

IN THE EXECUTIVE ETHICS COMMISSION  
OF THE STATE OF ILLINOIS

In re: JERI GULLI, ) OEIG Case #10-01308  
JIMMIE MILLER, and )  
REGINALD BOOKER )

OEIG FINAL REPORT (REDACTED)

Below is a final summary report from an Executive Inspector General. The General Assembly has directed the Executive Ethics Commission (Commission) to redact information from this report that may reveal the identity of witnesses, complainants or informants and “any other information it believes should not be made public.” 5 ILCS 430/20-52(b).

The Commission exercises this responsibility with great caution and with the goal of balancing the sometimes-competing interests of increasing transparency and operating with fairness to the accused. In order to balance these interests, the Commission may redact certain information contained in this report. The redactions are made with the understanding that the subject or subjects of the investigation have had no opportunity to rebut the report’s factual allegations or legal conclusions before the Commission.

The Commission received a final report from the Governor’s Office of Executive Inspector General (“OEIG”) and a response from the agency in this matter. The Commission, pursuant to 5 ILCS 430/20-52, redacted the final report and mailed copies of the redacted version and responses to the Attorney General, the Governor’s Executive Inspector General and to Jeri Gulli, Jimmie Miller and Reginald Booker at their last known addresses.

The Commission reviewed all suggestions received and makes this document available pursuant to 5 ILCS 430/20-52.

**FINAL REPORT**

**I. INTRODUCTION**

**A. Allegations**

In October and November 2010 and March 2011, the Office of Executive Inspector General (OEIG) received three separate complaints of allegations involving several employees of the Illinois Department of Veterans’ Affairs (IDVA) Manteno Veterans’ Home (Manteno). In addition to the initial three complaints, the OEIG investigated numerous other allegations. In

total, the OEIG investigated approximately fourteen allegations of wrongdoing by Manteno employees, including allegations that certain Manteno employees:<sup>1</sup>

- engaged in hiring improprieties
- engaged in retaliation
- violated gift ban provisions
- violated procurement rules

In addition, based on information received during the course of the investigation, the OEIG initiated an investigation into whether employees at Manteno were improperly hired into consecutive emergency appointments in violation of the Illinois Personnel Code.

## **B. Summary of Findings**

The OEIG investigation found that high-level staff in IDVA’s human resources departments and the Manteno administrator did not comply with the Illinois Personnel Code. The failure to comply with the Personnel Code resulted in numerous employees at Manteno being improperly hired into consecutive emergency appointments.

After interviewing numerous persons and reviewing various documents relating to the allegations involving hiring improprieties, retaliation, procurement improprieties, and gift ban issues, mainly involving two high-ranking employees, the OEIG has determined that these allegations are unfounded.

## **II. BACKGROUND**

### **A. OEIG Jurisdiction**

The jurisdiction of the OEIG is to investigate “mismanagement, misconduct, nonfeasance, misfeasance, [and] malfeasance,” among other things.<sup>2</sup> In 2009, the General Assembly amended the State Officials and Employees Ethics Act (Ethics Act) by, among other things, expanding the duties of Executive Inspectors General to include:

To review hiring and employment files of each State agency within the Executive Inspector General’s jurisdiction to ensure compliance with *Rutan v. Republican Party of Illinois*, 497 U.S. 62 (1990), and with all applicable employment laws.<sup>3</sup>

As a result of the amendment, the OEIG has reviewed and conducted investigations involving various State agency hiring practices, including practices and allegations discussed in this report.

### **B. Illinois Personnel Code, Emergency Appointments, and Illinois Department of Central Management Services**

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<sup>1</sup> Some of these allegations were raised during the course of interviews and were not part of the three complaints received by the OEIG.

<sup>2</sup> 5 ILCS 430/20-10(c).

<sup>3</sup> 5 ILCS 430/20-20(9).

The Illinois Personnel Code is a legal authority that governs State hiring, and sets forth laws that govern the administration of personnel that certain State agencies must follow.<sup>4</sup> Although agencies are required to follow the general hiring rules, including hiring persons from a candidate eligible list, the Illinois Personnel Code does provide for exceptions to the general hiring rules. One exception allows agencies to hire persons under what is referred to as an emergency appointment.

Specifically, the Illinois Personnel Code allows State agencies to hire persons under appointments “for a period not to exceed 60 days” in order to meet “emergency situations.” Emergency appointments may be made without regard to candidate eligible lists, but “**may not be renewed**” (emphasis added).<sup>5</sup> The Personnel Code further states that agencies must simultaneously provide notice of emergency appointments to the director of the Illinois Department of Central Management Services (CMS).<sup>6</sup>

CMS is the State agency charged with administering the Personnel Code.<sup>7</sup> According to the CMS Personnel Transaction Manual, created to assist agencies in complying with State employment laws and administrative regulations, an emergency appointment is appropriate when (with little or no notice) there is a need to:

- 1) avoid a threat to the health, safety or welfare of employees or residents of the State;
- 2) prevent damage to property; or,
- 3) maintain the continuity of essential agency programs.<sup>8</sup>

The Personnel Transactions Manual states that, “Emergency Appointments should be very rare.” It continues and states that:

Consecutive Nonmerit Appointments, such as Emergency, Temporary, or Provisional are not to be made solely for the purpose of preserving the employment status of an individual. Such a practice is in violation of merit standards.<sup>9</sup>

According to [Employee 1],<sup>10</sup> emergency appointments are made without regard to eligible lists and do not require approval through the typical hiring process. Although emergency appointments are not to be renewed, an agency can keep an emergency employee past 60 days if, after the 60 days, the employee is moved to a different position *and* has been assigned different duties.

According to [Employee 2] there has been a “school of thought” that having a four-day break between appointments keeps the second appointment from being considered a consecutive appointment. In other words, according to [Employee 2], some agency personnel used this procedure to circumvent the rule against renewals of emergency appointments. [Employee 2] stated that she has been advising her staff that if the person (being appointed to a subsequent

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<sup>4</sup> See 20 ILCS 415/2.

<sup>5</sup> *Id.*

<sup>6</sup> *Id.*

<sup>7</sup> 20 ILCS 415/3.

<sup>8</sup> Personnel Transactions, Manual, Section 2, subsection 10, Appointments.

<sup>9</sup> *Id.*

<sup>10</sup> The OEIG interviewed [Employee 1] on January 18, 2011, in an unrelated investigation, 10-00790. During that interview [Employee 1] provided relevant information regarding the appropriate use of emergency appointments.

emergency appointment) is doing the same duties, to treat it as a consecutive appointment even if there is a four-day break. [Employee 2] stated, however, that it is “very probable” that someone at CMS could have told agency staff that a four-day break would make a subsequent emergency appointment acceptable.

According to [Employee 2], agencies are **not** required to get prior approval from CMS for an emergency appointment but they must follow-up with the paperwork “as soon as possible.” [Employee 2] noted that CMS becomes aware that a new employee is hired when CMS receives a CMS-2 form and other supporting paperwork from the hiring agency. CMS personnel review the paperwork, and if approved, it is entered into the CMS database.

