interviewers shall participate in the interview of each candidate interviewed in a hiring sequence, absent approval from the CMS Chief Compliance Officer or Designee to replace an interviewer. Agencies should strive to establish diverse interview panels. Prior to interviews, members of the interview panel shall review the application materials for each Candidate who accepted an invitation to interview. Interviewers should, at a minimum, familiarize themselves with a candidate's work history and credentials as set forth in the application materials. Interviewers shall ask Candidates for the same position the same interview questions in the same order. However, follow-up questions are appropriate as long as they relate to previously asked questions to obtain more detailed information. Interviewers should ask Candidates to explain a gap or inconsistency on their application. It is permissible to ask Candidates to clarify something they said in the interview if it contradicts information on their application. Absent extenuating circumstances (e.g., military deployment), each Candidate in a particular sequence should be interviewed in the same manner (e.g., in-person or via video conference). During the interview, each interviewer shall take notes reflecting a summary of each candidate's response to each interview question. Typed notes are permitted and are encouraged.

**37. Evaluating Candidates.** Immediately after each interview, each interviewer shall independently evaluate each Candidate by documenting an initial score. After interviewers have documented their initial scores (preferably after each interview), interviewers shall discuss the initial scores they assigned. Interviewers should not seek consensus but may amend their initial scores based on further consideration. The interview notes should reflect any change in score and provide a detailed explanation supporting the change. Agencies should schedule interviews to allow sufficient time between interviews for completing both the independent, initial score and the interview panel discussion.

**38. Post-Interview.** After scores are finalized, the Hiring Liaison will ensure documentation of the scoring is completed and made part of the Hiring Sequence Record. Interviewers shall certify that interview summaries and scores accurately reflect the interview results and that Political Reasons or Factors (or other non-merit factors) were not considered in assessment of candidates. The highest scoring Candidate should be the Selected Candidate. If the Agency Personnel Officer or Designee determines that there is justifiable reason for not

offering the position to the highest scoring Candidate exists, (i.e. inappropriate conduct before, during, or after the interview; a pattern of misconduct or poor performance; etc.) the Agency Personnel Officer or Designee will seek approval from the CMS Chief Compliance Officer or Designee to bypass the highest scoring Candidate. If the Hiring Plan includes a minimum interview score and no Candidates meet that score, the Agency Personnel Officer or Designee may cancel the sequence and repost without approval from CMS Compliance. CMS Compliance may review any sequence that closes without a hire.

**39. Review of Final Selection.** Before an initial employment offer is made, the Agency Personnel Officer or Designee reviews completed hiring sequences for compliance with this CEP. Agency should verify past employment and may seek professional references through employment verification, *i.e.*, contact the current or most recent employer/agency for whom/which the Candidate worked to request information about the Candidate's work performance, a check of the personnel system, and seeking information regarding employee discipline. The Agency may also conduct a background check, including drug testing (where applicable). CMS will review all hiring sequences either through the Hiring Lead or through CMS Transactions. CMS will identify reasons (such as failing a drug test or other disqualifying situations) whereby the Agency may proceed to the next-ranked candidate without CMS approval. In the event that the agency decides not to hire the highest-scoring candidate for reasons other than those identified by CMS as not requiring CMS approval, the Agency Personnel Officer or Designee shall provide a written justification to the CMS Chief Compliance Officer or Designee for approval before moving to the next candidate. The CMS Chief Compliance Officer or Designee shall provide a copy of the written justification and the final decision to the Special Master, while acting, upon request.

**40. Offers of Employment.** After the Agency Personnel Officer or Designee has reviewed the hiring sequence and supporting documentation and approved the propriety of the hiring sequence, the Agency may extend a formal offer of employment to the selected Candidate(s). If a selected Candidate is later found to be ineligible or does not accept the offer of employment, the next highest ranked Candidate may be offered employment. If no candidate accepted the offer of employment, the agency may interview additional qualified Applicants from the same applicant pool. The agency may re-post the position under circumstances where all Candidates have been interviewed and have declined or been rejected for a documented, job-related reason.

**41. Requests to Cancel a Hiring 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 the CMS Compliance Officer for review and approval. A copy of the request and decision will be provided to the Special Master, while acting, upon request. The HR Liaison must include in the justification requesting to cancel the hiring sequence without making a hire the agency's plan to have the duties of the position performed until such time as the position is filled. If following a sequence that did not result in a hire, an agency later decides to (a) assign existing staff either temporarily or on an interim basis or (b) contract for the work of that position to be performed, the agency must promptly notify CMS Chief Compliance Officer of this decision. If the Agency Personnel Officer or Designee determines and certifies that no minimally qualified Applicants accepted the invitation to interview for the posting, the Agency Personnel Officer or Designee may cancel and repost without additional approval. If

an error with the posting requires a posting to be closed, corrected, and reposted prior to the closing of the posting period, the agency may do so without additional approval.

