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## EMPLOYMENT PLAN OFFICE 17TH SEMI-ANNUAL REPORT

Dear Mr. Rocha and Inspector General Cyranoski:

This is our office’s 17th Semi-Annual Report issued pursuant to Section IV.C.2 of the Cook County Health (CCH) Employment Plan (Plan). This report covers amendments made to Employment Plan, our training, monitoring, auditing, and investigative activities between July 1<sup>st</sup> and December 31<sup>st</sup> in 2022 and goals and new initiatives for January 1<sup>st</sup> through June 30th in 2023.

### INTRODUCTION

Between July and December of last year, my office continued to monitor and review hiring sequences and the implementation of other employment actions covered by the Plan, as well as our supplemental policies and personnel rules. We also continued investigating alleged non-compliance and offering training, guidance and recommendations meant to support compliance.

### EMPLOYMENT PLAN AMENDMENTS

As you know, the Plan (and the supplemental policies) are manuals that detail our processes for hiring and other employment actions. Though the *existence* of these manuals is mandated by court order, there is no requirement that the processes and procedures that were negotiated during the applicable litigation and that existed at the time of our release from that litigation remain in perpetuity. The Plan is a living document, meaning that it may be amended with Mr. Rocha’s approval, to modify existing processes or include new ones.

There were no substantive changes to the Plan during the reporting period<sup>1</sup>, but we expect that there will be changes to address in my next semi-annual report. I understand that HR is nearly ready to propose a Hiring Blitz Process, and Mr. Rocha and Ms. Amos, our Chief Human

<sup>1</sup> The Revised Hiring Fair Process’s notice requirements were amended. That process is a pilot that has not been officially attached to the Plan.

Resources Officer (“CHRO”) have invited us to collaborate on the development of a Plan-compliant hiring process that expedites<sup>2</sup> hiring and better serves the needs of the organization. Collaborative efforts are underway.

The following Plan exhibits were updated in accordance with the process outlined in the Plan as additional positions were approved for inclusion:

- Actively Recruited Position List<sup>3</sup> (Exhibit 1): This list was not revised during the reporting period.
- Direct Appointment Position List<sup>4</sup> (Exhibit 5): This list was updated via the Plan’s process three times during the reporting period (July, September and December). Twenty-four positions were added and/or modified.
- ACP Position List<sup>5</sup> (Exhibit 13): This list was not updated during the reporting period.

## TRAINING

Previous semi-annual reports have outlined the multiple training sessions that our office conducts in conjunction with HR: Employment Plan Training [overview for all staff]; Employment Plan Interviewer Training [for management and leadership]; Supplemental Policies & Procedures Training [for management and leadership]; and HR Training [for HR personnel].

The information below pertains to each type of training conducted:

- Employment Plan Training. This online training is required of all new staff *and* as an annual refresher for everyone else. I reported in the most recent semi-annual report that this training was overdue. Our learning management system had changed, and content that existed at the time of the change was not technologically compatible with the new system. HR was working toward addressing training needs in the new system.
  - The training has since been updated and implemented.

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<sup>2</sup> Though you are aware of this, Plan provisions designed to expedite hiring may not always apply due to conflicting collective bargaining agreement requirements (described in more detail below).

<sup>3</sup> The Actively Recruited List identifies the positions for which the Actively Recruited Hiring Process may be utilized. The Actively Recruited Hiring Process is very similar to the General Hiring Process but involves the hiring departments in creating interviews lists and offers the option to conduct second interviews. The Plan details the criteria necessary for a position to be eligible. These are high-level, technical or professional positions. Licensure or a specified minimum level of education is required.

<sup>4</sup> The Direct Appointment List identifies the positions for which the Direct Appointment Hiring Process may be utilized. As the name implies, the individuals hired into these positions are appointed. The hiring process is significantly different than both the General Hiring and Actively Recruited processes. These are also high-level, technical or professional positions that must be at a certain level in the organizational structure and must require a specific minimum level of education and experience. All of these positions are non-union, exempt from career service, and involve the day-to-day performance of a high-level and specialized professional function.

<sup>5</sup> The Advanced Clinical Positions List identifies the positions for which the Advanced Clinical Positions Hiring Process may be used. This process is far different than our other hiring processes. These positions are clinical and require licensure that qualifies the employee to make independent decisions concerning the diagnosis or treatment of patients.

- Employment Plan Interviewer Training. CCH leaders are required to attend this lengthy in-person training before participating in our hiring processes and then must complete virtual training annually thereafter to maintain eligibility. During the applicable period, there were eight in-person sessions, and over a hundred employees were trained<sup>6</sup>.

The virtual module, like the all-employee training module, became unusable due to technical incompatibility when our learning management system changed. Though a technologically compatible training deck has not been finalized, HR and my office have discussed a plan and timeline for completion. To streamline the process and get content into circulation as quickly as possible, the training will be circulated in process-specific modules on a rolling basis as individual sections are completed<sup>7</sup>.

Please also note:

- Despite the absence of a formal annual training module, our interviewers were refreshed on the majority of what is covered in that training by attending mandatory training on the Revised Hiring Process (a temporary process rolled out during the applicable period that modifies the two hiring processes that account for roughly 90% of our positions) and by completing annual all-employee training that was updated and circulated in the reporting period. We also offered a stand-alone refresher on the Advanced Clinical Hiring Process used for credentialed positions<sup>8</sup>.
  - Hiring Central, a newly implemented resource for hiring managers discussed below in the ‘New & Upcoming’ section, also provided hiring managers with ready access to information and resources for successful implementation of our hiring processes.
- Supplemental Policies and Procedures<sup>9</sup> (Policies) Training. Training on the supplemental policies, like training on our hiring processes, is required of all new employees and annually thereafter. During the applicable period, there were seven in-person sessions, and almost forty employees were trained. Like all-employee and annual interviewer training, the ability to offer annual supplemental policies training was delayed when existing content became technologically incompatible with our learning management system. Though a technologically compatible training deck has not been finalized, HR and my office have a plan in place to address necessary changes. Like annual interviewer training, this training will be released in policy-specific modules on a rolling basis as content is finalized.

Please also note:

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<sup>6</sup> This number accounts for the monthly interviewer sessions offered to those not previously trained and eligible to participate in our hiring process. In addition to these trainings, HR conducted multiple standalone sessions and trained hundreds of employees who had received prior interviewer training but needed training specific to the new Revised Hiring Process.

<sup>7</sup> A modular approach has the added benefit of providing for an efficient way to update and communicate updates to a process or procedure.

<sup>8</sup> We are currently working on scheduling another one of these sessions.

<sup>9</sup> The supplemental policies govern non-hiring employment actions and that must be compliant with the spirit of the Plan by being proactive and providing for transparency. These policies are addressed below, but some examples include discipline, reclassification of positions, demotions and transfers.

- HR and my office continued to offer monthly virtual refreshers on the discipline policy, the most utilized *and* most complex of the supplemental policies.
- HR and my office continued to collaborate on the development of a resource aimed at assisting leaders with compliant implementation. It is expected to be rolled out shortly. This resource is addressed further in the ‘New & Upcoming’ section below.
- **HR Staff Training.** New HR staff are required to receive comprehensive training on the Plan and Policies. HR staff is also required to receive annual Plan and Policies training as well as training on any updates to the Plan and/or Policies. During the applicable period, there were fourteen in-person sessions and almost thirty employees and third-party providers<sup>10</sup> were trained.

Annual HR training has historically been offered in-person in lengthy sessions. COVID-19 and staff shortages (requiring HR attention) have presented obstacles to this manner of training.

- As an alternative to lengthy sessions during this still challenging time, HR agreed to allow my office to provide brief presentations on discrete topics during monthly HR staff meetings. This started in November 2022.
- HR leadership recently agreed to require all HR staff to attend refresher training specific to HR’s functions in the Revised Hiring Process. These training sessions will be offered in small groups in May and June.

## **MONITORING**

When we monitor an employment action in progress, we assist management by providing direction and guidance as processes unfold. This prevents non-compliance in real time and serves as a form of training to prevent future non-compliance. We also provide guidance when we observe practices that do not technically violate the Plan, but which do not fully conform with best practices. Our monitoring is not always conducted in real time and in many instances takes the form of document review. Either way, our practice is to recommend corrective measures either to hiring process participants and/or appropriate HR staff as issues are identified.

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## **HIRING PROCESSES**

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Though you are aware of this, for this report’s broader audience it is important explain that while the Plan governs our hiring processes generally, its requirements are often not the *only* requirements that must be applied in a hiring sequence. The provisions of an applicable collective bargaining agreement (“CBA”) take precedence over the Plan any time the Plan conflicts with its requirements. This is noteworthy because approximately 90% of our staff is unionized and governed by over twenty CBAs. The impact is that implementation of a hiring process often consists of a blend of Plan and CBA requirements.

<b>Appointed Positions</b>
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- **Direct Appointment**
  - *Process Overview*

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<sup>10</sup> Third-Party Providers are individuals contracted by CCH to perform recruitment-related functions. They are required to adhere to the Plan’s requirements.

The Direct Appointment process allows our CEO broad discretion in appointing individuals to high level positions within the organization. To create a position eligible for hiring under this process, the prospective job description is presented to the OIIG for approval. As described earlier in this report, the job itself must meet specific criteria in terms of educational and experience requirements, as well a chain of command requirement. These positions must also be at will. Positions approved for this process are maintained on Exhibit 5 to the Plan.