[Employee 2] stated that if CMS does not receive the paperwork from the agency, the only way CMS would know if a person has been hired (in an emergency appointment) is if the individual’s name appears on a payroll discrepancy report.

In light of statements [Employee 2], and other witnesses made, regarding the ability of agencies to use a four-day break, OEIG investigators asked CMS to produce documents memorializing this fact. Specifically, on October 8, 2014, the OEIG requested:

“any and all documents, including but not limited to, emails, memoranda, and correspondence, related to any direction, guidance, and/or authorization Central Management Services provided to agencies regarding the use of a multiple day break between emergency appointments of the same employee.”

During October, November, and December 2014, the OEIG corresponded with CMS regarding the above referenced request for documents. In response, CMS informed the OEIG of technical difficulties it was encountering and its need for additional time to respond to our request. In December 2014, we were notified that CMS would provide documents on a rolling basis. Then, on December 16, 2014, CMS informed the OEIG that it had completed about one quarter of its review and determined that two emails were responsive to our request. Investigators reviewed those emails, and concluded that they are not relevant.

Although CMS clearly needs additional time to search for responsive documents, since it took them more than three months review to produce two irrelevant emails, the OEIG does not believe it is prudent to continue waiting for CMS to conduct its search. Indeed, even if CMS produced emails that reflected its approval of a four-day break, the OEIG would be hard-pressed to conclude that this approval would be consistent with the dictates of the Personnel Code.

### **C. Illinois Department of Veterans’ Affairs and Manteno**

The Illinois Department of Veterans’ Affairs, as part of its assistance to Illinois veterans, runs four Illinois veteran homes that provide long-term care and services to eligible veterans. Manteno is one of IDVA’s long-term care facilities. The administrator of each veterans’ home is responsible for the operation of that home and reports to the head administrator at the central

IDVA office.<sup>11</sup> At the relevant time of this investigation, Reginald Booker was the administrator for Manteno's veterans' home.

Each veteran home has a human resources specialist who is responsible for all personnel issues including hiring, resignations, workers' compensation, insurance and employee benefits, payroll, and timekeeping.

### **III. INVESTIGATION**

#### **A. IDVA Personnel Relating to Human Resources**

The head of the IDVA Human Resources central office, located in Springfield was Jimmie Miller. Mr. Miller was the IDVA human resources manager from October 2009 to February 2012. Mr. Miller was responsible for overseeing personnel issues including hiring, terminations, and evaluations for all IDVA employees. He also had authority to approve or deny personnel decisions made by the human resources specialists at the veteran homes but *did not* directly supervise the veteran home human resources specialists. Mr. Miller supervised five staff members of the Springfield human resources office, including Dee Easley.

Ms. Dee Easley works in the IDVA central office and reported directly to Mr. Miller until February 2012, when Mr. Miller left. Ms. Easley was the IDVA assistant director of human resources during most of the time of this investigation and has been performing human resources functions for over 30 years.<sup>12</sup> In that position, Ms. Easley was responsible for, among other things, reviewing all hiring paperwork from veteran homes prior to its submission to CMS.

The IDVA human resources division in the central office is responsible for processing paperwork for human resources divisions in other areas of IDVA, including Manteno. As stated above, Mr. Booker was the Manteno administrator from July 2009 to July 2013. As the administrator Mr. Booker was responsible for the operations of Manteno, and reported to either the IDVA chief of staff or senior home administrator.

The Manteno human resources specialist is Jeri Gulli. Ms. Gulli started in this position in March 2010 and was still in that position at the time of her interview (discussed below). Ms. Gulli is responsible for all personnel issues, including hiring of personnel at Manteno, and she supervises some staff. At Manteno, the human resources specialist is responsible for completing the forms necessary to effectuate the emergency appointment and sending it to the central IDVA human resources office where it will be reviewed and then sent to CMS. Ms. Gulli reported to Mr. Booker until August or September 2012.

#### **B. Investigation into IDVA's Use of Emergency Appointments**

After initiating its investigation, the OEIG was able to determine that numerous employees at Manteno were hired into emergency appointments that appeared to have been

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<sup>11</sup> The home administrators previously reported to the IDVA chief of staff.

<sup>12</sup> Mr. Miller was placed on administrative leave on October 27, 2011 pending completion of an internal IDVA investigation until he resigned from his position as human resources manager on February 2, 2012. While Mr. Miller was on administrative leave, Dee Easley was the acting human resources manager for IDVA. Miguel Calderon became the IDVA human resources manager in April 2012.

improperly renewed on multiple occasions. The investigation also revealed that some emergency appointments were made to family members of IDVA employees. The following section details the OEIG's investigation of these multiple renewals of emergency appointments.

**1. The OEIG's Review of Personnel Records Regarding Emergency Appointments at Manteno**

In light of the fact that emergency appointments are to be used sparingly and not to be renewed according to the Illinois Personnel Code,<sup>13</sup> the OEIG requested the relevant personnel documents for all Manteno emergency hires for the period of January 2010 through May 2012.

From the records provided to the OEIG, investigators were able to determine that 40 employees were hired into emergency appointments at Manteno from January 2010 through May 2012. Of the 40 employees, 19 of them received multiple consecutive emergency appointments.

The following charts list the 19 employees who received multiple Manteno emergency appointments. The charts also state the position into which the employee was hired and the dates of the emergency appointments. As reflected below, five of the 19 employees that received emergency appointments were related to a Manteno employee at the time of the hiring. Each of the 19 consecutive appointments had a break in their service of between one and seven days. The length of time the total appointment lasted and the relationship to other IDVA employees, if any, is also detailed below.

**Multiple Emergency Appointments at Manteno Between January 2010 – May 2012**

***IDVA Employee: [Employee 3] (Brother of IDVA Employee [REDACTED])***

<u>Position</u>	<u>Appointment Date</u>	<u>Termination Date</u>	<u>No. of Days Between Appointments</u>
Security Officer	09/13/2010	11/12/2010	3 Day Break
Security Officer	11/16/2010	01/06/2011	4 Day Break
Security Officer	01/11/2011	03/11/2011	4 Day Break
Security Officer	03/16/2011	05/14/2011	6 Day Break
Security Officer	05/21/2011	07/14/2011	7 month break
Security Officer	03/01/2012	04/24/2012	N/A

Investigators discovered that [Employee 3] is the brother of IDVA [REDACTED]. As reflected above, the five consecutive emergency appointments allowed [REDACTED] to serve as a security officer from September 13, 2010 through July 14, 2011. The breaks between his various emergency appointments ranged from three to seven days. In addition, after a seven-month break, [REDACTED] again served as a security officer, from March 1 to April 24, 2012.