**42. Making Additional Hires from a Hiring Sequence.** Final candidate scores/rankings from a hiring sequence remain valid for seven months from the date a formal offer of employment is made. If the selected candidate vacates the position or an additional vacancy occurs within that time, the agency may extend an offer to the next highest scoring Candidate from the earlier hiring sequence. To do so, the Agency Personnel Officer shall request from CMS approval to deviate from the original hiring sequence plan to make additional hires.

**43. CEP Compliance Review.** CMS/CMS Bureau of Personnel (CMS Hiring Leads, CMS Transactions, or CMS Compliance) shall perform CMS Hiring Sequence Review for every non-exempt hiring sequence consistent with the Electronic Hiring Process (CMS Hiring Leads) or the Paper-Based Hiring Process (CMS Transactions).

## **VI. PROCESS FOR NON-EXEMPT POSITIONS FILLED THROUGH AN ELECTRONIC PROCESS**

The following describes the steps in an Electronic Hiring Process. Except as provided below, the agency shall follow the General Hiring Process when using the Electronic Hiring Process.

**44. Pre-posting.** Prior to posting, the HR Liaison must develop application questions to determine which Applicants meet the Minimum Qualifications of the Position, and to assess which minimally qualified Candidates possess the pre-established Preferred Qualifications. The Hiring Liaison, working with the Hiring Manager and Hiring Lead assign a weight/numeric value to each possible response to the application questions to allow the electronic application system to assess an initial numeric value to each applicant based on their responses. After the posting closes, the Hiring Lead will conduct a validation of the initial numeric ranking to ensure that applicants' responses to application questions are consistent with the provided education and work experience. The Hiring Lead may also utilize an Agency Validator/Subject Matter Expert to assist in validation of preferred qualifications. Any adjustments to the initial numeric ranking are documented and maintained by CMS in the Hiring Sequence Record.

**45. Pre-established application questions.** The electronic application process includes pre-established application questions designed to assess which minimally qualified Candidates possess the pre-established Preferred Qualifications.

**46. Ranking of applicants.** The electronic application results in the numeric ranking of all Applicants according to the degree to which they meet the pre-established Preferred Qualifications.

**47. Interview pool.** After validation, CMS provides the agency with an interview pool comprised of the highest numerically-ranked Applicants.

**48. Pre-interview review.** Prior to conducting interviews, the assigned Hiring Lead shall review the list of candidates for interview and confirm compliance with posting, eligibility and screening requirements.

**49. Pre-offer review.** Prior to the agency making a formal offer of employment to a selected candidate, the Hiring Lead reviews the entire hiring sequence. After CMS has reviewed the hiring sequence and supporting documentation and approved the propriety of the hiring sequence, CMS provides authority to extend a formal offer of employment to the selected Candidate(s).

**50. Hiring record.** Each of these steps is documented in the Hiring Sequence Record.

## **VII. PROCESS FOR NON-INTERVIEWED NON-EXEMPT POSITIONS**

**51. Applicability.** The Agency Personnel Officer, in consultation with the hiring department and the Deputy Director of Personnel or Designee, may identify positions for which interviews are not required prior to hire. CMS shall maintain a list of positions for which an interview is not required. An Agency Personnel Officer filling an identified position may elect to develop a Hiring Plan that includes filling the vacancy without conducting interviews. Any such Hiring Plan must be developed and approved by CMS in writing pre-posting. In such hiring sequences, the following deviations from the General Hiring Process shall apply.

**52. Minimum Qualifications.** CMS will verify that applicants are willing and able to perform the job duties and meet the Minimum Qualifications of the position. In the absence of additional criteria, a list of minimally qualified candidates will be generated in random order by CMS. If additional criteria are present, CMS shall include candidates on a list to be tested or selected based on whether the candidates match the additional criteria. When a position's Minimum Qualifications only require an applicant to be willing and able to perform the job duties, CMS shall refer all applicants who successfully applied in random order.

**53. Pre-Qualified Candidates.** CMS may place eligible candidates not selected for employment due solely to limited vacancies available at the time on a Pre-Qualified Candidates list in the order they appear on the list of eligible candidates. If their applications have not been withdrawn, the candidates shall remain on the pre-qualified list for a maximum of twelve months from the date of the application. A pre-qualified list shall become inactive when a new eligible list for the same position is created. If a pre-qualified candidate list is used for a new vacancy, the position shall not be reposted and the pre-qualified candidates will be hired in order of their respective rankings on the ranked list, or selected in random order for those candidates who passed the pass/fail test.