Though there is broad discretion to fill these positions and an open competitive process is not required, appointees must meet all minimum qualifications and may not be selected based upon political reasons or factors. Once a candidate has been identified for hire, HR reviews the application materials to ensure that the selected candidate possesses all required qualifications and to verify that none of the circumstances that would require disqualification (e.g., appearance on the Ineligible for Hire List) are present. If the candidate is eligible for hire, the next step is for HR to send notice of the selected candidate with all required documents (job description, application, resume, NPCC, etc.) to our office and the OIIG<sup>11</sup>. This collection of documents, referred to as the Request to Hire (RTH) packet, provides the opportunity for both offices to evaluate the candidates' qualifications and raise any concerns before the selectee is hired. After a 3-day window of opportunity for review and absent any objections, the CHRO proceeds with completing the hiring process.

- *RTH Packets*

In the two most recent semi-annual reports, I addressed instances of non-compliance with the requirement that HR circulate RTH packets to my office and the OIIG *before* hiring and onboarding the appointees. This manner of non-compliance continued in the current reporting period.

Eighteen packets were circulated between July and December. We verified upon receipt that the appointees met the minimum qualifications and that all applicable documentation, including NPCCs, was included.

Please note:

- Three packets circulated were for candidates who had already been hired and onboarded during the prior reporting period (January 2022 through June 2022).
- Five of the packets regarding appointees hired between July and December were not circulated until *after* they were onboarded.
- Six packets for appointees hired several months (or more) ago were produced for the first time very recently, after the period covered by this report. The data is included here to show that

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<sup>11</sup> This office is a County entity with a mission to detect, deter and prevent corruption, fraud, waste, mismanagement, unlawful political discrimination and misconduct in the operation of Cook County government with integrity, independence, professionalism and respect for both the rule of law and the people it serves. The OIIG has, for over 12 years, been tasked with oversight of employment plans and related policies of various County entities.

HR acknowledged our recommendations and has taken action to provide transparency. We reviewed the packets and concluded that all of the appointees are qualified<sup>12</sup>.

- **Medical Staff**

This hiring process, which is in some ways similar to the process used for direct appointments, is used when our CEO and Board of Directors appoint someone to a department, division or section chair of the medical departments of the medical staff. Only one RTH packet was produced between July and December. HR recently produced packets for two medical staff appointments made during an earlier reporting period had not previously been produced. Though they are required to produce these packets, this process does *not* require that they be produced for review prior to completion of the hiring process.

- We reviewed the packets produced and did not identify anything of concern.

- **Executive Assistant**

This hiring process is also somewhat similar to that used for direct appointments. A main difference is that the hires are appointed by the executive they are hired to serve rather than our CEO. Another difference is that there is no requirement that the packet be circulated for review prior to completion of the hiring process.

- Three executive assistants were appointed, and we did not identify anything of concern.

<b>General and Actively Recruited Positions [currently modified via the Revised Hiring Process]</b>
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As detailed above, the General Hiring and Actively Recruited hiring processes apply to approximately 90% of our positions. Both processes have been temporarily modified via the Revised Hiring Process, which was designed to significantly expedite hiring for a majority of our positions. This process was approved last spring and implemented in this reporting period after staff was trained on the process<sup>13</sup>.

Consistent with routine practice, we reviewed samples of application screenings, interviews, and selection meetings, as well as final decision to hire (DTH) packets completed during the applicable period. In total, we reviewed a part of at least one of the below stages of the process across approximately fifty requisitions. This represents only a very small percentage of hiring activity for this hiring process.

We also reviewed hiring activity in instances where our office and/or HR<sup>14</sup> personnel identified non-compliance that could be corrected before the conclusion of a hiring process and provided guidance on remedial actions.

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<sup>12</sup> This group was missed during a transition period in HR between when the employee responsible for producing the packets separated and was replaced.

<sup>13</sup> My office and HR collaborated on developing the training. HR conducted multiple sessions for hundreds of existing employees who needed to learn the new process before implementing it. Employees hired or promoted into roles (that would call for interviewer training) after the process was officially rolled out, received training of the process via the comprehensive interviewer training that is offered monthly.

<sup>14</sup> HR continued to serve the intended function of preventing non-compliance by identifying where hiring departments may need additional training and raising issues they identified in the course of hiring processes

- Validation. Validation is the process by which applicants' qualifications for the position are verified by review of application materials and the interview list is created.

Under the Revised Hiring Process, the hiring department reviews the application materials and identifies applicants they wish to interview. HR reviews the applicants proposed for interview and independently verifies the applicants' eligibility *before* approving the interview list.

To expedite the process, the newly implemented Revised Hiring Process eliminated the requirement that my office be provided with advance notice of the departments' application review meetings and reduced by half the time during which my office may review an approved interview list *before* interviews are scheduled. We evaluated compliance with this process exclusively by review of documentation.

- We reviewed validation determinations made for eighteen requisitions and did not disagree with the eligibility determinations. We did note instances, though, in which we would like to see notations from hiring panels regarding their decision *not* to interview an applicant<sup>15</sup>.
- Interviews. Interviews are just that, interviews of the candidates that our hiring teams are considering for hire. Interviewers are required to: (1) collect No Political Consideration Certifications ("NPCCs") and documents that validate possession of minimally required degrees, licenses and certifications, (2) ask all candidates the questions meant to verify their qualification for the position and assess their fit, and (3) document their evaluations and recommendations.

Because of the faster pace and reduced opportunity for my office to review validation determinations prior to interviews, the Revised Hiring Process adds an additional layer of validation to the interviews. Interviewers must now test all minimum qualifications that the panel cannot validate at the time of interview through collection of transcripts, licenses, and certifications, etc. This is accomplished via questions carefully scripted to require the candidates to provide responses (captured in the interviewers' notes) that demonstrate possession of the applicable qualifications. Evaluation of compliance with this new requirement was a focus of our monitoring in the months covered by this report because it is critical to the overall success of the expedited process. Based upon our observation that the questions often lacked specificity regarding minimum qualifications, we believe that additional training and support on this requirement is necessary. To support compliance, we recently addressed the requirement with HR at a HR staff meetings and provided content to HR's

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(e.g., when they realize notice was not provided or where a DTH packet submitted to HR demonstrates non-compliance requiring intervention).

<sup>15</sup> While the Plan does not require a panel to interview all candidates who meet the minimum qualifications, the form they utilize should explain what factors they relied upon to distinguish amongst applicants when, by the markings on the forms, the applicants are similarly situated (e.g., minimally qualified, meeting the same preferred qualifications).

optimization consultants who are developing a soon-to-be-implemented tool and resource that will be utilized for the interview question approval process<sup>16</sup>.

Aside from our observations regarding implementation of the new interview question requirement, the following types of concerns were identified that we either observed (in the fifteen requisitions for which we observed at least one interview) or that HR brought to our attention during a hiring process:

- Interviewers conducted interviews using interview questions that had not been approved by HR<sup>17</sup>
- Interviews conducted by employees not eligible to participate as decision-makers in our hiring processes<sup>18</sup>
- Interviews conducted without notice or with insufficient notice to my office and the OIIG (as required to afford us the opportunity to monitor)
- Interview Evaluation Form insufficiencies (e.g., failure to justify scores, inaccurate calculation of scores)<sup>19</sup>
- Interviewer non-compliance with the requirement to ask HR-approved interview questions verbatim<sup>20</sup>.
- Interviewer failure to collect NPCC forms<sup>21</sup>
- Selection Meetings. Selection meetings are meetings of the interviewers after completing a series of interviews to discuss which candidates to recommend for hire and the order in which

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<sup>16</sup> Since this interview question requirement also applies to positions included in hiring fairs, we also engaged in ongoing collaboration with hiring fair planning teams to ensure the interview questions regarding minimum qualifications are specific.

<sup>17</sup> Follow up in these instances varies depending upon the circumstances. If the questions utilized met all Plan requirements, we did not require interviews to be repeated. In one instance in which the questions did not ask minimum qualification questions, we allowed the qualifications to be tested via a follow-up question submitted to the candidates by email.

<sup>18</sup> To be eligible, an employee must be in a non-union position and must have attended interviewer training. HR approves training of union employees and contractors under limited circumstances.

<sup>19</sup> HR did not apply the Revised Hiring Process to requisitions initiated before the process roll-out date. As a result, the old form was utilized. These are the types of violations eliminated in the new process via update to the Interview Evaluation Form.

<sup>20</sup> This longstanding preclusion of rephrasing interview questions has been a fixture of employment plans both at CCH and elsewhere. It is born of the concerns that (1) rephrasing questions in ways which assist or coach the interviewee was a longstanding tool of employment discrimination used to benefit certain pre-selected candidates and (2) rephrasing a question, even with benign intent, can readily, if unintentionally, benefit the candidate for whom the question is being rephrased.

<sup>21</sup> HR reported that some DTH packets were being submitted without NPCC forms as required. We discovered that this was the result of some interviewers' misunderstanding related to the impact of the newly implemented electronic NPCC form. This was easily addressed with clarification, and we thank HR for bringing this to our attention. I include this example to demonstrate HR's important function in identifying issues so that they can be corrected.



to rank them. This process was also changed by the Revised Hiring Process which was implemented in the period covered by this report. To expedite hiring, these meetings are now required only when there are fewer current vacancies than the number of candidates the panel recommends for hire (via their scoring and the documentation on their Interview Evaluation Forms). Though we observed only one of these meetings in-person, we did review selection meeting documentation in our review of DTH packets. Our observations are detailed in the DTH section (immediately below).

- Decision to Hire. DTH packets contain all the documentation produced by the interviewed candidates (application, resume, transcripts, etc.) and everything generated by the interviewers and hiring manager in the interview and selection process. These packets are submitted to my office after the HR's pre-offer accuracy and compliance review<sup>22</sup>. Under the new process, HR waits one business day (reduced from two business days) following submission *before* making offers. This window is meant to allow my team an opportunity to identify concerns before offers are made. This does not mean that we are unable to review and raise questions and concerns with any hiring process at any time<sup>23</sup>. Because of the comprehensive nature of these packets, this is typically where we find the broadest array of concerns. As with everything we review, we identify non-compliance that impacts the validity of a process as well as administrative errors or omissions that can easily be corrected.