***IDVA Employee: [Employee 4] (Daughter of IDVA Employee [REDACTED])***

<u>Position</u>	<u>Appointment Date</u>	<u>Termination Date</u>	<u>No. of Days Between Appointments</u>
Support Service	02/16/2010	04/16/2010	3 Day Break

<sup>13</sup> See 20 ILCS 415/8b.8

Support Service	04/20/2010	06/18/2010	4 Day Break
Support Service	06/23/2010	08/21/2010	4 Day Break
Support Service	08/26/2010	10/24/2010	4 Day Break
Support Service	10/29/2010	12/27/2010	4 Day Break
Support Service	01/01/2011	01/21/2011	N/A

Investigators discovered that [Employee 4] is the daughter of [REDACTED]. The six consecutive emergency appointments allowed [Employee 4] to serve as a support service worker from February 16, 2010 through January 21, 2011. The breaks between those emergency appointments lasted anywhere from three to four days.

***IDVA Employee: [Employee 5] (Sister of IDVA Employee [REDACTED])***

<u>Position</u>	<u>Appointment Date</u>	<u>Termination Date</u>	<u>No. of Days Between Appointments</u>
Office Associate	02/16/2010	04/16/2010	3 Day Break
Office Associate	04/20/2010	06/18/2010	4 Day Break
Office Associate	06/23/2010	08/21/2010	4 Day Break
Office Associate	08/26/2010	10/24/2010	4 Day Break
Office Associate	10/29/2010	12/17/2010	N/A

Investigators discovered that [Employee 5] is the sister of [REDACTED]. The five consecutive emergency appointments allowed [Employee 5] to serve as an office associate from February 16, 2010 through December 17, 2010. The breaks between those emergency appointments lasted anywhere from three to four days.

***IDVA Employee: [Employee 6] (Daughter of IDVA Employee [REDACTED])***

<u>Position</u>	<u>Appointment Date</u>	<u>Termination Date</u>	<u>No. of Days Between Appointments</u>
Veterans Nursing Assistant-Certified	02/16/2010	04/16/2010	5 Day Break
Veterans Nursing Assistant-Certified	04/22/2010	6/20/2011 <sup>14</sup>	Unclear
Veterans Nursing Assistant-Certified	06/25/2010	07/15/2010	N/A

Investigators discovered that [Employee 6] is the daughter of [REDACTED]. The two emergency appointments allowed [Employee 6] to serve as a veterans nursing assistant-certified from at least February 16, 2010 through April 22, 2010. The break between those emergency appointments lasted five days. [Employee 6] also served in another emergency appointment from June 25, 2010 through July 15, 2010.

***IDVA Employee: [Employee 7]***

<u>Position</u>	<u>Appointment Date</u>	<u>Termination Date</u>	<u>No. of Days Between Appointments</u>
Office Associate	05/23/2011	07/21/2011	4 Day Break

<sup>14</sup> This is the date listed on [Employee 6's] CMS-2 paperwork.

Office Associate	07/26/2011 <sup>15</sup>		Unclear
Office Associate	04/01/2012	05/31/2012	N/A

The two consecutive emergency appointments allowed [Employee 7] to serve as an office associate in 2011. The third emergency appointment also allowed her hold the position in 2012. The break between the 2011 consecutive emergency appointments lasted four days.

***IDVA Employee: [Employee 8] (Daughter of IDVA Employee [REDACTED])***

<u>Position</u>	<u>Appointment Date</u>	<u>Termination Date</u>	<u>No. of Days Between Appointments</u>
Support Service	11/16/2010	01/14/2011	0 Day Break
Support Service	01/15/2011	01/21/2011	N/A

Investigators discovered that [Employee 8] is the daughter [REDACTED]. The two consecutive emergency appointments allowed [Employee 8] to serve as a Support Service Worker from November 16, 2010 through January 21, 2011. There was no break between her emergency appointments.

***IDVA Employee: [Employee 9]***

<u>Position</u>	<u>Appointment Date</u>	<u>Termination Date</u>	<u>No. of Days Between Appointments</u>
Pharmacy Technician	06/07/2010	08/05/2010	4 Day Break
Pharmacy Technician	08/10/2010	09/16/2010	N/A

The two consecutive emergency appointments allowed [Employee 9] to serve as a pharmacy technician from June 7, 2010 through September 16, 2010. The break between those emergency appointments lasted four days.

***IDVA Employee: [Employee 10]***

<u>Position</u>	<u>Appointment Date</u>	<u>Termination Date</u>	<u>No. of Days Between Appointments</u>
Pharmacy Technician	06/16/2010	08/14/2010	4 Day Break
Pharmacy Technician	08/19/2010	10/17/2010	4 Day Break
Pharmacy Technician	10/22/2010	12/20/2010	5 Day Break
Pharmacy Technician	12/26/2010	02/03/2011	N/A

The four consecutive emergency appointments allowed [Employee 10] to serve as a pharmacy technician from June 16, 2010 through February 3, 2011. The breaks between those emergency appointments lasted between four and five days.

***IDVA Employee: [Employee 11]***

<u>Position</u>	<u>Appointment Date</u>	<u>Termination Date</u>	<u>No. of Days Between Appointments</u>
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<sup>15</sup> The OEIG did not receive a CMS-2 for the termination of this appointment.

Veterans Nursing Assistant-Certified	09/13/2010	11/12/2010	4 Day Break
Veterans Nursing Assistant-Certified	11/17/2010	01/15/2011	4 Day Break
Veterans Nursing Assistant-Certified	01/20/2011	03/04/2011	N/A

The three consecutive emergency appointments allowed [Employee 11] to serve as a veterans nursing assistant-certified from September 13, 2010 through March 4, 2011. The breaks between those emergency appointments each lasted four days.

***IDVA Employee: [Employee 12]***

<u>Position</u>	<u>Appointment Date</u>	<u>Termination Date</u>	<u>No. of Days Between Appointments</u>
Veterans Nursing Assistant-Certified	09/13/2010	11/17/2010	4 Day Break
Veterans Nursing Assistant-Certified	11/22/2010	01/20/2011	4 Day Break
Veterans Nursing Assistant-Certified	01/25/2011	03/04/2011	N/A

The three consecutive emergency appointments allowed [Employee 12] to serve as a veterans nursing assistant-certified from September 13, 2010 through March 4, 2011. The breaks between those emergency appointments lasted four days each.

***IDVA employee: [Employee 13]***

<u>Position</u>	<u>Appointment Date</u>	<u>Termination Date</u>	<u>No. of Days Between Appointments</u>
Veterans Nursing Assistant-Certified	09/13/2010	11/12/2010	4 Day Break
Veterans Nursing Assistant-Certified	11/17/2010	01/15/2011	N/A

The two consecutive emergency appointments allowed [Employee 13] to serve as a veterans nursing assistant-certified from September 13, 2010 through January 15, 2011. The break between those emergency appointments lasted four days.