**54. Hiring Sequence Certification.** A record of the Hiring Plan, CMS' approval and the selection process shall be maintained. Every State employee who participated in the selection process shall certify that the hiring sequence was followed properly. Agency Personnel Officers shall certify that the process for non-interviewed positions was followed. Agency personnel involved in the selection process shall certify that no conflicts of interest existed between them and the candidates, and that no political factors (or other non-merit factors) were considered in assessment of candidates.

**55. Approval Prior to Formal Offer of Employment.** Either CMS (Hiring Lead as part of the electronic hiring process) or the Agency Personnel Officer or Designee (for paper-based hiring processes) shall review completed hiring sequences for compliance with this Comprehensive Employment Plan prior to a formal offer being made.

## **VIII. PROCESS FOR POSITIONS FILLED BY A PARALLEL MERIT SYSTEM**

**56. Applicability.** There are Non-exempt positions within agencies under the Governor's jurisdiction that utilize statutorily created selection processes, e.g. sworn officers at the Illinois State Police. CMS shall maintain a list of all such positions and provide a copy to the Special Master upon request.

**57. Processes.** For these positions, the statutory mechanism for selection and promotion shall apply, but shall comport with the General Principles of this Comprehensive Employment Plan and must include certification that Political Reasons or Factors were not considered in the selection process. Where the statutory mechanism does not specify a process, the provisions of this Comprehensive Employment Plan shall apply.

## **IX. NON-EXEMPT POSITIONS FILLED ON A LESS THAN PERMANENT BASIS**

**58. Temporary Assignments.** “Temporary Assignments” are less-than-permanent assignments of bargaining unit employees to perform the duties of another position classification. The manner in which temporary assignments are handled varies by bargaining unit, as set out in the applicable CBA. The State commits that Temporary Assignments are not intended to favor or specially qualify certain employees for future promotional opportunities. Where permitted by the applicable CBA, managers should consider all qualified employees for Temporary Assignments and should consider whether rotating employees into the Temporary Assignment is a feasible solution. The Agency Personnel Officer or Designee will document the justification for selection of employees for Temporary Assignment and retain such documentation for review for compliance with this commitment.

**59. Interim Assignments.** “Interim Assignments” are less-than-permanent assignments of non-bargaining unit employees to perform the duties of another position. The State commits that interim assignments are not intended to favor or specially qualify certain employees for future promotional opportunities. Therefore, the Agency Personnel Office or designee will document the justification for selection of employees for interim assignment and retain such documentation for review for compliance with this commitment. All interim assignments shall be documented.

**60. Reporting.** Each Agency shall submit reports to the CMS Chief Compliance Officer on at least a quarterly basis for all Temporary Assignments or Interim Assignments that exceed 60 days and which include the name, title, TA/IA title, TA/IA start date, reason for TA/IA and duration of TA/IA (including any extensions or renewals). Any requests to extend any TA/IA, and the response (from CMS or the applicable Union) shall also be included. On at least a quarterly basis, the CMS Chief Compliance Officer shall audit a sample of Temporary Assignments and Interim Assignments – focusing on those that have lasted more than 120 days – to ensure that a valid justification supports the Temporary Assignment or Interim Assignment. The CMS Chief Compliance Officer may recommend that a Temporary Assignment or Interim Assignment be ended.

**61. Seasonal Hires and Intern Positions.** Positions filled seasonally or through an internship program shall be posted and competitively selected. CMS must approve hiring plans for seasonal hires and internship programs. CMS shall provide hiring plans relating to seasonal hires and intern positions to HEM and the Special Master, while acting, upon request. Agencies may seek approval from CMS to establish a re-hire initiative, whereby competitively selected employees who performed satisfactorily are eligible for re-hire the following season. Agencies shall report all seasonal and intern hires to CMS Compliance and HEM on a semi-annual basis; CMS Compliance shall make these reports available to the Special Master, while acting, upon request.

**62. No Political Considerations.** All employees involved in the decision-making process shall certify that decisions related to temporary assignments, interim assignments, seasonal hires, and intern positions were not based on political reasons or factors.