- *Routine Reviews*

We conducted twenty-five routine packet reviews, which accounts for only a very small percentage of DTH packets HR reviewed and approved in the applicable period. In total, though, the types of administrative concerns and/or violations identified include:

- Improperly sorted listing of names on Interview Panel Ranking Form (“IPRF”)
- Candidate with an average interview score below the threshold to consider for ranking included on the IPRF. (Because the candidate was not ranked, this was administrative)
- Interviewer who did not attend all of the interviews participated in the selection meeting at which only candidates he had not interviewed were eligible for consideration
- Interviewer absence from an interview or interviews without written justification
- Interview questions that did not support validation of required qualifications<sup>24</sup>

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<sup>22</sup> HR reviews DTH packet submissions, identifies any errors or omissions, and guides the department toward correction/supplementation before moving forward with offers. When HR identifies issues in DTH packets that require remedial action, they bring them to our attention.

<sup>23</sup> Considering the size of our staff, the volume of systemwide hiring, and multiple competing priorities, we conduct compliance reviews of only a small percentage of DTH packets and real-time reviews are rare. These reviews were conducted after the one-day pre-offer review period.

<sup>24</sup> This was caught by HR before the hiring process concluded and was addressed.

- Offers made for one requisition after the expiration of the requisition and with some IEF documentation missing<sup>25</sup>
  - *Targeted Reviews*

As addressed above, we discovered last year that my office and the OIIG did not always receive notice and an opportunity to verify the qualifications of individuals selected for direct appointment before they were hired and onboarded. We learned of these un-checked hires via new leadership announcements, by review of orientation lists, and/or by encountering these hires during Plan-required new leader training. When two high-level hires were announced at a leadership meeting, we located the DTH packets to verify that they had *not* been hired as direct appointments without our knowledge. Although we quickly determined that they had not been direct appointments but rather were actively recruited positions, our review of the DTH packets revealed some non-compliance with the Revised Hiring Process. For example, we observed in these two particular packets that the interview questions did not satisfy the new process requirement to validate minimum qualifications.<sup>26</sup> When we examined the remaining documents in the packets, we concluded one of the hires did not possess required clinical experience. Though the packet for the other hire we reviewed contained evidence of more technical, administrative missteps in the process, it did not result in the hire of an ineligible candidate.

Since the DTH packets for both above hires were approved by HR in the same week, we decided to review the remainder of that week's applicable DTH packets<sup>27</sup>. Our objective was to determine whether the new requirement to validate candidates' qualifications via scripted interview questions was being enforced, and whether any other candidates were hired despite failing to demonstrate possession of all minimum qualifications<sup>28</sup>.

Thirty-four candidates were ranked in the twenty-four requisitions we reviewed. The following breaks down our findings related to the interview questions and whether candidates demonstrated possession of the minimum qualifications for their respective positions:

- Eighteen of the twenty-four requisitions (75%) failed to utilize interview questions that adequately tested the candidates' minimum qualifications or failed to utilize validating questions at all.

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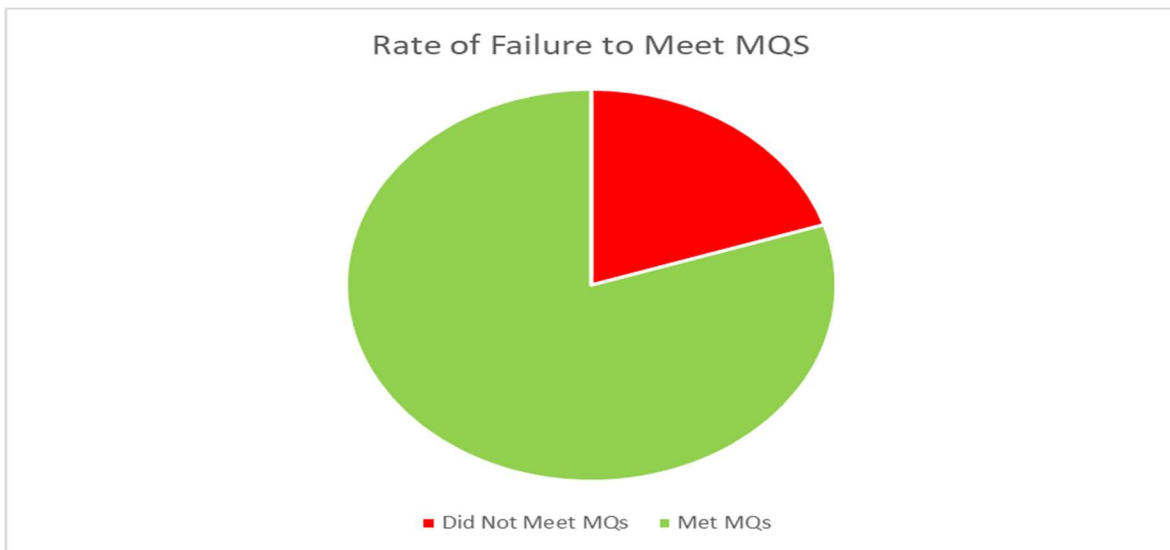
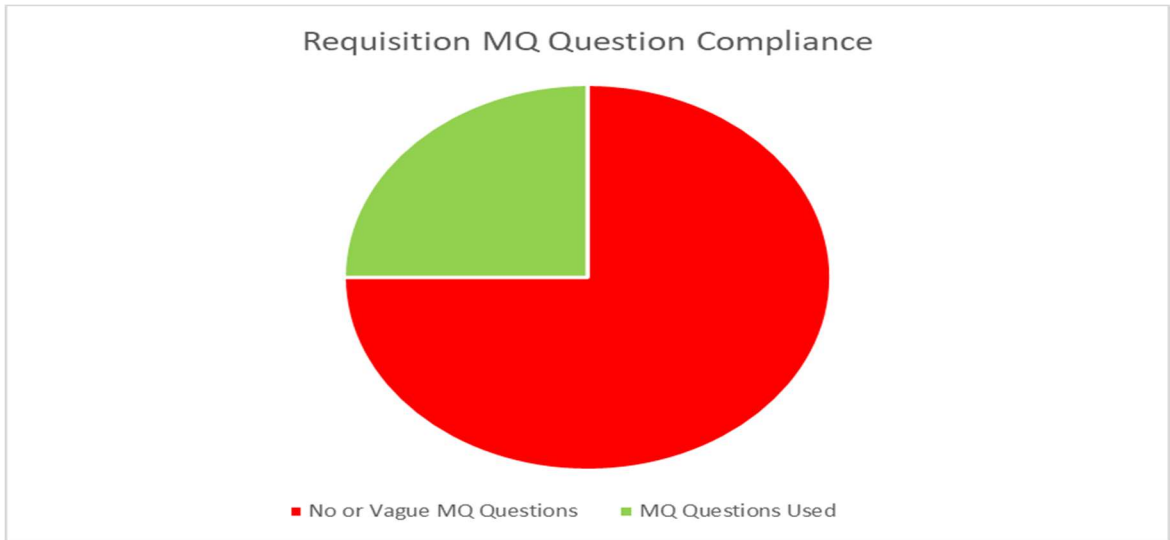
<sup>25</sup> A requisition lives for twelve months. The interviews had been conducted in June 2021 but the packet had not been submitted to HR until November 2021. The packet was brought to our attention in September 2022 related to the fact that documents were missing.

<sup>26</sup> We contacted the recruiter that had approved the packet. After examining the packet again, the recruiter shared the EPO assessment that the candidate did not possess the requisite clinical experience.

<sup>27</sup> Our sample included only Revised Hiring Process requisitions in which candidates were recommended for hire and ranked.

<sup>28</sup> Because we were looking specifically at whether the additional layer of validation was utilized and, if not whether the hires were qualified, we did not look at other types of potential non-compliance in the packet where the individuals ranked were qualified.

- Of the thirty-four candidates who were ranked, the EPO concluded seven candidates (20%) failed to demonstrate minimum qualifications in their application materials or interviews



While it is concerning that interview questions failing to satisfy the new requirement were frequently approved and utilized, it is more concerning that 20% of the ranked candidates in this sample did not demonstrate possession of minimum qualifications and that five ineligible candidates have been hired and onboarded<sup>29</sup>. It is worth noting that ineligible candidates are

<sup>29</sup> To provide an example, one clinical position required a minimum number of years of a specific type of experience relevant to the position. The selected candidate’s application materials did not describe experience meeting that requirement and should not have been selected by the department or approved by HR to be interviewed – especially since the candidate was internal and both the department and HR should have been

ranked in a final DTH packet only when there have been failures at multiple steps in the hiring process (validation, approval of interview list, interviews, selection, and approval of DTH packet).

As described earlier in this report, we took action to support compliance by addressing interview validations with HR staff and by providing HR's optimization consultants with Plan content for a tool/resource used by hiring managers and HR for submission and approval of interview questions. It is our hope that these efforts, combined with the HR's upcoming refresher on the Revised Hiring Process, will reduce recurrence.

We advised HR of the requisitions that resulted in ineligible hires to provide them with an opportunity to review the processes. HR leadership disagreed with our analysis regarding eligibility of three of the seven candidates, including the candidate whose assigned recruiter had agreed was not qualified. While HR's analysis is not consistent with ours, our conversation with HR demonstrated that some minimum qualifications are written in a way that reasonable minds can differ on how to interpret them. The existence of unclear minimum qualifications, that allow for subjectivity in screening, is a concern because this creates vulnerability for interpretation inconsistent with what is truly required and for unlawful decision-making. Care should be taken to ensure that minimum qualifications are clear and objective before a position is posted.

Because ineligible hires were identified in the small sample we reviewed, HR leadership may wish to consider the feasibility of conducting a broader audit.