***IDVA Employee: [Employee 14]***

<u>Position</u>	<u>Appointment Date</u>	<u>Termination Date</u>	<u>No. of Days Between Appointments</u>
Veterans Nursing Assistant-Certified	12/12/2011	02/09/2012	4 Day Break
Veterans Nursing Assistant-Certified	02/14/2012	02/29/2012	N/A

The two consecutive emergency appointments allowed [Employee 14] to serve as a veterans nursing assistant-certified from December 12, 2011 through February 29, 2012. The break between those emergency appointments lasted four days.

***IDVA Employee: [Employee 15]***

<u>Position</u>	<u>Appointment Date</u>	<u>Termination Date</u>	<u>No. of Days Between Appointments</u>
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Veterans Nursing Assistant-Certified	02/16/2010	05/16/2010	4 Day Break
Veterans Nursing Assistant-Certified	05/21/2010	07/19/2010	4 Day Break
Veterans Nursing Assistant-Certified	07/24/2010	09/21/2010	4 Day Break
Veterans Nursing Assistant-Certified	09/26/2010	10/22/2010	N/A

The four consecutive emergency appointments allowed [Employee 15] to serve as a veterans nursing assistant-certified from February 16, 2010 through October 22, 2010. The breaks between those appointments lasted four days each.

***IDVA Employee: [Employee 16]***

<u>Position</u>	<u>Appointment Date</u>	<u>Termination Date</u>	<u>No. of Days Between Appointments</u>
Veterans Nursing Assistant-Certified	09/13/2010	11/17/2010	4 Day Break
Veterans Nursing Assistant-Certified	11/22/2010	01/20/2011	4 Day Break
Veterans Nursing Assistant-Certified	01/25/2011	02/26/2011	N/A

The three consecutive emergency appointments allowed [Employee 16] to serve as a veterans nursing assistant-certified from September 13, 2010 through February 26, 2011. The breaks between those emergency appointments lasted four days each.

***IDVA Employee: [Employee 17]***

<u>Position</u>	<u>Appointment Date</u>	<u>Termination Date</u>	<u>No. of Days Between Appointments</u>
Veterans Nursing Assistant-Certified	12/16/2011	02/13/2012	4 Day Break
Veterans Nursing Assistant-Certified	02/18/2012	02/29/2012	N/A

The two consecutive emergency appointments allowed [Employee 17] to serve as a veterans nursing assistant-certified from December 16, 2011 through February 29, 2012. The break between those emergency appointments lasted four days.

***IDVA Employee: [Employee 18]***

<u>Position</u>	<u>Appointment Date</u>	<u>Termination Date</u>	<u>No. of Days Between Appointments</u>
Veterans Nursing Assistant-Certified	09/13/2010	11/17/2010	2 Day Break
Veterans Nursing Assistant-Certified	11/20/2010	01/16/2011	N/A

The two consecutive emergency appointments allowed [Employee 18] to serve as a veterans nursing assistant-certified from September 13, 2010 through January 16, 2011. The break between those emergency appointments lasted two days.

***IDVA Employee: [Employee 19]***

<u>Position</u>	<u>Appointment Date</u>	<u>Termination Date</u>	<u>No. of Days Between Appointments</u>
Veterans Nursing Assistant-Certified	12/01/2011	01/29/2012	4 Day Break
Veterans Nursing Assistant-Certified	02/03/2012	04/02/2012	N/A

The two consecutive emergency appointments allowed [Employee 19] to serve as a veterans nursing assistant-certified from December 1, 2011 through April 2, 2012. The break between those emergency appointments lasted four days.

***IDVA Employee: [Employee 20]***

<u>Position</u>	<u>Appointment Date</u>	<u>Termination Date</u>	<u>No. of Days Between Appointments</u>
Veterans Nursing Assistant-Certified	12/01/2011	01/29/2012	4 Day Break
Veterans Nursing Assistant-Certified	02/03/2012	02/29/2012	N/A

The two consecutive emergency appointments allowed [Employee 20] to serve as a veterans nursing assistant-certified from December 1, 2011 through February 29, 2012. The break between the emergency appointments lasted four days.

***IDVA Employee: [Employee 21]***

<u>Position</u>	<u>Appointment Date</u>	<u>Termination Date</u>	<u>No. of Days Between Appointments</u>
Veterans Nursing Assistant-Certified	09/13/2010	11/17/2010	4 Day Break
Veterans Nursing Assistant-Certified	11/22/2010	12/16/2010	N/A

The two consecutive emergency appointments allowed [Employee 21] to serve as a veterans nursing assistant-certified from September 13, 2010 through December 16, 2010. The break between those emergency appointments lasted four days.

**2. Interviews Regarding Relatives Hired as Emergency Appointments**

The OEIG interviewed Reginald Booker about the hiring of and renewal of emergency appointments for family members of certain employees. Mr. Booker told investigators that no emergency appointee received favoritism or preferential treatment. In addition, he stated that he never knowingly violated any state, agency, or facility rule to benefit a friend or family member. The OEIG interviewed Manteno employees whose relatives were hired into emergency appointments indicated in the charts above. The interviewed employees made the following statements:

██████████ ([Employee 3's] sister)

IDVA ██████████ said that she is the sister of [Employee 3]. In addition, she stated that she did not speak with Mr. Booker, Ms. Gulli or anyone else at Manteno about her brother applying for the position or his hiring. ██████████ said she was not

involved in hiring and had no information about her brother's consecutive emergency appointments.

**██████████ ([Employee 4's] mother)**

IDVA ██████████ said she is [Employee 4's] mother. In addition, she stated she did not speak with Mr. Booker, Ms. Gulli, or anyone else at Manteno about her daughter's application. ██████████ also said she did not play a role in her daughter's appointments at Manteno.

**██████████ ([Employee 5's] sister)**

IDVA ██████████ said she is the sister of [Employee 5]. In addition, she stated that she did not recall informing [Employee 5] about any vacancies at Manteno, but did remember that she encouraged [Employee 5] to check in periodically to inquire about openings.

**██████████ ([Employee 6's] mother)**

IDVA ██████████ said she is [Employee 6's] mother. In addition, she stated she did not play a role in her daughter's initial and subsequent appointments. Nevertheless, ██████████ said she may have mentioned to Ms. Gulli that her daughter was applying for a position.

**██████████ ([Employee 8's] mother)**

IDVA ██████████ said she is the mother of [Employee 8]. In addition, she stated that she did not speak with Mr. Booker or Ms. Gulli about her daughter's application. ██████████ said she did not play a role in the hiring of her daughter and said she did not even know her daughter had applied for the position until after she had received the job.

**3. Interview of IDVA Assistant Director of Human Resources Dee Easley Regarding Personnel Records and the Emergency Appointment Process**

In order to better understand the emergency appointment process at IDVA and to determine how the emergency appointment paperwork was being handled, the OEIG interviewed IDVA Assistant Director of Human Resources Dee Easley, who was responsible for, among other duties, reviewing and processing emergency appointment paperwork from Manteno and then submitting it to CMS.<sup>16</sup>

**a. Ms. Easley's Knowledge of the Approval Process for Emergency Appointments**

According to Ms. Easley, until April 2012, the veteran homes would make requests for emergency appointments directly to then IDVA Human Resources Manager Jimmie Miller.<sup>17</sup>

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<sup>16</sup> Ms. Easley was interviewed on May 12, 2011, March 27, 2012, and April 18, 2013.