## **X. INDIVIDUALS EMPLOYED BY CONTRACTS**

**63. Personal Services Contracts.** State agencies shall not use Personal Services Contracts in lieu of hiring an individual into an employment position, and may enter these contracts only for good cause, and pursuant to the procedures below. A Personal Services Contract shall not be utilized to circumvent the competitive hiring process for non-exempt positions set out in this Comprehensive Employment Plan. Personal Services Contracts shall be only for the length of time reasonably necessary to complete the described project and must not extend beyond one year. For good cause and with the CMS Compliance Officer's or Designee's approval, and documentation of both the rationale and approval, a Personal Services Contract may be renewed or otherwise extended for up to one year at a time (for instance, through amendment of the Personal Services Contract or entry into a new Personal Services Contract). Agencies must retain records relating to Personal Services Contracts similar to the records they would retain for a personnel file.

**64. Factors Regarding Personal Services Contracts.** The factors considered when assessing the propriety of a Personal Services Contract are as follows: Personnel Code appointment processes (emergency appointment, temporary appointment) are not available or more appropriate; the work to be performed is project-based; the work is of limited duration; the Personal Services Contract is not used to circumvent the competitive hiring process or in lieu of establishing or filling a State position; the Personal Services Contract complies with relevant CBA provisions; and the relevant CEP processes (described below) are followed.

**65. Renewal of Personal Services Contracts.** Before an Agency can renew or extend an existing personal services contract, the Agency must submit a written request and justification to CMS Compliance Officer for approval. Only after receiving such approval may the personal services contract be extended.

**66. Personal Services Contracts for Non-Exempt Duties:** When the duties to be performed are consistent with duties that would constitute a job-protected position, agencies shall follow the same process for hiring non-exempt positions set forth in Section V or VI of this employment plan, except in the situations described in paragraphs 1 and 3 below.

(a) The Agency Personnel Officer, in consultation with the head of the hiring area, may elect to enter into a personal service contract with a former employee who satisfactorily performed the same or similar work prior to leaving State employment. The former employee may be hired utilizing a personal service contract without a competitive selection process. Evidence of prior satisfactory performance (such as a performance evaluation or confirmation from a prior supervisor) must be submitted to and approved by the CMS Chief Compliance Officer prior to contractual work beginning.

(b) Prior to executing any Personal Services Contracts to perform non-exempt duties, the signatories to the agreement must certify that no Political Reasons or Factors influenced the selection. Agencies may incorporate the certification language into the body of the contract, to which both the contract employee and Agency Head are signatories. Should the Agency use a different certification, the Agency Personnel Officer must provide a copy of the certifications to the CMS Chief Compliance Officer before the



contract is signed. The Special Master, while acting, may receive these documents upon request.

**67. Contracts for Temporary Trades.** Agencies may contract with individuals to provide trades work on a temporary basis. Any personal services contract entered under this provision must provide for payment of the appropriate prevailing wage. Contracts that may result in rehire (e.g. satisfactory seasonal work that can result in rehire the following season) must be competitively selected through the process set out in Section V of this employment plan. The Agency Personnel Officer may elect to fill shorter term contracts (e.g. an emergency during a scheduled vacation or to provide services during a leave of absence for the full-time, permanent State employee) without competitive selection by directly contacting the applicable union hall for purposes of filling this temporary need. If the Section V or VI processes are not followed, the Agency Personnel Officer must document the communication with the Union Hall and provide that to the CMS Chief Compliance Officer and the Special Master, while acting, with the notification of the personal services contract, upon request.

**68. Personal Services Contracts for Exempt Duties:** An agency seeking to utilize a Personal Services Contract to perform duties that are consistent with exempt work must use the following process. Prior to an individual starting work under a Personal Services Contract, the Agency Personnel Officer must submit in writing to the CMS Chief Compliance Officer, HEM, Plaintiff's Counsel, and the Special Master, while acting, a packet that includes the rationale for the Personal Services Contract, a copy of the contract, and a certification that the work to be performed under the Personal Services Contract is exempt work and the candidate is minimally qualified to perform that work. Within 5 business days, HEM will provide approval of or objection to the Personal Services Contract to the agency and the Governor's Office. If HEM and/or Plaintiffs' Counsel have objections to the Personal Services Contract, there shall be discussion between HEM, Plaintiffs' Counsel, the agency, and the Governor's Office or the Governor's Office's designee. If the Personal Services Contract is entered into over HEM's or Plaintiffs' Counsel's objection, the written objection and the agency's response to the objection shall be included in HEM's reporting pursuant to Section XI (Compliance & Governance) of this CEP. In rare and exigent circumstances, a Personal Services Contract consistent with exempt duties may be entered into and the individual may begin work prior to this 5-day process, as long as a copy of the contract is provided to HEM and CMS upon execution.