### **Advanced Clinical Positions (ACP)**

As described earlier in this report, this hiring process is utilized to hire credentialed staff, and the process and documentation are significantly different than our two most frequently used hiring processes (currently impacted by the Revised Hiring Process).

We evaluated eight ACP processes completed in the applicable period, primarily through the review of DTH packets. This constitutes only a very small percentage of ACP hiring completed.

- For one position, the department failed to include the job application of the selected candidate
- For one position, the department failed to attach interview notes for the selected candidates
- For two positions, HR did not sign the form used to verify that they validated the selected candidate's qualifications

### **Hiring Fairs [currently modified via the Revised Hiring Fair Process]**

- **Historical Context**

A temporary Revised Hiring Fair Process was approved for implementation last March to introduce efficiencies meant to expedite the process and to provide for day-of-fair job offers.

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aware that the experience the candidate relied upon was not equivalent to what was required. The interview questions developed by the hiring manager, approved by HR and utilized by the interviewers did not contain any questions seeking to verify that the candidate met the minimum qualifications, and no discussion appears to have taken place with the candidate regarding that issue. The interview panel recommended the candidate for hire, the hiring manager agreed, and HR did not identify the candidate's ineligibility in its compliance review, and the candidate was hired.

Though we did not have the resources to fully monitor and/or audit each fair, I included concerns we identified in a fair conducted in April and one of several fairs conducted in August in my last semi-annual report.

The following types of errors/non-compliance were identified *at that time*:

- Some job postings were inaccurate, late or otherwise non-compliant
- The interview questions for some positions did not validate the experience minimum qualifications as required in the new process<sup>30</sup>.
- HR did not provide my office with notice and an opportunity to review the final Hiring Fair files (hiring fair process alternative to producing DTH packets by requisition) prior to onboarding selectees.
- The newly developed request/planning/approval process (designed to ensure that the requirements necessary to conducting a complaint fair are addressed before a fair is officially announced given significant reductions in posting and notice timelines) was not utilized in the manner intended<sup>31</sup>.
- HR was utilizing a screening procedure that violates the Plan<sup>32</sup>

In that report, I renewed recommendations made in previous reports regarding the development of fair-related standing operating procedures and training for both hiring managers and HR. Several factors supported these recommendations include:

- The Revised Hiring Fair Process contains new procedural and documentary requirements and requires significant planning and coordination between and amongst the hiring departments, HR and support staff before, during and after the day of a fair
- The new process was modified via approved amendments several times in the months after its initial approval, and changes were not sufficiently communicated to CCH-employed participants to ensure consistent and compliant implementation
- HR's leadership team was stretched due to competing priorities and was not able to provide the level of real-time oversight and guidance necessary to compensate for the absence of the level of training and resources provided to HR and hiring departments for existing hiring processes.
- The fast pace/frequency of use of the new process, necessitated by the need to address critical staff shortages via volume hiring, did not provide an opportunity to identify process gaps/concerns and course correct in real time

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<sup>30</sup> Adherence to this new requirement is critical particularly because neither HR nor the hiring department validate the candidates' qualifications prior to the interviews in the Revised Hiring Fair Process.

<sup>31</sup> The meetings were not attended by required participants and the fairs were planned via voluminous email communications that we were not able to keep up with.

<sup>32</sup> Through a question raised regarding eligibility of a fair applicant who had recently interviewed for a non-fair requisition to be scheduled for a hiring fair overflow interview, we learned that HR had been disqualifying applicants based upon criteria not provided for in the Plan . We raised this concern with HR, and it is our understanding that this process is no longer utilized.

- A significant portion of fair-related work was being performed and managed by new and contracted staff not otherwise familiar with the Employment Plan or CCH generally
- The EPO was not able to consistently or comprehensively provide real-time oversight and guidance due to the frequency, scope and complexity of fairs, short staffing in the department, and multiple competing priorities
  - August Fair

We met with HR’s leaders and project managers after the August fairs to discuss our observations and recommendations. We expressed the need for one source of all process requirements (via documentary consolidation of the initial process and all subsequent amendments) to prevent future non-compliance and discussed expectations regarding document maintenance. In the last semi-annual report, issued in September, I advised you of our intention to conduct a more thorough review of another one of the several fairs conducted in August. The purpose behind this review was to take the opportunity to look at a fair holistically to evaluate whether there are any gaps in the process itself, whether HR and the hiring departments are implementing the process as intended and to identify if/where any additional procedures or support is necessary to ensure compliance.

Some fairs are more complex than others due to factors such as the number of departments, job titles and postings involved, whether pre-employment proficiency testing is required<sup>33</sup>, whether blitz-style interviewing<sup>34</sup> is involved, and whether there are any other non-standard circumstances<sup>35</sup>. We chose to address our observations of the most complex August fair since these are the most challenging to implement and a firm grasp of process requirements is required to ensure compliance at all stages.

We monitored/audited pieces of the process *prior* to and on the day of the fair<sup>36</sup>, as well as the complement of data and documents generated during and after the fair. The concerns we identified include:

□ *Pre-Fair*

- The then-new fair planning and approval process was not implemented in the manner intended. Required participants did not attend the meeting, a hiring fair plan was not solidified for approval during the meeting, and the planning process took place via voluminous and chaotic email communications.

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<sup>33</sup> Examples of this type of testing include typing and bilingual assessments.

<sup>34</sup> Hiring Fair positions are posted by shift and location, meaning that there are often several requisitions (postings) for the same job title. Blitz-style interviewing is utilized when an applicant applies to more than one requisition for the same job title so that they interview only once, and the scoring and recommendations are considered across all requisitions. While this streamlines the interview process, it requires attention to detail on the backend to ensure that there is a complete record for each requisition.

<sup>35</sup> One example is when there is a larger volume of Hiring Fair registrants than our panels are able to accommodate on the scheduled fair date. This requires the scheduling of additional interview and completion of the process within a period of days following the Hiring Fair date. Additional factors must be considered, and there are additional documentation requirements.

<sup>36</sup> Postings, marketing, notice, etc.

- Some Notices of Job Opportunity were non-compliant either due to erroneous or missing content or being posted for less than the minimum number of days<sup>37</sup>
- Some job titles that should have had multiple requisitions/postings (for each shift and location of the vacancies) were nonetheless consolidated into one position posting<sup>38</sup>
- Official fair notice was not provided to the OIIG at least 7 days in advance of the fair (a requirement that had been reduced from 30 days)
- The interview questions failed to require the candidates to demonstrate possession of the minimum qualifications, which is especially critical in this hiring process that does not include any validation prior to the interviews.

□ *Day of Fair*

- The fair registration document<sup>39</sup> was not completed to reflect which applicants were eligible for offers and which offers were accepted. Additionally, there are instances in which it is unclear whether an NPCC for a registrant was collected, whether their preliminary (computer-based) eligibility was verified, and/or whether they were offered an interview.
- Interview Evaluation Forms (“IEFs”) and DTH forms were not stored in the hiring fair framework set up in Microsoft Teams (by requisition/posting and candidate)<sup>40</sup>
- The IPRF was utilized and maintained within Teams. Use of this form, which is utilized in other hiring processes, is not indicated for fairs as panels do not rank candidates in the Revised Hiring Fair Process<sup>41</sup>. Offers are made to eligible candidates chosen by the hiring manager on a rolling basis.

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<sup>37</sup> HR leadership advised us that this was addressed and remediated.

<sup>38</sup> Requisitions are required to be posted by shift and location in the Revised Hiring Fair Process to support efficient and transparent processing both on the day of the fair and after (as candidates recommended after all available vacancies are filled are placed upon a ranked list and offered future vacancies during the twelve months following the fair). This same violation was identified for other August fairs. It is my understanding that HR is currently working on proposal to change this requirement.

<sup>39</sup> As individuals arrive on the day of the fair, they go through a registration process to check in, verify that they have completed applications for all requisitions of interest, and the registration team collects NPCCs, verifies that they are preliminarily eligible (did not admit ineligibility on their application), and identifies the candidate’s order of preference if interested in multiple positions. This is important because they are sent to interview by order of preference given that offers are made on a rolling basis as decisions are made and that time of interview is used as a tiebreaker when candidates are ranked after all current vacancies have been assigned. There are also fields to track which candidates received offers and which accepted.

<sup>40</sup> A framework had been developed utilizing Teams to provide for transparency and document management. Each requisition was to have its own folder within which subfolders for each candidate and for other documents including the Notice of Job Opportunity, DTH forms and Consolidated Ranked List may be found.

<sup>41</sup> I suspect the administrative support team may have used the form (an Excel spreadsheet) as a tool to calculate average interview scores, but documentation on some of the forms make it appear that it was also potentially used to rank the candidates. None are signed.

- The Consolidated Ranked List<sup>42</sup> (“CRL”) Forms were not completed consistent with process requirements and were not finalized or signed (NPCC).
- One panel was discovered to be holding on to their candidate evaluations and recommendations for a particular requisition rather than providing them to the hiring manager after each interview to allow the hiring manager to make decisions on a rolling basis. Because it was a supervisory position with only one vacancy, the panel expressed their preference to conduct a selection meeting and rank the candidates after the completion of interviews. Holding onto evaluations and ranking candidates goes against the Revised Hiring Fair Process<sup>43</sup>.

□ *Post-Fair*

- HR did not provide my office with notice and an opportunity to review the files prior to onboarding selectees<sup>44</sup>.
- Upon recent review, the registration document had not been updated, the IEFs and DTHs had not been filed in Teams, the IPRFs had not been removed from Teams, and the CRLs had not been properly sorted finalized, maintained with data regarding post-fair offers, or signed (NPCC).