<sup>17</sup> Mr. Calderon took over as human resources manager for IDVA in April 2012.

Ms. Easley believed that these requests were made primarily via email. Mr. Miller would give the final approval or denial, and then the emergency appointment paperwork would be forwarded by the veteran home human resources specialist to her for processing. Ms. Easley would review the paperwork for accuracy and completeness and then forward it to the director of IDVA for signature.

In addition, according to Ms. Easley, in April 2012, a new procedure was implemented that required written approval from the central human resources office prior to the start of any emergency or temporary appointments.

**b. Ms. Easley's Knowledge of Multiple Emergency Appointments at Manteno**

Ms. Easley stated that the needs of IDVA's 24-hour facilities are taken into consideration when determining if an emergency appointment should be approved because IDVA needs a certain level of staffing to stay in compliance with the Department of Public Health. Ms. Easley explained that Manteno has a high employee turnover rate and a significant amount of leave of absences from staff members, and said Manteno is required to provide at least three hours of care to each patient every day.<sup>18</sup> She stated that an emergency appointment may happen, for example, when full-time staff members are on a leave of absence or have been terminated, or special projects are needed to be completed in a specific time-frame. For these reasons, Ms. Easley stated that there are circumstances when consecutive emergency appointments have occurred even though agencies are not supposed to renew emergency appointments.

Ms. Easley told investigators that IDVA has had a practice of placing a four-day break between consecutive non-merit appointments. Ms. Easley stated that when there is a four-day break between an emergency appointment, she does not consider that emergency appointment to be renewed. Ms. Easley said that she has never received specific direction from CMS or another source regarding the use of a four-day break to allow for back-to-back emergency appointments. However, in a later interview, Ms. Easley stated that if there is a need to continue an emergency appointment, CMS transactions employees have instructed her to give the employee a four-day break and give the employee a new position number.

**4. Interview of Former IDVA Human Resources Manager Jimmie Miller Regarding the Multiple Emergency Appointments at Manteno**

Mr. Miller was interviewed by the OEIG on April 13, 2011 and was asked if he was aware or approved of the multiple consecutive emergency appointments that had been made at Manteno. At the time of the interview, Mr. Miller was the human resources manager for IDVA and had been since October 2009.<sup>19</sup> Mr. Miller worked in IDVA's central office.

**a. The Process of Approving Emergency Appointments**

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<sup>18</sup> [Employee 2] during her interview said IDVA's justification for emergency appointments may be that it must maintain a patient care ratio, which is the number of care hours provided to each patient per day. [Employee 2] said she felt that a back-to-back emergency appointment would be acceptable under certain circumstances, including the need to keep a certain level of care. [Employee 2] said that the back-to-back emergency appointments are acceptable if there is a critical vacancy, and that they should not be used "cart-blanche."

<sup>19</sup> In October 2011, Mr. Miller was placed on administrative leave and eventually resigned in February 2012. Ms. Easley was the acting human resources manager while Mr. Miller was on administrative leave.

Mr. Miller stated that in order to fill a vacancy with an emergency appointment, a veterans' home would call him and obtain his approval for the emergency appointment. If he approved, the facility would contact a person to fill the vacancy, fill out the paperwork and then send the paperwork to the human resources department in IDVA's central office. Mr. Miller said that with respect to emergency appointments at Manteno, his only involvement was to give approval for the appointment and he did not approve the specific person filling the position.

**b. Mr. Miller's Knowledge of Consecutive Emergency Appointments**

Mr. Miller stated that he was aware of several emergency appointments at Manteno being renewed or extended but that any renewal over a second 60-day period was rare. Mr. Miller provided two examples of when an emergency appointment might be renewed. In the first example, Mr. Miller stated that if an employee's leave of absence was extended, then IDVA may extend an emergency appointment over 60 days rather than get a new person to fill the position because then IDVA would lose time when the new employee was training. In the second example, Mr. Miller stated Manteno might use an emergency appointment to fill the position until the hiring process could be completed to fill it with a permanent employee.

When asked about a four-day break between appointments, Mr. Miller stated that he believed a four-day break was used between emergency appointment renewals to establish a break in service and was a CMS requirement. Mr. Miller stated that he was advised of this practice by Ms. Easley, and that he (Mr. Miller) advised human resources staff at the veterans' homes of the four-day break practice when discussing whether to approve a request for an emergency appointment.

**5. Interview of Human Resources Specialist Jeri Gulli Regarding Her Role in the Emergency Appointments at Manteno**

The OEIG interviewed and obtained information from IDVA Human Resources Specialist Jeri Gulli whose responsibility it was to effectuate all personnel matters at Manteno including hiring for emergency appointments.<sup>20</sup>

**a. Manteno's Use of Emergency Appointments**

Ms. Gulli was asked to explain Manteno's procedure for making emergency appointments. According to Ms. Gulli, Mr. Booker would inform her when he wanted to fill a position using an emergency appointment. If the position was for a veteran nursing assistant-certified, Ms. Gulli would work with the nursing supervisor to select individuals from a pool of previously interviewed applicants. According to Ms. Gulli, for all other positions besides veteran nursing assistant-certified, Mr. Booker was involved in the selection process.

Ms. Gulli stated that Mr. Booker would deal directly with Jimmie Miller regarding these emergency hires and would only come to her to process the paperwork.

**b. Ms. Gulli's Knowledge of Renewal of Emergency Appointments**

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<sup>20</sup> Ms. Gulli was interviewed on January 13, March 22, April 14, 2011, and August 10, 2012.

According to Ms. Gulli, because emergency appointments only lasted 60 days, it often was not enough time to cover Manteno's needs and resulted in multiple appointments for the same individuals. Ms. Gulli stated that when she first started at Manteno, she suggested to Mr. Booker that they fill positions using temporary appointments because these appointments lasted six months. Ms. Gulli told investigators that Mr. Booker preferred emergency appointments because they went into effect quickly.

After the 60-day time period has been met by an emergency appointment, Ms. Gulli told investigators that if there is still a need to fill the position, IDVA would implement a four-day break in that employee's service and the employee could be rehired for another 60-day emergency appointment. Ms. Gulli stated that hiring in this manner is done at Manteno, with Mr. Booker's approval, and without *any* oversight from CMS.

Ms. Gulli stated that Ms. Easley told her to use the four-day break before reappointing an individual to an emergency appointment position and she believed this was a CMS rule. Ms. Gulli, in another OEIG interview, stated that she believed Mr. Booker had told her that there was supposed to be a four-day break between emergency hire renewals but that there is no policy that memorialized this practice. According to Ms. Gulli, she expressed concerns to Mr. Booker that this was still considered a renewal but that Mr. Booker said that Mr. Miller approved this procedure.