**69. Personal Services Contracts for Legal and Professional Services.** Where an agency has a need for project-based legal or professional services (such as auditing, accounting, or consulting services) that do not fall within the duties of an existing State position or support the creation of a State position, it may seek approval from CMS Chief Compliance Officer to contract with a professional meeting the requirements to meet the identified need without competitive selection. Prior to executing any Personal Services Contracts to perform non-exempt duties, the signatories to the agreement must certify that no Political Reasons or Factors influenced the selection. Agencies may incorporate the certification language into the body of the contract, to which both the contract employee and Agency Head are signatories. Should the Agency use a different certification, the Agency Personnel Officer must provide a copy of the certifications to the CMS Chief Compliance Officer before the contract is signed.

**70. Personal Services Contracts Reporting and Oversight.** All agencies must provide quarterly reports to the CMS Chief Compliance Officer and to HEM regarding all Personal Services Contracts (or renewals or amendments to such contracts) entered into pursuant to these procedures. CMS will maintain records documenting all Personal Services Contracts entered into pursuant to these procedures. OEIG HEM and the Special Master, while acting, shall have the ability to access these reports or documents. Each Agency shall submit reports to the CMS Chief Compliance Officer on at least a quarterly basis for all existing Personal Services Contracts. On at least a quarterly basis, the CMS Chief Compliance Officer shall audit a sample of Personal Services Contracts – focusing on those that have been extended past one year – to ensure that a valid justification supports the Personal Services Contract. The CMS Chief Compliance Officer may require that a Personal Services Contract that does not adhere to the CEP be ended.

**71. Reasonable Accommodation Contracts.** Some agencies utilize personal services contracts as a mechanism to pay for the support necessary to meet the accommodations for persons with disabilities. Individuals employed in this way are hired by the person in need of the accommodation without the State’s involvement. Because the State is not making the hiring decision, the provisions of this CEP do not apply to these types of contracts.

**72. Prohibited Uses for Personal Services Contracts.** The State and its agencies may not use Personal Services Contracts or other contracting mechanism to re-hire individuals whose employment has been terminated for hiring-related or other misconduct.

## **XI. NON-CODE AND TECHNICAL POSITIONS**

**73. Non-Code and Technical Positions.** The State will annually update a listing of all positions exempt from the Personnel Code but not appearing on the Exempt List. These “non-Code positions” include those created by statute as outside the Personnel Code (e.g. Chief Internal Auditors, GAAP Accountants) and technical positions under section 4c(12) of the Personnel Code. This listing will be provided to the OEIG HEM and Civil Service Commission’s Exemption Monitor.

**74. IDOT Technical Positions.** The State will annually update the list of IDOT technical positions (referred to as the “IDOT Technical List”). The updated list will be provided to the OEIG HEM, the CMS Chief Compliance Officer, the CMS Deputy Director of Personnel, and the Civil Service Commission’s Exemption Monitor annually.

**75. Creating New Non-Code and Technical Positions.** When an agency creates new positions exempt from the Personnel Code under section 4c(12), the agency will provide notice to the Civil Service Commission’s Exemption Monitor, the CMS Chief Compliance Officer, OEIG HEM, and the CMS Deputy Director of Personnel.

**76. CEP Applicability for Non-Code and Technical Positions.** Non-Code and Technical Positions that are subject to the *Shakman* Litigation are subject to the provisions of this CEP and shall be filled accordingly. For Agencies subject to the *Shakman* Litigation, Non-Code and Technical and engineering staff positions not listed on the Exempt List must be filled through the General Hiring Process and without consideration of political affiliation or other non-merit factors using the process set forth in this CEP for Non-Exempt Positions.

## **XII. COMPLIANCE FUNCTIONS AND DUTIES**

The State commits to the ongoing development of robust compliance structures. To be effective, this system of hiring and employment oversight must involve multiple levels of governance and shall include the following entities:

### **Illinois Department of Central Management Services (“CMS”)**

**77. CMS.** CMS is statutorily charged with administering the Personnel Code. 20 ILCS 415/3. CMS’s Bureau of Personnel is responsible for compliance with statutory, regulatory, and policy directives related to its area of responsibility. In addition, as the Governor’s designee for implementation of personnel policies in compliance with the *Shakman* consent decree, CMS has authority to communicate and enforce consistent application of this CEP, reverse improper hiring unit actions, and render sanctions against errant hiring units, up to and including recommending disciplinary action.

**78. CMS Bureau of Personnel: Training & Education.** CMS will be responsible for establishing, implementing, and updating the State’s training program to educate State employees with the principles in this CEP and to equip them with the necessary tools for consistent and transparent operation of the State’s personnel functions.