- More Recent Fair Activity

Fairs have continued at a fast pace with thirteen fairs conducted in the months covered by this report (seven occurring after August). Due to current staffing in our office and multiple competing priorities, we were not positioned to attend every fair or review the substance of the interview and selection documents for compliance.

Between July and December, we attended fair planning meetings and approved fairs when all requirements were met, spot checked some of the postings and other pre-fair documentation, attended most of the fairs (at least for brief intervals), made ourselves available on-site to provide guidance or support as issues or questions arose, and conducted a broad stroke review to determine what documents were maintained in Teams and whether the types of concerns identified in our review of the August fair were present.

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<sup>42</sup> The CRL is a form HR utilizes to track the currently available PIDs (vacancies) as they are assigned on the day of the fair, the ranked order of candidates recommended for hire after all current vacancies were exhausted, and subsequent hires as additional vacancies present during the 12-month life of the applicable fair requisition. Candidates are to be ranked by order of highest to lowest interview score, with the time of interview utilized as a tiebreaker when necessary.

<sup>43</sup> Though the desired process would not violate the spirit of the Plan, it would violate the Revised Hiring Fair Process which specifically built in the requirement to make decisions and offers on a rolling basis and eliminated post-fair selection meetings. This change was implemented to expedite the process. Where a department wishes to have that type of flexibility for a particular requisition, a hiring fair is not the place for it. This lack of hiring department understanding regarding the impact of using this process demonstrates the need for comprehensive hiring fair training.

<sup>44</sup> The Revised Hiring Fair Process allows HR to provide my office with notice of the completion of/location of all fair-related materials before onboarding candidates as an alternative to preparing DTH packets, which would be time consuming in high volume.



Our notable observations include:

□ *Pre-Fair*

- The planning process evolved over time as process-related concerns were identified, with a final change being made as recently as a few weeks ago. We believe that the process has proven to be beneficial and has had the intended impact of supporting compliant implementation of our fairs<sup>45</sup>. That said, errors that the planning process should have prevented were made
  - ♦ One fair included PIDs (number assigned to a budgeted vacancy) that were not available to be assigned to hiring fair attendees as they are selected for hire on the day of the fair because they were assigned to earlier hiring processes that had not concluded. The PIDs were pulled from the fair as required once HR discovered the oversight
  - ♦ Another fair included a PID that was not available because it was assigned to a pending requisition. We became involved when HR was preparing to assign it via a fair offer<sup>46</sup>

□ *Day of Fair*

- An interviewer left the fair before the fair concluded due to a pre-existing personal commitment. Panelists assigned to a fair are required to be present and participate for the entirety of a fair<sup>47</sup>
- IEFs and DTH forms were still not being stored in the hiring fair framework set up in Microsoft Teams (by requisition/posting and candidate)<sup>48</sup>
- The IPRF was still being utilized and maintained within Teams
- The CRL forms were still not being completed in a manner consistent with process requirements

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<sup>45</sup> Before a fair is approved, HR and the hiring department work together to verify that the PIDs to be offered at the fair are truly free and clear, that there are enough trained and eligible participants assigned to serve as panelists, support, and recruitment on the day of the fair, that panel composition requirements are met, that the positions will be posted and marketed as required, and that the interview questions will prompt the panelists to fully validate all required qualifications.

<sup>46</sup> This impacted an applicant. Recommendations for remedial action were provided.

<sup>47</sup> Though this was a one-time occurrence, I bring it up as demonstrative of a broader observation. It is not uncommon that interviewers request or express their intention to serve “on call” on the day of the fair, meaning that they would work in their department and that HR would contact them as needed to conduct interviews. Because the fair process involves many participants and moving parts, this is not something that can be accommodated. This is the type of information that will be included in the comprehensive training module so that departments understand what is expected before a fair is approved and scheduled. Where hiring departments are unable to commit to the entire day, there would need to be a decision as to whether the hiring fair process is the best option or whether the department’s fair should be shorter than what is standard.

<sup>48</sup> HR advised us that this was due to technical difficulties and bandwidth. This is now managed by a contractor.

□ *Post-Fair*

- A candidate who failed to sign his/her job application was offered a position. This is inconsistent with standard practice (considered an incomplete application)<sup>49</sup>.
- Consistent and compliant completion of documents remained a concern, though some fairs were more compliant than others (particularly with the registration form)
- Document maintenance remained a concern
- Notice to the EPO (DTH packet equivalent) of selectees scheduled for onboarding remained a concern

We engaged HR again more recently after encountering document maintenance and transparency challenges with the fairs conducted in the months covered by this report. By the time we met, HR had already identified the same types of issues and had been working internally to develop document maintenance procedures to apply both retroactively and prospectively. They invited our input, which we happily provided. Given the apparent priority HR has given this and the collaborative spirit they exude, I am confident that these concerns will be remedied and unlikely to recur.

At the same meeting, we also raised questions about the ranked lists. As above, the ones visible to use in Teams not completed, signed or appropriately sorted, making us question whether that part of the process was being utilized. It quickly became apparent that there was a misunderstanding of process requirements.

We explained the process and they asked for a copy of the process itself. I explained that the original process had been modified via several subsequent amendments and had never been formally updated to include all modifications. I further explained that HR leadership will be creating a single comprehensive document incorporating the original Employment Plan and subsequent amendments.<sup>50</sup> Because comprehensive training has not been finalized and because I understand that this task may take HR leadership another month or two to complete, I recommend that HR distribute checklists for both Hiring Managers and HR that were developed for distribution as resource materials with the electronic hiring fair training module (that has not been finalized)<sup>51</sup>.

Based upon the observations and factors provided above, I recommend that the hiring fair training modules for Hiring Managers and HR be finalized and circulated as quickly as possible.

### **Letters of Recommendation**

The Plan requires my office to review all letters of recommendation (“LORs”) submitted by applicants and candidates and forward any that constitute a Political Contact to the OIIG. Hiring

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<sup>49</sup> In this instance, HR recognized the application was incomplete and declined to move forward until receiving instructions from CCH leadership. Justification of the decision, which was based upon legitimate operational need, was documented for transparency. My office asked that signature checks be incorporated into the registration process going forward.

<sup>50</sup> This is necessary to establish shared understanding within and outside HR of HR processes. This will likewise facilitate the general public’s ability to observe the Employment Plan on CCH’s website as required by the Plan itself.

<sup>51</sup> Because these checklists were developed early, possibly before amendments were approved, the content should first be reviewed for accuracy and completeness.

departments are trained to forward LORs to us upon receipt (as opposed to after the hiring process) so that a determination may be made as to whether the recommendation is a Political Contact that must be reported to the OIIG. Only valid recommendations may be considered by our hiring teams.

- In the months covered by this report, only one LOR was submitted and did not constitute a Political Contact.

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## SUPPLEMENTAL POLICIES

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As with our hiring processes, a CBA governs any time one of our supplemental policy provisions conflicts with the impacted employee's CBA. For this reason, implementation of these policies relative to unionized employees are often impacted by CBAs.

### **Demotion (#02.01.20)**

This policy, which applies to both union and non-union employees, is utilized to transfer an employee to a position in another classification with a lower grade based upon poor performance. A department head initiates the process by submitting a request form to the CHRO (or designee) who determines whether demotion is appropriate. The CHRO sends notice of the decision to both the department head and my office and implements approved demotions, making sure the employee is placed into a vacancy for a position he/she is qualified for.

- There were no demotions reported during the reporting period.

### **Discipline (02.01.15)**

This policy and the applicable personnel rule, applicable to union and non-union employees, govern the bases upon which discipline is issued, how the level of discipline is determined, and what documents, approvals, notice, and document maintenance procedures are required.

We reviewed just over eighty of the Discipline Action Form<sup>52</sup> packets (DAFs), which include the DAF and all related documentation, issued in the months covered by this report. Though this constituted only about one half of all discipline<sup>53</sup> issued, we reviewed all twenty-six terminations<sup>54</sup>. Consistent with past reports, attendance (tardiness) was by far the most frequent type of infraction cited.

When we review a DAF packet, we identify concerns big and small. Some of what we identify includes violations of the policy or applicable personnel rule that do or could impact validity of the discipline issued, while others are more administrative in nature.

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<sup>52</sup> The DAF is the form utilized to document discipline issued to an employee. It includes basic information about the subject employee, identifies the initiating supervisor, identifies

<sup>53</sup> Counsels also involve completion of forms and submission to HR. There were 119 in this reporting period. We did not review them.

<sup>54</sup> Though the number of terminations in the applicable period is relatively high, many were related to non-compliance with our employee COVID-19 vaccination policy.

- **Observations**

The types of violations and other concerns identified for the applicable period are consistent with those identified in past reports:

- Failure to complete fields such as the subject employee or supervisor's employee I.D. number, the employee's date of hire, the date of the incident at issue, and/or the employee's union
  - We identified this type of concern in ten of the DAFs.
- Failure of management to check the box on the form verifying that management conducted an assessment before issuing discipline
  - We identified this type of concern in nineteen of the DAFs.
- Failure to provide usable or sufficient information in the 'Corrective Action History' section of the form<sup>55</sup>
  - We identified this type of concern in fifteen of the DAFs.
- Failure to identify prior disciplinary actions where necessary to demonstrate that the progression was followed<sup>56</sup>
  - We identified this type of concern in five of the DAFs.
- Failure to complete the section of the DAF form used to document the facts supporting the discipline
  - We identified this type of concern in one of the DAFs.
- Failure to complete the 'Future Action' section of the form, which is utilized to provide the subject employee with notice regarding expectations and any future action that will be implemented to support the employee and prevent recurrence (e.g., additional training)
  - We identified this type of concern in one of the DAFs.
- Failure to obtain all necessary approvals prior to the issuance of discipline (HR or department head)
  - We identified this type of concern in sixteen of the DAFs.
- Failure to secure the subject employee's signature on the DAF form to evidence issuance (or absence of a witness signature where an employee refused to sign, failed to attend the issuance meeting, or attended the issuance meeting virtually)
  - We identified this type of concern in twenty-three of the DAFs.