## **6. Interview of Manteno Administrator Reginald Booker**

The OEIG interviewed former Manteno Administrator Reginald Booker on March 3, 2014. Mr. Booker stated that he was the Manteno administrator from July 2009 to July 2013.<sup>21</sup>

### **a. Emergency Appointment Approval at Manteno**

With regard to emergency appointments, Mr. Booker stated that Manteno needed to get approval from the central IDVA office to hire people on an emergency appointment but that when Mr. Miller was the human resources manager at IDVA, Manteno could initiate an emergency hire and then seek permission from the central office. After Mr. Miller left the position of human resources manager in October 2011, Manteno had to get permission from the central office *before* initiating the hiring process of an emergency appointment.

Mr. Booker stated that he assumed all individuals hired on an emergency appointment had been approved by Mr. Miller. According to Mr. Booker, it was Ms. Gulli's responsibility, and he had instructed her, to make sure that all emergency appointments were done with the approval of the central office. Mr. Booker said that there were times when he would speak directly to Mr. Miller, typically over the phone, about emergency appointments. Mr. Booker stated that for example, if he (Mr. Booker) needed to advocate for more positions, he would talk to Mr. Miller. Mr. Booker said he was unfamiliar with the personnel documents that were sent to the Springfield human resources office, and the notification process, but he believed that the central office learned of the emergency appointments from Ms. Gulli.

### **b. Renewals of Emergency Appointments at Manteno**

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<sup>21</sup> At the time of the interview, Mr. Booker was a Department of Human Services Senior Public Service Administrator at the Ludeman Developmental Center.

With regard to an employee being hired for consecutive emergency appointments, Mr. Booker was shown the relevant personnel documents for the employees in the above charts. In response, he acknowledged that the paperwork indicates that those employees worked in multiple emergency appointments. According to Mr. Booker, it was his assumption that the central office approved all of these emergency appointments. Mr. Booker believed Mr. Miller approved the emergency appointment position and the person who would fill it, but his only conversations with Mr. Miller were about extending appointments in general and not about the extension of particular people in those positions.

Mr. Booker was shown the Illinois Personnel Code section regarding non-renewals of emergency appointments.<sup>22</sup> Mr. Booker stated that he did not remember reading that specific section but he recalled having conversations with Mr. Miller regarding renewals of emergency appointments.

According to Mr. Booker, he had several conversations with Mr. Miller during which Mr. Miller told him that a person in an emergency appointment could fill a subsequent emergency appointment as long as the employee was replacing a different person's vacancy. For instance, when asked why [Employee 3] had been hired into more than one emergency appointment, Mr. Booker stated that he believed that there were several security officers on leave and that [Employee 3] was filling in for these different individuals. Mr. Booker, however, was unaware whether any records were kept as to which employee the emergency appointment was being used to replace. Mr. Booker said he informed Ms. Gulli of the fact that the employee should be filling a different vacancy and stated that it was Ms. Gulli's responsibility to make sure that all hires were done with the approval of the central office.

When asked why there was a few days break between subsequent emergency appointments, Mr. Booker stated that Ms. Gulli told him that there needed to be a break of a certain number of days between appointments but that Ms. Gulli did not explain why this needed to be done. Mr. Booker could not recall if Mr. Miller had given him the same instruction.

### **C. Review of Unfounded Allegations**

[This section contains unfounded allegations and the Commission is exercising its authority to redact it pursuant to 5 ILCS 430/20-52.]

[REDACTED]

[REDACTED]

[REDACTED]

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<sup>22</sup> 20 ILCS 415/8b.8.

[Redacted]

- [Redacted]<sup>23</sup>

[Redacted]

[Redacted]

- [Redacted]<sup>24</sup>

[Redacted]

- [Redacted]<sup>25</sup>

[Redacted]

**IV. ANALYSIS**

This investigation revealed that IDVA found a way to circumvent the competitive hiring process and did so for an extended period of time. This investigation also determined that there was insufficient evidence to conclude that the IDVA nepotism policy was violated.

**A. Renewals of Emergency Appointments Violated the Illinois Personnel Code**

The State of Illinois has various rules and procedures relating to hiring to allow members of the public to have a fair shot at a State job. These rules are set forth in administrative orders, CMS procedures, and the Illinois Personnel Code, among other texts. However, there are also exceptions to formal hiring processes. One example is in the instance of an emergency appointment. The State allows for agencies to use emergency appointments, but only under certain circumstances, such as “emergency situations,” and even when such circumstances exist,

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<sup>23</sup> [Redacted.]  
<sup>24</sup> See previous footnote.  
<sup>25</sup> [Redacted.]

the appointment cannot be renewed.<sup>26</sup> Indeed, although an emergency appointment allows an agency to hire someone without following the longer more rigorous hiring process, there are still specific rules agencies must follow when utilizing emergency appointments. In other words, emergency appointments are not meant as a way to circumvent the hiring process.

The OEIG investigation discovered three main issues with IDVA's use of emergency appointments. First, the OEIG discovered that multiple people working for IDVA were hired into subsequent and consecutive appointments with a one to seven-day break between appointments. This allowed the employees to be employed for time periods of between 75 days to almost one year without having to go through the competitive hiring process. The OEIG's review of Manteno hiring records from 2010 to 2012, reflected 19 persons hired for multiple emergency appointments for the same position. These hires were clearly in violation of the Illinois Personnel Code. In other words, IDVA appears to have circumvented the regular hiring process by hiring employees into these consecutive emergency appointments. This was inappropriate and clearly not what was contemplated when the emergency appointment exception was created.

Second, the individuals hired as emergency appointees, were also coincidentally related to many of the permanent IDVA employees. Although unlikely, the relatives of the emergency appointees communicated to OEIG investigators that they were uninvolved in their relatives hire. It may also seem unlikely that, as Mr. Booker stated, IDVA employees' relatives were not given favorable treatment.

Third, some emergency appointees clearly had positions that could have likely been filled by members of the public, such as office associates. Moreover, these positions do not appear to fit the definition of what can be an "emergency positions." Although, the OEIG recognizes Ms. Easley's concerns that there may be legitimate needs for emergency appointments given IDVA's 24-hour facilities and the hours of care needed at the veterans' homes, in this case there were emergency appointments for positions such as the office associates that *do not appear* to relate to the veteran care issue. In any case, emergency appointments should not have been renewed.

In this case, Manteno Administrator Reginald Booker, Manteno Human Resources Specialist Jeri Gulli, and IDVA Human Resources Manager Jimmie Miller all played a role in Manteno's consecutive emergency appointments. Mr. Booker was involved in either obtaining approval for emergency appointments or instructing Ms. Gulli to hire individuals into emergency appointments. Ms. Gulli was responsible for getting approval and completing the hiring paperwork at Manteno and Mr. Miller was responsible for approving the hiring decisions at Manteno. Despite their responsibilities, it is clear that both Mr. Miller and Ms. Gulli did not have the requisite knowledge of the personnel policies governing emergency appointments and improperly believed that a four-day break between emergency appointments resulted in a break in service that allowed for a subsequent emergency appointment. It is unclear where this "school of thought" originated, but both persons mistakenly relied on it to allow and approve consecutive emergency appointments on multiple occasions.