**79. CMS Bureau of Personnel: Ongoing Compliance Activities.** CMS Bureau of Personnel staff, under the Direction of the Deputy Director of the Bureau of Personnel, will assert CMS’ statutory authority to communicate and enforce consistent application of this the Personnel Code and Personnel Rules consistent with this CEP; reverse improper hiring unit actions; and render or recommend sanctions against errant hiring units (such as barring staff who have violated the CEP repeatedly or flagrantly from further participating in hiring sequences, or requiring an agency to re-start a problematic hiring sequence). CMS may also recommend that agencies initiate disciplinary action against employees who repeatedly or flagrantly violate the CEP. Bureau of Personnel staff will be responsible for review of agency Hiring Plans prior to posting, execution of the hiring plans through the hiring sequence, and approval of the selected candidate. The Deputy Director of the Bureau of Personnel has the authority to act on recommendations made by OEIG HEM or independently to impose remedial actions as they relate to a hiring sequence, which can include, but are not limited to the following: suspending a hiring sequence, terminating a hiring sequence or order that the hiring sequence be restarted.

**80. CMS Bureau of Personnel: Internal Quality Control & Oversight.** The Chief Compliance Officer within the Bureau of Personnel will manage and supervise staff responsible for internal quality control check for the hiring system across State government. In addition to assisting Bureau of Personnel staff with their day-to-day compliance efforts, the Chief Compliance Officer will be responsible for the following quality control and oversight actions:

- (a) **Tracking Political Contacts and Political Discrimination.** CMS’s Chief Compliance Officer will maintain records documenting all reports of Political Contacts and Political Discrimination. OEIG HEM and the Special Master, while acting, shall have the ability to access these reports and submit additional reports.

- (b) Approval authority for requests to adjust/deviate from the established Hiring Plan;
- (c) Review of Agency Personnel Officers' identification of potential conflicts of interest;
- (d) Approval authority to bypass the selected candidate based on employment history checks, reference checks, or other pre-employment screening;
- (e) Review of all hiring sequences for non-Exempt positions where the selected candidate was employed in an Exempt Position immediately prior to being selected; and
- (f) Other reviews and audits of personnel policies and practices necessary for ensuring compliance with this CEP.

**81. Reports of Political Contacts.** The CMS Chief Compliance Officer shall discuss reports of Political Contacts with OEIG HEM and the Special Master, while acting, on a regular basis. Additionally, if any complaint alleges Political Contacts, the OEIG, in its discretion, shall investigate the complaint consistent with its statutory authority.

**82. Reports of Political Discrimination.** Upon learning of Political Discrimination, CMS shall report it to the OEIG and the Special Master, while acting. If the OEIG receives a complaint alleging Political Discrimination, the OEIG, in its discretion, shall investigate the complaint consistent with its statutory authority.

**83. Reports of Employment Hiring Errors.** Upon learning of an Employment Hiring Error, the CMS Compliance Officer will assess the materiality of the Employment Hiring Error, and shall report material Employment Hiring Errors to OEIG HEM and the Special Master, while acting, within 48 hours. The CMS Compliance Officer shall discuss material Employment Hiring Errors with the Hiring and Employment Monitor and Special Master, while acting, to determine which entity will review and whether any disposition by CMS needs to be reported to OEIG HEM. If a hiring sequence is terminated due to an Employment Hiring Error, then CMS shall provide immediate notice to OEIG HEM and the Special Master, while acting.

**Office of the Executive Inspector General (“OEIG”) and its Hiring and Employment Monitoring Division (“HEM”)**

**84. Office of Executive Inspector General.** The OEIG has statutory authority for ensuring compliance with *Rutan v. Republican Party of Illinois*, and all applicable employment laws, including the *Shakman* decree, as set forth at 5 ILCS 430/20-20(9). OEIG is responsible for monitoring, investigating and auditing State hiring. This CEP does not alter the statutory authority of the OEIG. The OEIG has established OEIG HEM which shall oversee compliance with the CEP. OEIG HEM works collaboratively with CMS and other agencies, under the jurisdiction of the Governor to identify and redress issues regarding State hiring. OEIG HEM will assist in ensuring compliance with this CEP; identify lack of compliance with governing authorities; ensure the integrity of hiring decisions; and advise on best practices, as well as corrective action when problems arise. Therefore, Agency staff contacted by OEIG HEM staff are expected to and shall be promptly responsive to any request for information or cooperation.

**85. OEIG Review and Audits.** In its hiring and employment monitoring role, OEIG HEM may also conduct reviews and audits of Employment Actions such as, but not limited to: Term Appointments; Hiring Sequences; Modifications to Class Specifications, Minimum Qualifications, and Screening and Hiring Criteria; Testing; Hiring Certifications; and Exempt List Appointments and Modifications.