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<sup>55</sup> For minor cause infractions, supervisors are required to list prior discipline considered, as the personnel rules limit what infractions may be considered in implementing discipline. Insufficiencies include reliance upon disciplines that may not be considered or failure to document the level of detail necessary to evaluate whether a progression was properly followed. While this can be evaluated by accessing the employee's full discipline file, best practice is to include all information necessary to evaluate compliance of a disciplinary action within the DAF packet.

<sup>56</sup> This type of non-compliance is identified when the corrective action history does not include discipline at an earlier level, where required.

- Failure to include all required documentation in the DAF packet (e.g., evidentiary documentation, pre-disciplinary notice, hearing officer decision)
  - We identified this type of concern in thirty-seven of the DAFs.
- Failure to submit the DAF packet to HR/late submission of DAF packet to HR
  - We identified this type of concern in ten of the DAFs.

Consistent with past practice, we shared our observations with designated HR staff who then followed up with the issuing supervisors, if necessary, to provide guidance and/or require correction or supplementation. We are very pleased with the role of the HR Business Partners<sup>57</sup> in supporting supervisors in the process, requiring corrections or supplementation, or providing direct guidance when they or my office identify violations and/or other procedural concerns.

- Because of the small size of our office and the large number of competing priorities, we were unable to provide as much direct guidance (or formal notice of non-compliance) to issuing supervisors as in the past. Our intention is to engage more directly with leaders once we are adequately staffed.
- My office and HR continued to offer optional monthly discipline refresher training.
- We worked with HR toward developing a tool for use by supervisors to guide efficient and compliant implementation of the policy. This tool is addressed more fully in the ‘New & Upcoming’ section.

<b>Grade 24 Positions: Classification (#02.01.21) and Salary Adjustments (#02.01.22)</b>
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The Classification policy governs how the salaries of new and vacant existing grade 24 positions are set. Unlike lower-graded positions, the salaries for these high-level management positions with titles bearing the designation of “Director,” “Senior Director,” “System Director,” “Executive Director,” “Officer,” or “Chief,” etc. or are positions that require an advanced degree, professional license and specialized skills take an array of factors<sup>58</sup>, including review of relevant market data, into account. Based upon consideration of the factors, HR’s classification & compensation team makes a recommendation (via a form) which must be approved by the CHRO (or designee). Approved forms are submitted to my office and the OIIG when they are included in DTH packets, and the CHRO is required to explain any instances in which the final salary differs from classification & compensation’s recommendation.

- We reviewed the Grade 24 determinations provided with Direct Appointment RTH packets addressed in this report and did not identify anything of concern.

The Salary Adjustments policy governs how salaries of these positions may be adjusted. Like the process for setting the salaries, the process is initiated using a request form and there is an array of set factors that are considered. The CHRO (or designee) evaluates the request and makes a

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<sup>57</sup> The HR Business Partner position was created last year and three of four vacancies were filled. The HR Business Partners perform the very important function of assisting employees with HR policies and procedures as well as employee relations matters.

<sup>58</sup> Factors include but are not limited to scope of the position, whether it is hard to fill, the level of the position, and the fiscal responsibility of the position.

recommendation to the CEO (or designee) for review and approval. Notice of the CEO’s determination is provided to the leader who made the request, my office and the OIIG.

- No Grade 24 adjustments were produced for our review for the months covered by this report.

**Interim Assignment (#02.01.16) and Interim Pay (#02.03.01)**

These policies govern the processes by which employees<sup>59</sup> may be assigned to interim roles (or to temporarily perform additional duties), qualify for and earn interim pay, as well as how much the pay is and how long these assignments and pay should continue. They have been utilized much more heavily and for longer periods of time in the face of the hiring and staff retention challenges encountered over the past three years.

I raised concerns in the past few semi-annual reports regarding the policies’ compatibility, compliance with their requirements and the level of transparency provided in the submissions<sup>60</sup>. There is overlap between the policies and, as discussed below, areas where the policies could be made more uniform to improve both application and transparency.

- **Observations**

To better demonstrate our concerns, we evaluated compliance of interim assignments and pay newly approved or extended during the months covered by this report. This involved examination of the initial and renewal approval packets and other information supplied by HR.

At the time of our review, there were forty employees subject to these policies. We evaluated the documentation to assess compliance with various policy requirements (e.g., employee eligibility, interim assignment duration, timely approvals etc.).

The following represents our findings:

- Documentation of Data Supporting Eligibility for Interim Assignment<sup>61</sup>

Demonstrated Eligibility	Failure to Show Eligibility	Rate of Compliance
17	23	43%

Reasons for failure to demonstrate eligibility for an interim assignment most often involved assigning union employees and failing to attach documentation required to demonstrate that the employee possesses all minimum qualifications for the interim role. Other failures included a lack of information that the employee had been performing the duties of the interim assignment for at least thirty days or that the employee was non-probationary.

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<sup>59</sup> The Interim Assignment Policy applies to all employees whereas the Interim Pay Policy applies only to non-union employees.

<sup>60</sup> To support transparency, all information necessary to evaluate compliance with a policy should be included on the face of or attached to the form utilized to document the employment action.

<sup>61</sup> We are not opining that the assigned employees were not eligible but simply that the documentation required to demonstrate their eligibility was not provided.

- Documented Data Supporting Eligibility for Interim Pay<sup>62</sup>

Demonstrated Eligibility	Failure to Show Eligibility	Rate of Compliance
2	38	5%

Reasons for failure to demonstrate eligibility for interim pay included failures to detail when an employee began the interim role, failure to outline the nature of additional duties, untimely requests or where interim pay was sought for an employee to perform work in a title that did not exist or was equal or lower than the position occupied by the employee.

- Required Requestor

Request by Senior Leader	Request not by Senior Leader	Rate of Compliance
40	0	100%

- Required Request Form Content

Required Content Included	Failure to Include	Rate of Compliance
12	28	30%

The most frequently excluded content from initial and extension requests included employee resumes, interim and current job descriptions and information concerning vacancy inception, duration and conclusion.

- Required Advance Extension Request/Approval

Total Assessed Extension Requests per Employee	Untimely Request by Department	Untimely HR Approval <sup>6</sup>	Dept. Rate of Compliance per Employee	HR Rate of Compliance per Employee
4	1	2	75%	50%
3	1	2	66%	66%
1	0	0	100%	100%
3	1	0	66%	100%
3	3	0	0%	dna
2	2	0	0%	dna
4	4	0	0%	dna
2	1	0	50%	100%
4	3	0	25%	100%
3	1	0	33%	100%

<sup>62</sup> We are not opining that the employees were ineligible for pay, but rather than the documentation did not address the criteria relevant to assessing eligibility.

1	1	0	0%	dna
4	1	2	75%	50%
2	2	0	0%	dna
3	2	0	66%	100%
3	3	0	0%	dna
2	1	1	50%	50%
4	0	1	100%	75%
3	1	2	66%	33%
1	1	0	0%	dna
2	0	0	100%	100%
2	1	0	50%	100%
1	1	0	0%	100%
3	0	1	100%	66%
3	3	0	0%	dna

As observed above, there is substantial non-compliance with the terms of the policies which require advance request and approval for extensions of interim pay. Average rate of compliance for departmental requests was 47%. Compared to departmental requests, HR appears more adept at executing timely approvals with a rate of 83% compliance in timely approving timely requests. Of concern, in many circumstances we observed that the user department was submitting requests which were well after the expiration of the initial interim assignment period or preexisting extension period but sought and received retroactive interim pay and new extension periods, nonetheless.

Relative to extensions, it is also worth noting that the Interim Pay Policy does not anticipate lengthy interim assignments absent demonstrated need. In the submissions reviewed for this report, half received approvals extending to one year (and some approaching or at 2 years) and the information the departments provided on the extension request forms often lacked the level of detail necessary to justify the ongoing assignment<sup>63</sup>.

#### Pay Amount Compliance

Compliant	Non-Compliant	Insufficient Data in Earnings Report Produced to EPO
12	2	26

<sup>63</sup> For positions that are truly vacant (assignment not related to an employee's leave of absence), extensions beyond the initial six-month period should minimally confirm that efforts are underway to fill the vacancy and explain any challenges encountered requiring additional time.



Interim earnings reports have been inconsistent insofar as they have failed to specify earnings of medical staff. We intend to address this with the organization going forward so that we are in a better position to assess compliance<sup>64</sup>.

- **Recommendations**

We believe that the two respective policies, each the product of a different time and different objective, are nonetheless sufficiently overlapping that leadership should either engage a process to redraft both policies or combine them in a way that eliminates inconsistencies between the two.

<b>Layoff/Recall (#02.01.17)</b>
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This policy, which applies to both union<sup>65</sup> and non-union employees, governs the process by which layoff decisions are made and recalls are completed. Layoffs must be based upon specific operational and/or budgetary needs of the department or CCH. The senior leader over the applicable area determines which positions (job titles) are subject to the layoff. Probationary employees in those positions are identified first, and any additional layoffs are determined by the senior leader considering an array of specific factors. The senior leader provides notice to the CHRO via a form and the CHRO notifies the impacted employee(s), my office and the OIIG. The CHRO advises employees of their eligibility for recall, and HR is required to produce an updated Recall List to my office and the OIIG no less than once per year.

Though there were no layoffs implemented in the months covered by this report, we received paperwork in the applicable timeframe related to COVID-19 contact tracer layoffs executed in April and May of last year.

- We did not identify anything of concern in the paperwork and learned that many of the employees identified for layoff landed in new CCH roles via the applicable collective bargaining agreement's job elimination/displacement process.
- According to our records, the last time HR produced a Recall List was in June 2021.