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<sup>26</sup> 20 ILCS 415/8b.8.

In addition, according to Mr. Booker, Mr. Miller improperly informed him that renewals of emergency appointments could be done as long as the appointee was replacing a different employee in the subsequent renewal. Mr. Booker relied on this information, claimed he relayed it to Ms. Gulli, and believed that the subsequent renewals of individuals met this requirement even though Mr. Booker admitted he did not know if any records were kept of who an emergency appointment was replacing. Relying on these incorrect assumptions, Mr. Miller, Ms. Gulli, and Mr. Booker believed they were allowed to circumvent the rule of “no renewals of emergency appointments,” and in at least 19 instances improperly renewed emergency appointments.

Because emergency appointments were improperly renewed, the allegation that Mr. Booker, Mr. Miller and Ms. Gulli hired multiple employees at Manteno in violation of the Illinois Personnel Code is **FOUNDED**.

#### **B. Violation of IDVA’s Nepotism Policy**

The IDVA Employee Handbook states:

To ensure that no favoritism is shown, it is the policy of the Department that relatives will not be allowed to directly report to each other. In addition, favoritism will not be applied to relatives in filling vacancies, granting promotions or recommendations for performance increases or other pay increases.

Although family members were hired at Manteno and some of those family members’ emergency appointments were improperly renewed, there is not sufficient evidence to conclude that favoritism was applied in these appointments. First, there were numerous non-relatives that were hired into emergency appointments and whose appointments were improperly renewed. Second, there is insufficient evidence to show that there was anything improper about how these relative employees were interviewed or selected. And finally, Mr. Booker denied that any favoritism was applied when hiring relatives. Mr. Booker stated that these applications were treated the same as everyone else. Without sufficient evidence to suggest otherwise, the allegation that the nepotism policy at Manteno was violated is **UNFOUNDED**.

### **V. CONCLUSIONS AND RECOMMENDATIONS**

As a result of its investigation, the OEIG issues the following findings:

- **FOUNDED** – Jeri Gulli violated the Illinois Personnel Code by allowing emergency appointments to be renewed at Manteno.
- **FOUNDED** – Jimmie Miller violated the Illinois Personnel Code by allowing emergency appointments to be renewed at Manteno.
- **FOUNDED** – Reginald Booker violated the Illinois Personnel Code by allowing emergency appointments to be renewed at Manteno.
- **UNFOUNDED** – IDVA’s nepotism policy was not violated by the hiring of relatives of employees at Manteno.

Jimmie Miller is no longer a State employee, however, the OEIG recommends that a copy of this report be placed in his personnel file.

The OEIG recommends that Reginald Booker and Jerri Gulli be counseled as to the accurate personnel rules and policies governing emergency appointments.

In addition, in light of the requirement that all State employees are required to follow the personnel rules with regard to emergency appointments and that agency use of emergency appointments is not limited to IDVA, the OEIG also makes the following recommendations:

1) That CMS and the Office of the Governor provide agencies, human resource staff, and all home administrators updated policies regarding the proper use of emergency appointments;

2) That CMS staff be instructed regarding the non-existence of any so-called four-day break rule applying to emergency appointments.

3) That CMS reduce to writing and provide to all pertinent staff a policy indicating a subsequent emergency appointment would not be considered a renewal if it occurs more than four days after the termination of the original emergency appointment, should CMS believe such a policy is warranted.

No further investigative action is needed and this case is considered closed.

Date: **December 31, 2014**

Office of Executive Inspector General  
for the Agencies of the Illinois Governor  
69 W. Washington Street, Ste. 3400  
Chicago, IL 60602

By: **Christine Benavente**  
Legislative Assistant Inspector General

**Susan Haling**  
Special Counsel

**Margaret Marshall, #158**  
Investigator



**Office of Executive Inspector General**  
**for the Agencies of the Illinois Governor**  
 www.inspectorgeneral.illinois.gov

**AGENCY OR ULTIMATE JURISDICTIONAL AUTHORITY  
 RESPONSE FORM**

Case Number: 10-01308

Return 20 Days After Receipt

Please check the box that applies. (Please attach additional materials, as necessary.)

We have implemented all of the OEIG recommendations. Please provide details as to actions taken:  
*Please see attached memo.*

We will implement some or all of the OEIG recommendations but will require additional time to do so.  
 We will report to OEIG within \_\_\_\_\_ days from the original return date.

We do not wish to implement some or all of the OEIG recommendations. Please provide details as to what actions were taken, if any, in response to OEIG recommendations:

*[Handwritten signature]*  
 \_\_\_\_\_  
 Signature

*IL Dept. of Veterans' Affairs, General*  
 \_\_\_\_\_  
 Print Agency and Job Title  
*Counselor  
 Ethics Officer*

*Irish McGill*  
 \_\_\_\_\_  
 Print Name

*1/23/15*  
 \_\_\_\_\_  
 Date



STATE OF ILLINOIS  
**DEPARTMENT OF VETERANS' AFFAIRS**

James R. Thompson Center, 100 West Randolph Street, Suite 5-570, Chicago, Illinois 60601-3219  
Telephone: (312) 814-2460 \* Fax: (312) 814-2764

BRUCE RAUNER  
GOVERNOR

HARRY F. SAWYER  
ACTING DIRECTOR

To: Office of Executive Inspector General  
Attn: Joshua I Grant  
Ref: Case Number 10-01308

This is the Illinois Department of Veterans' Affairs (IDVA) agency response to the OEIG Case No. 10-01308 FINAL REPORT. The report has been reviewed by Acting Director Harry F. Sawyer and General Counsel Trish McGill and the responses to the recommendations for the agency are below.

The OEIG has made the following recommendations regarding OEIG Case No. 10-01308 FINAL REPORT.

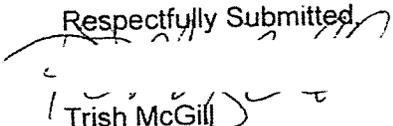
1. **RECOMMENDATION:** Reginald Booker and Jerri Gulli be counseled as to the accurate personnel rules and policies governing emergency appointments.

RESPONSE: IMPLEMENT.

Jerri Gulli was counseled on January 23, 2015, by IDVA Human Resources Director Miguel Calderon, as to the accurate personnel rules and policies governing emergency appointments.

Reginald Booker is no longer an IDVA employee; however, a statement of *separation no reinstatement* was placed in his personnel file that will prevent him from being re-hired to work for IDVA.