**86. OEIG Recommended Remedial Actions.** OEIG HEM may also take and recommend remedial action to correct Employment Hiring Errors of which it receives notice or is otherwise aware.

**87. Complaints to OEIG.** OEIG may receive complaints regarding the hiring process, including allegations of Political Discrimination and retaliation, and other improper influence in connection with State employment. Any person may file a complaint, anonymously or using the person's name, with the OEIG by:

(a) **Mail.** Mailing or hand-delivering a completed OEIG complaint form to one of the following addresses:

Office of Executive Inspector General  
Complaints and Compliance Division  
69 West Washington, Ste 3400  
Chicago, IL 60602

Office of Executive Inspector General  
Complaints and Compliance Division  
607 East Adams Street, 14th Floor  
Springfield, IL 62701

(b) **Fax.** Faxing a completed OEIG complaint form to (312) 814-5479 (Chicago) or (217) 7821605 (Springfield);

(c) **Online.** Submitting a completed OEIG complaint form via the Internet at [www.inspectorgeneral.illinois.gov](http://www.inspectorgeneral.illinois.gov); or

(d) **Phone.** Calling the OEIG hotline at (866) 814-1113 or (888) 261-2734 (TTY).

**88. OEIG Referrals.** The OEIG, in its discretion, refers complaints and other instances of non-compliance to its HEM or Investigations Divisions, CMS, or the agency, as the Executive Inspector General deems appropriate.

### **Agency Personnel Officers/Human Resources Personnel**

**89. Agency Personnel Officers/Human Resources Personnel.** Agency Personnel Officers and human resources personnel (collectively, HR) play a critical role in creating and maintaining a fair and transparent system of government in Illinois; Agency HR personnel are the first line of defense against improper hiring and as a result, this Employment Plan was developed.

**90. Agency Personnel Officers Responsibility.** Agency Personnel Officers are responsible for reviewing the hiring sequence paperwork and attesting that the documentation accurately reflects the competitive selection process or the exercise of contractual rights. Agencies are responsible for documenting each hiring sequence, including: posting dates, number of total

applicants, method of hiring, application questions, number of qualified Applicants, number of Candidates invited for interview, and results of interviews. Agency Personnel Officers are responsible for ensuring the ongoing accuracy of position descriptions and the timely administration of personnel evaluations at their agencies.

### **State Employees**

**91. State Employee Obligation to Report and Cooperate.** As set forth below, State employees who know of potential violations of this CEP must report the potential violation to the CMS Chief Compliance Officer and the OEIG. All employees of the State are required to cooperate fully in any review or investigation conducted by the OEIG, CMS, or the Special Master, while acting. Any employee who fails to report and/or cooperate as required will be subject to disciplinary action, up to and including termination, provided that such reporting and cooperation are not required if either would violate the employee's constitutional rights.

**92. Political Contacts.** Any State employee who receives or has reason to believe a Political Contact has occurred or is occurring is required to report it to the CMS Chief Compliance Officer or OEIG HEM within 48 hours of such Political Contact or learning of such Political Contact.

**93. Political Discrimination.** Any State employee who learns of or has a reasonable belief that any Employment Action involving an Applicant, Candidate or State employee for a non-exempt position is based on any Political Reasons or Factors is required to report such matter to CMS and/or OEIG HEM within 48 hours of such Political Discrimination or learning of such Political Discrimination.

**94. Employment Hiring Errors.** Any State employee who learns of or has a reasonable belief that an Employment Hiring Error has occurred or is occurring is required to timely report such matter to the CMS Compliance Officer or OEIG HEM.

### **XIII. COMPLIANCE REPORTS AND TRANSPARENCY**

#### **Illinois Department of Central Management Services (“CMS”)**

**95. CMS Semi-Annual Reports.** CMS shall issue semi-annual reports on or around every March 15 and September 15 to the Governor’s Office and the OEIG, describing its activities during the prior six months, including but not limited to: (i) auditing activities as required by this CEP; (ii) any violations of the CEP discovered, including Political Contacts, Political Discrimination, and material Employment Hiring Errors; (iii) any remedial actions recommended; (iv) any corrective actions taken by CMS and the affected agencies to address the violations; and (v) audits conducted. These semi-annual reports shall be posted on the CMS website.

**96. CMS Chief Compliance Officer Quarterly Reporting.** On a rolling, but no less than quarterly, basis, the Chief Compliance Officer shall report to OEIG HEM and the Special Master, while acting, all deviations from pre-established hiring plans; potential conflicts of interest forwarded to the Chief Compliance Officer from Agency Personnel Officers; and a listing of all reviews of hiring sequences for non-Exempt positions where the selected candidate was employed in an Exempt Position immediately prior to being selected.