<b>Reclassification of Positions (#02.01.11) and Desk Audits (#02.01.19)</b>
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Reclassification is the process utilized when the duties of a position, series of positions, or a group of different positions (the principal job duties of which are substantially equivalent) have diminished, increased or otherwise changed due to circumstances *not* related to the performance or identity of any individual holding the position(s).

- **Observations**

Under the policy,

- The department head initiates the process by submitting a request form to the CHRO (or designee)

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<sup>64</sup> As mentioned previously, our goal is to work toward a mechanism that will capture all aspects of implementation of an interim assignment/interim pay on the face of or attached to the form that is submitted to my office.

<sup>65</sup> This policy applies to both union and non-union employees, but the applicable CBA governs where it conflicts with the policy.

- The request must include: (1) a list of the position(s) proposed for reclassification; (2) the name(s) and grade(s) of the employee(s) and position title(s) for the position(s) proposed for reclassification; (3) identification of the position title and grade of the reclassified position(s), if known by the department head; (4) the basis or bases for the requested reclassification, including, but not limited to, the specific job duties of the position that have changed, a list of the duties the new position, and an existing or proposed departmental organization chart; (5) copies of the current and proposed job descriptions for the position(s); and (6) a NPCC.
- The CHRO (or designee) independently reviews the request and related documents to determine whether the reclassification is justified.
- The CHRO (or designee) conducts a desk audit of the position and asks the department head for additional information, if necessary
  - HR conducts a market study for non-union positions, if necessary, with consideration given to the timing and accuracy of any prior market study on file
  - The CHRO (or designee) sends written notification of the approval or denial to the department head, with a copy my office.
    - All approvals are contingent on funding approval. Grade, title and/or compensation changes applicable to an approved reclassification are implemented by HR.
  - All Employees reclassified and all employees participating in any reclassification of a position or any employment action relating to it must sign a NPCC

In our last semi-annual report, I reported that I learned of the approval of reclassifications from a prior reporting period too late to include in that report and committed to addressing them in this report. For that reason, the information and analysis provided in this section includes reclassifications that were approved or denied prior to July of 2022.

We reviewed three denials, four approvals<sup>66</sup>, and learned of several pending requests. In our review, we identified the following types of concerns in the documents:

- The requests forms do not always include all information or attachments required by the policy
- HR's determination forms (which contain the CHRO's NPCCs) were not always completed and that other required NPCCs were not always executed and/or included.
- Determination submissions are not standardized and are not submitted to our office in a set cadence (upon approval or denial)

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<sup>66</sup> We were advised that a reclassification request had resulted in the approval of a job title update (no additional pay) for a direct appointment. The paperwork submitted did not show approval and there was no mention of a job description update despite the fact that the request included additional duties as a basis. We were also provided with a desk audit report reflecting an approved reclassification without any other process documentation.

- **Recommendations**

We discussed these observations with the classification and compensation supervisor in recent months and learned that the reclassification process has been identified among the priorities to be addressed by an optimization consultant team.

Our wish list for optimization includes:

- Development of a standardized operating procedure and training for the classification and compensation team, including procedures for documentation, document sharing and document maintenance
- Development of a shared database for reclassification materials or a shared tracking mechanism

<b>Third-Party Providers (02.01.18)</b>
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This policy governs the retention and performance of those contracted to perform recruitment functions. In the last semi-annual report, I explained that this policy had been utilized somewhat infrequently until recently when HR began contracting with several vendors to bring to help facilitate the level of hiring necessary to support ongoing success of our operations. At that time, I also committed to reporting on implementation of the policy in this report.

- **Observations**

Under the policy,

- Contractors may only be retained by the CHRO with CHRO approval
  - Department Head must submit written request to CHRO
  - CHRO and Department Head ensure that the terms of the contract comply with the Employment Plan, Supplemental Policies, and Personnel Rules
- Contracts must be compliant
  - Terms of the contract comply with the Employment Plan, Supplemental Policies, and Personnel Rules
  - Terms of the contract must require Third-Party Providers performing hiring activities to comply with the Employment Plan, Personnel Rules and this policy and refrain from engaging in any activities based on any political reasons or factors
    - \*To ensure compliance, Third-Party Providers must receive the HR training applicable to their contracted functions.
- CCH and Contractors must execute No Political Consideration Certifications (NPCCs)
  - Business entity (owner) must execute a NPCC<sup>67</sup>
  - Business entity to submit executed NPCCs from their Employees upon CHRO or EPO request

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<sup>67</sup> Where a contract includes the required language about complying with the Plan and refraining from engaging in activities based upon political reasons and/or factors, the business owner's signature on the executed contract is sufficient to satisfy the NPCC requirement.

- All CCH employees involved in recommending or implementing the use of Third-Party Providers must execute a NPCC.

In our process review, we identified the following concerns:

- There was no central repository for the contracts and other policy-related documents and data
- Department head requests and CHRO approvals were not always documented<sup>68</sup>
- Not all contracts contained language specifically requiring the contractors to comply with the Plan, Personnel Rules and this policy and refrain from engaging in any activities based on any political reasons or factors<sup>69</sup>
- Some required NPCCs may not have been executed
- There was no established process for tracking individuals performing under each contract (to be used for various purposes, including verification of training status, etc.).

It is worth noting that HR and my office worked together in the months covered by this report to develop a NPCC form specifically for use by these contractors.

- **Recommendations**

We discussed our observations with HR and leadership is in full agreement with our recommendation to develop a standard operating procedure governing implementation of this policy.

Our wish list includes:

- Creation of an accessible physical or virtual file that houses all related documents for each contract
- Updates to the applicable form to fully capture the request (even when initiated by HR), approval, and all other required CCH employee NPCCs
- Accessible tracking of individuals serving under each contract (start date, job function, certification of required training, end date)<sup>70</sup>

### **Training Opportunities (02.01.13) & Overtime (02.01.14)**

These policies, which apply to both union and non-union employees, exist to ensure that overtime and training opportunities are equitably distributed. Department heads are required to track how individuals are notified of opportunities, the criteria for selection, and who received the opportunity or overtime. Unlike the other supplemental policies, NPCCs are not collected each time overtime or training is offered or assigned. Rather, NPCCs are collected semi-annually in an electronic format.

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<sup>68</sup> There is a form intended for that use, but it was not utilized. In many instances, the contracts were initiated and approved by HR, which likely explains the absence of a request and approval.

<sup>69</sup> My office and the Legal Department prepared standardized compliant language early last year that has been used in recent contracts.

<sup>70</sup> As of the writing of this report, the CHRO had already developed a procedure for this.

- NPCCs were due most recently on December 15, 2022. As of this week, ten department heads have not fully complied. We will continue our follow-up efforts.
- Due to competing priorities and our current staffing level, we did not review the department heads' logs or supporting documentation for the applicable period.

### **Transfers (#02.01.12)**

This policy governs the transfer of both union and non-union employees. Department heads have the authority to transfer employees to different work locations within their department so long as they submit a Transfer Notification Form to the CHRO and my office identifying the employee(s) transferred, the reason for the transfer(s)<sup>71</sup>, verifying that the employee remains within the same department, and that the employee's salary and grade will not change. The transferred employee must also sign a NPCC.

- There were no transfers reported in the applicable period.

### **INELIGIBLE FOR HIRE LIST**

HR and the EPO met four times during this period during which the CHRO reviewed terminations and resignations/retirements made in lieu of termination to evaluate whether inclusion on the Ineligible for Hire List ("List") was warranted. List updates were circulated five times, with one update related to modifications to our list necessitated by changes by the County's list<sup>72</sup>.

- Eleven individuals were added (including two who were added via inclusion on Cook County's list)
- Fifteen were removed. All but one was due to expiration of their time on the list<sup>73</sup>.

### **INVESTIGATIONS**

As discussed in my last report, this most recent reporting period coincided with the hire of our Program Manager, Andrew Jester, who came to us with years of experience at the OIIG with overseeing employment plan compliance and conducting investigations.

In the months covered by this report, we received five new complaints. One was resolved via administrative process and the four remaining complaints are summarized below:

- EPO2022-10. Improper substitution of an interview panelist by a hiring department
- EPO2022-11. Improper validation in past hiring sequences
- EPO2022-12. Nepotism in hiring and falsification of application materials
- EPO2022-13. Hiring department attempt to act on untimely application at a hiring fair

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<sup>71</sup> The reason must be based upon the operating needs of the department and not used as a substitute or alternative for discipline. Political reasons and/or factors may not be considered.

<sup>72</sup> Individuals on the Cook County, City of Chicago, Cook County Assessor's Office or the Cook County Forest Preserve's Ineligible for Hire Lists are added to our List.

<sup>73</sup> One former employee was removed from the List after being reinstated but was added back to the List after subsequent discipline resulted in termination.

We issued Incident Reports for ten of the investigations we closed. Those matters are summarized below:

- EPO2020-003. Allegation that CCH failed to manage a possible medical accommodation of a CCH employee arising from a work injury in 2014 resulting in the employee working completely outside of her job description. Although the investigation revealed that the employee suffered a work-related injury and was at least partially disabled as of 2014, no records or decision-maker witnesses were available us from the period in question and, as such, we could not fully determine whether there was a formal arrangement from 2014 regarding an accommodation or whether the employee remains disabled.

We recommended that HR examine the current arrangement and ensure that any accommodation, if needed, is documented and in compliance with legal requirements. We also recommended that HR and Employee Health Services take all steps necessary to ensure transparency in these types of matters. This recommendation was only recently presented to leadership, and their response to our recommendation is pending.

- EPO2022-009. Allegation that an applicant falsified application materials. An applicant, making use of four different Taleo profiles, submitted materially false information in support of her applications for employment. The varying applications, over a short period, asserted greater periods of relevant experience than that verified by the candidate's previous employer in another state.