Respectfully Submitted

  
Trish McGill

General Counsel and Ethics Officer

1/23/15



Illinois Department of Human Services

Bruce Rauner, Governor

100 South Grand Avenue, East • Springfield, Illinois 62762  
401 South Clinton Street • Chicago, Illinois 60607

January 26, 2015

*Via e-mail to Joshua I. Grant, Deputy Inspector General, on behalf of:*

Ricardo Meza

Executive Inspector General

Office of the Executive Inspector General for the Agencies of the Illinois Governor

69 West Washington Street, Suite 3400

Chicago, Illinois 60602

RE: Response to OEIG Complaint Number 10-01308

Dear Executive Inspector General Meza:

This letter responds to the Final Report for complaint number 10-01308, which was received by the Department of Human Services on January 6, 2015. Your office determined that Reginald Booker violated the Illinois Personnel Code by allowing emergency appointments to be renewed at Manteno Veterans' Home. All recommendations regarding Mr. Booker have been implemented. Specifically, Mr. Booker has received disciplinary action in the form of counseling and has received in service training on Illinois Personnel Code, Section 8b.8 Emergency Appointment and Illinois Personnel Rules, Section 302.150b Emergency Appointments.

If you have any questions, please feel free to contact Robert J. Grindle, DHS' Ethics Officer.

Regards,

*Melissa A. Wright*  
Melissa A. Wright  
Acting Secretary



OFFICE OF THE GOVERNOR

JRTC, 100 W. RANDOLPH, SUITE 16-100  
CHICAGO, ILLINOIS 60601

BRUCE RAUNER  
GOVERNOR

February 6, 2015

*Via Electronic Mail*

Executive Inspector General Richard Meza  
Office of Executive Inspector General for the Agencies of the Illinois Governor  
69 West Washington Street, Suite 3400  
Chicago, Illinois 60602

Re: Office of the Executive Inspector General ("OEIG") Case No. 10-01308

Dear Inspector General Meza:

Attached please find our initial response to your letter dated February 4, 2015 with respect to OEIG Case No. 10-01308. As noted on the attached response form, we will implement your office's recommendations as outlined in the report but will require additional time to do so. We will report to your office on or before February 20, 2015 detailing the actions taken.

If you have any questions regarding this response, please do not hesitate to contact me at (312) 814-1181.

Sincerely,

*Georgia Man*  
*GM*

Georgia Man  
Associate Counsel to the Governor



**Office of Executive Inspector General**  
**for the Agencies of the Illinois Governor**  
www.inspectorgeneral.illinois.gov

**AGENCY OR ULTIMATE JURISDICTIONAL AUTHORITY  
RESPONSE FORM**

Case Number: 10-01308

Return 20 Days After Receipt

Please check the box that applies. (Please attach additional materials, as necessary.)

We have implemented all of the OEIG recommendations. Please provide details as to actions taken:

We will implement some or all of the OEIG recommendations but will require additional time to do so.  
We will report to OEIG within 15 days from the original return date.

We do not wish to implement some or all of the OEIG recommendations. Please provide details as to what actions were taken, if any, in response to OEIG recommendations:

Georgia Man  
Signature

Associate Counsel, Office of the Governor  
Print Agency and Job Title

Georgia Man  
Print Name

2/6/15  
Date



## OFFICE OF THE GOVERNOR

JRTC, 100 W. RANDOLPH, SUITE 16-100  
CHICAGO, ILLINOIS 60601

**BRUCE RAUNER**  
GOVERNOR

February 20, 2015

*Via Electronic Mail*

Executive Inspector General Richard Meza  
Office of Executive Inspector General for the Agencies of the Illinois Governor  
69 West Washington Street, Suite 3400  
Chicago, Illinois 60602

Re: Office of the Executive Inspector General ("OEIG") Case No. 10-01308

Dear Inspector General Meza:

Attached please find a follow up to our response dated February 6, 2015 with respect to OEIG Case No. 10-01308. The Office of the Governor has been working with the Central Management Services ("CMS") to take the following actions in order to implement the OEIG's recommendations in this case:

CMS considers the second recommendation contained in the report to already have been implemented. However, the Deputy Director of CMS-Personnel and CMS's Deputy General Counsel for Personnel will further address the issue in an upcoming staff meeting to ensure relevant staff are aware of the effect of a 4-day-break between emergency appointments.

We and CMS intend to comply substantially with the first and third recommendations contained in the report, but wish to provide additional context and detail regarding how we believe it would be appropriate to implement those recommendations. We agree that guidance to agencies on the proper use of emergency appointments, including the issue of renewals or other back-to-back non-merit appointments, is needed. However, rather than issuing such guidance at this time on emergency appointments alone, we believe the objectives of the report's recommendations would be achieved in a more comprehensive manner by addressing contemporaneously other, related issues such as temporary appointments and the use of seasonal workers. In some cases, these efforts may require CMS to implement changes to existing administrative rules in addition

**Office of the Governor**

February 20, 2015

Page 2 of 2

to providing additional guidance and clarification to agencies. While we have begun work on these efforts, it is anticipated that the guidance to agencies will take approximately sixty to ninety days to implement. Likewise, we anticipate that CMS will be able to draft and file with the Joint Committee on Administrative Rules appropriate rule changes within the next sixty to ninety days. To the extent these efforts are taking longer than anticipated, we will follow-up with your office and provide a status update.

If you have any questions regarding this response, please do not hesitate to contact me at (312) 814-1181.

Sincerely,

*Georgia V. Man*

Georgia Man  
Associate Counsel to the Governor



ILLINOIS

Bruce Rauner, Governor

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

Tom Tyrrell, Acting Director

February 25, 2015

Via Email and U.S. Mail

Joshua Grant  
Deputy Inspector General  
Office of the Executive Inspector General  
69 West Washington Street, Suite 3400  
Chicago, Illinois 60602  
joshus.grant@Illinois.gov

Re: Final Report in OEIG Case No. 10-01308

Dear Mr. Grant:

This letter responds your letter of February 4, 2015 to Illinois Department of Central Management Services ("CMS") Acting Director Tom Tyrrell regarding the Office of the Executive Inspector General's Final Report issued in connection with the above-referenced matter.

While your letter requested that CMS use an attached response form to submit its response to the recommendations contained in the Report, you advised that CMS could, in lieu of the form, provide a letter to your office summarizing its response. As discussed, CMS has worked with the Governor's Office in reviewing this matter, and we understand that the Governor's Office has submitted a response to your Office setting forth the steps that CMS and the Governor's Office intend to take in response to the recommendations on page 19 of the Report. We fully concur with the Governor's Office's response and reiterate that we intend to take the steps set forth therein.

Thank you for allowing CMS the opportunity to respond to the Report. Please don't hesitate to contact me if we can provide any additional information in connection with this matter.

Sincerely,

Benno Weisberg /

Deputy General Counsel and Ethics Officer  
312-814-0933

cc: Tom Tyrrell, Acting Director, CMS  
Michael Basil, General Counsel, CMS