**97. CMS Chief Compliance Officer Annual Reporting.** On an annual basis, the CMS Chief Compliance Officer will provide OEIG HEM, the Special Master, while acting, and the Civil Service Commission a listing of all non-Code positions that do not appear on the Exempt List.

#### **Office of the Executive Inspector General (“OEIG”) and its Hiring and Employment Monitoring Division (“HEM”)**

**98. Monitoring of Employment Actions.** OEIG HEM shall have full and continual access to review all Employment Actions to ensure policies and procedures are being followed pursuant to the CEP, and to assist in any review of CEP violations.

**99. Alleged Violations of the CEP.** OEIG HEM shall review alleged violations of this Employment Plan consistent with OEIG’s statutory authority. At any point during the review, OEIG HEM may transfer the matter to OEIG Investigations Division for further investigation, when deemed necessary. OEIG HEM may coordinate with the Special Master, while acting, the CMS Compliance Officer, or the Agency Personnel Officer.

**100. OEIG HEM Advisory.** At the conclusion of the review, OEIG HEM shall prepare an Advisory and provide copies to the Governor, the head of the Agency involved, the CMS Compliance Officer, and, prior to the termination of the *Shakman* case, to Plaintiffs’ Counsel and the Special Master. The OEIG HEM Advisory shall include:

- (a) A summary detailing the scope of its review;
- (b) A description of OEIG HEM’s conclusions regarding compliance, including any failure to follow any of the provisions of this CEP or a confirmation that no non-compliance was discovered; and



- (c) Regardless of the nature of HEM's conclusion, recommendations on how to proceed and if none, a statement that no further action be taken;

OEIG HEM shall redact any identifying information from its Advisory.

**101. Agency Response to OEIG HEM Advisory.** The head of the Agency or Designee shall review the OEIG HEM Advisory and respond in writing when requested by OEIG HEM, or when the HEM Advisory makes a substantive recommendation. The Agency's written response shall include a statement confirming implementation of OEIG HEM's recommendations, the Agency's plan for implementing the recommendation, or alternatively, a statement explaining why the recommendation was not implemented and any alternative action taken or anticipated by the Agency. The Agency head or designee shall provide a copy of its response to the Governor, OEIG HEM, the CMS Compliance Officer. Prior to termination of the *Shakman* Litigation, CMS shall provide copies to Plaintiffs' Counsel and the Special Master. If OEIG HEM's Advisory requested an Agency action particular to the reviewed hiring sequence (*i.e.*, a repost for the position, further documentation from the agency, additional conflict of interest form executed), OEIG HEM will verify that the Agency implemented the requested action for that reviewed hire, and if it did not, OEIG HEM will issue a supplemental Advisory explaining the Agency's failure to effectuate the requested action.

**102. Availability of OEIG HEM Advisories and Responses.** Redacted versions of the OEIG HEM Advisory and the Agency's Response shall be made available to the public upon request. Prior to disclosing any Advisory, OEIG HEM shall also redact any information that is protected by statute or other applicable law or privilege.

**103. OEIG HEM Quarterly Reports.** OEIG HEM shall issue quarterly and annual reports that include statistics on the number of OEIG hiring-related complaints received and the actions taken, including the number referred intra-Office to HEM; referred to the subject agency or other appropriate entity or law enforcement authority; opened for OEIG investigation; or are in initial review. Summaries of OEIG HEM's Advisories, including recommendations, any agency response, or action taken by the agency shall be included in these reports.

The quarterly and annual reports shall also include statistics of the following matters monitored by OEIG HEM: HEM reviews opened; Hiring Sequences monitored; Desk Audits completed; Political Contacts received; Exempt Appointment notifications received and verified; and, Exempt List modification requests received and determinations. OEIG HEM shall redact any personal identifying information prior to publicly disseminating such reports.

**104. OEIG Investigations.** Consistent with the State Officials and Employees Ethics Act, 5 ILCS 430/1-1, *et seq.*, the OEIG investigates complaints of Political Discrimination or Political Contacts. When the Executive Inspector General determines that Political Discrimination or Political Contacts have occurred, s/he shall issue a summary report of the investigation in keeping with 5 ILCS 430/20-50. Release of the summary report, and any agency or other responses, are governed by 5 ILCS 430/20-52. A summary of any OEIG hiring investigation that was founded and published by the Executive Ethics Commission shall be included in OEIG HEM's quarterly and annual reports.