We recommended placement of the candidate on the Ineligible for Hire List. Leadership agreed, and the applicant was added to the List.

- EPO2019-046. Allegations included both failure to hire a candidate and candidate falsification of application materials. The complaint arose from a candidate's complaint the CCH failed to follow through on an offer of employment. The preponderance of the evidence developed by the investigation showed that the candidate never received an offer, but rather contact that the candidate could not be hired in the absence of documentation necessary to demonstrate possession of all minimum qualifications. The evidence further showed that the candidate misrepresented the nature of her prior CCH work experience and, when asked to consent to an employment verification regarding a past employer, refused to provide such consent.

We recommended the candidate's placement on the Ineligible for Hire List. Leadership agreed, and the applicant was added to the List.

- EPO2020-016. Allegations included improper HR validation, prohibited contacts in an employment action, and use of private emails for CCH business. We received a complaint that an employee hired in 2019 did not then meet the minimum qualifications for the position. The complainant further alleged that the improperly hired employee's manager had received a copy of the employee's resume from the employee's paramour (with whom the manager had a professional relationship) and used her private email account to communicate with subordinates and instruct them to assist the candidate in her application for employment. The preponderance of the evidence developed by the investigation showed that, at the time of application, the employee possessed a mix of part and full-time experience which, when added together, did not amount to the minimum experience required for the position. The evidence

also showed that, although the manager’s use of her personal email in support of the candidate was prohibited under CCH policy, the “assistance” contemplated and rendered to the candidate was limited to identifying the relevant posting on the CCH website.

Since the manager is a union employee (and therefore had not received interviewer training), we recommended either that a trained leader provide oversight in the unit or that the union manager receive the trainings that non-union leaders receive to ensure leadership consistent with the requirements of the Plan and Policies. We also recommended that HR ensure all staff are sufficiently trained in identifying minimum qualifications and that leadership address the manager’s violation of the email policy consistent with past practice. These recommendations were only recently shared with leadership and are pending.

- EPO2020-017. Allegation related to implementation of the Training Opportunities Policy. Complainant alleged that a department was offering training to some, but not all, similarly situated employees. Although the evidence developed by the investigation disproved the initial allegation, the evidence did disclose that the department in question was not in compliance with the policy requiring department heads to track non-mandatory training opportunities offered to staff. In this case, although the department did not itself initially disclose the training opportunity to staff, it discussed the training with staff, permitted to use of training leave and paid the employees while they attended the training. We believe this level of leadership involvement with the training triggered the policy’s tracking requirement<sup>74</sup>.

We recommended supplemental policies training for two department leaders. This recommendation was only recently shared with leadership and is pending.

- EPO2020-018. Allegation that employee is not functioning in her current budgeted role. The preponderance of the evidence developed by the investigation showed that the employee in question has been functioning outside her role since 2020. While this arrangement seems to have been the result of the initial tentative agreement of all concerned (and may have had the tacit blessings of the former CHRO, former EEO Officer and former Operations Counsel), what remains is an arrangement that needs to be resolved such that the employee is functioning in her current title.

We recommended the employee be returned to performing the duties of her job description and to her official place of assignment with the understanding that any changes to her place of assignment be documented per applicable policies. This recommendation was shared with leadership recently and is pending.

- EPO2021-005. Allegation was that CCH did not comply with disciplinary policy in issuing discipline to an employee. The preponderance of the evidence showed that CCH did not fail to comply with any procedural requirements while administering the disciplinary process regarding the subject employee.

The allegations were not sustained, and no recommendations were made.

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<sup>74</sup> This policy ensures that trainings that are not required of all employees (or all employees in a specific department or job title) are distributed fairly.

- EPO2015-027 & EPO2016-012. Allegation was that a CCH employee falsified application materials and did not possess the requisite degree for her position. The evidence revealed that the employee possessed a degree from another country which satisfied the equivalency requirements for the position.

The allegations were not sustained, and no recommendations were made.

- EPO2017-005. Allegation was that an employee was improperly transferred among worksites and assigned work inconsistent with her title. The investigation revealed that the employee in question, a member of a collective bargaining unit, allegedly experienced these issues between 2005 and 2012. Given that the Employment Plan was not filed until 2014, the matters could not be considered violative of the Plan and are best addressed between the bargaining unit and management.

The allegations were not sustained, and no recommendations were made.

I advised you in my last semi-annually report that Mr. Rocha had recently approved a Plan amendment that provides for more efficient resolution of matters which do not address the underpinnings of the Plan and supplemental policies<sup>75</sup>. By implementing this new process, we were able to resolve twenty-six outstanding complaints. While there remains a backlog of complaints, we are working to triage, investigate and resolve them as we are able alongside the other demands on the office.

## WEBSITE

The Plan specifies certain content and information that our website must contain, making it one of the main mechanisms to providing transparency into our implementation of and compliance with the Employment Plan. The following are website-related issues identified in the last semi-annual report and current status:

- Quarterly Reports. These required reports had not been uploaded beyond Q3 of 2021.
  - This has since been remedied and CCH is in full compliance.
- Current Job Descriptions. Though some job descriptions were posted on the website, most or all appeared to be outdated.
  - This status has not changed. Though I understand that HR intends to address this, it appears that this initiative may take some time yet.
- Human Resources Page. Existing Employment Plan-related content required update and reorganization, the website did not contain an Employment Plan Office page, and there was no reference or link to Employment Plan information on the Careers page (accessed by individuals interested in applying for positions).
  - In that report, I expressed my intention engage HR and our IT team to ensure that updates and corrections were made on a priority basis. This content was not updated in the applicable period, but a lot of progress has been made recently. I anticipate that changes may realistically be implemented within the next sixty to ninety days.

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<sup>75</sup> As of the writing of this report, HR had not amended the Plan to include this new process.



## NEW & UPCOMING

- Employment Plan & Supplemental Policy Updates. As mentioned above, we expect that the Plan will be amended to include a Hiring Blitz provision and a new hiring process within a short period of time. We hope that the Interim Assignment and Interim Pay Policies will also be prioritized.
- Recruitment Optimization. HR and its team of optimization consultants continued to work toward making all stages of the hiring process more efficient, less onerous for HR and the hiring managers, and more transparent. We supported these initiatives along the way on an as-requested/as-needed basis by producing relevant information and providing input.

Notable progress includes:

- Launched a Hiring Manager Dashboard used by HR to provide transparency into the status of each position in the hiring process and Hiring Central, a tool used to provide hiring managers with the information and resources necessarily to implement the Revised Hiring Process.
- Worked toward the development of an HR Playbook (a procedure manual for use by HR), a tool that streamlines the approval of interview questions, evaluation of potential updates to Taleo, digitization of the process for updating job descriptions, and creating an online job description library. As above, they are also actively engaged with my office and Communications with updating Employment Plan content on the CCH website. These initiatives will have the result of minimizing errors while also significantly increasing efficiency and transparency.

Additional initiatives on the horizon that are of particular interest to our office include further automation of the hiring process and automation of the discipline process. These initiatives will also have the result of minimizing errors, while also increasing both efficiency and transparency. We look forward to the progress ahead and will continue to support these efforts in every way that we can.

- HR/EPO Initiatives
  - Administrative Support Training. HR and my office have agreed to work cooperatively on the development of training specific to administrative support personnel who assist with hiring process paperwork<sup>76</sup>. This will ensure that the process flows more smoothly, and that the paperwork submitted at the conclusion of a hiring process is completed, organized and submitted correctly. This will significantly reduce administrative delays in hiring. I am optimistic that we can implement this within the next sixty to ninety days.
  - Discipline Resource Tool. Through monitoring and oversight, HR and my office have identified the most frequent types of violations and our supervisors' pain-points and have been working collaboratively on a one-stop shop for accessing the discipline policy, the applicable personnel rule provisions (including the Code of Conduct), resource materials

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<sup>76</sup> Though the DTH portal developed by HR's optimization consultants streamlined the process for submitting and approving these packets, the process can still involve a significant period of time if the paperwork is not submitted and/or finalized quickly. To further expedite this process, HR and my office are planning to offer training to the administrative support that assembles the DTH packets.

and contacts, templates, fillable forms and examples of compliant documentation. I would analogize this discipline support tool to the Hiring Central dashboard recently developed to support hiring leaders. It will be housed on my office's Intranet page, at a minimum, and leaders will be advised of its existence as they are trained on the process. I expect that we should be ready to implement within the next thirty to forty-five days.

- EPO Staffing. Our one and only compliance analyst separated, and we are operating as a team of only three. Without an analyst, our capacity for routine monitoring and auditing, already low in the context of the size of our system, is significantly reduced. With the large increase in hiring velocity, advanced largely by new and contracted HR and hiring department staff in a time of evolving process requirements, our ability to monitor and provide oversight and guidance is especially critical. We have initiated a hiring process and hope to fill the vacancy quickly.

## CONCLUSION

Like other employers nationally, we continue to face challenges with maintaining staff and filling vacancies at the rate necessary to maintain operations. Given the challenging circumstances, it is no surprise that we encountered bumps in the road. We continued to identify and work collaboratively with HR to address these bumps while at the same time working on solutions to smooth the road ahead. We still have a lot of work ahead of us, but I am confident that we are moving in the right direction.

I will report further progress in September.

Sincerely,

*Kimberly Craft*

Kimberly Craft  
EMPLOYMENT PLAN OFFICER

cc: CCH Board of Directors *via* Deborah Santana, Secretary of the Board, CCH  
Jeffrey McCutchan, General Counsel, CCH  
Valarie Amos, Chief Human Resources Officer, CCH  
Carrie Pramuk-Volk, Associate Chief Human Resources Officer, CCH  
LaShunda Cooperwood, Office of the Independent Inspector General