

## **OFFICE OF INSPECTOR GENERAL HIRING PROCEDURES**

### **Introduction**

These Office of Inspector General Hiring Procedures<sup>1</sup> are an amendment to the City of Chicago Hiring Plan (“City Hiring Plan”), as amended, and provide for an alternative method of recruitment and selection of employees of the Office of Inspector General.

These Hiring Procedures are intended to provide the Office of Inspector General with a method of hiring employees that maximizes the independence of the Office of Inspector General and helps to ensure that its employees are nonpartisan and free from conflicts of interest. After the sunset of the Accord, any complaints against the Office of Inspector General alleging violations of these Hiring Procedures will be subject to the investigation process conducted by an independent third party as agreed upon by the Office of Inspector General and the Department of Law.<sup>2</sup>

The Office of Inspector General may modify these Hiring Procedures so long as the modifications are not contrary to applicable law. Prior to the effective date of any modification of these Hiring Procedures, the Commissioner of the Department of Human Resources shall give thirty (30) days public notice in one or more newspapers of general circulation. Such public notice shall include information concerning where the rules can be

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<sup>1</sup> These OIG Hiring Procedures include both the General Positions and Senior Manager Hiring Procedures sections.

<sup>2</sup> A copy of this Memorandum of Understanding has been attached as Exhibit 1.

reviewed and where comments may be directed. The Office of Inspector General will also post on its publicly available internet site any modifications to these Hiring Procedures.<sup>3</sup>

## **OFFICE OF INSPECTOR GENERAL- GENERAL POSITIONS**

### **A. Methods of Obtaining or Accepting Applications**

1. Available positions with the Office of Inspector General shall be advertised and posted, at a minimum, (a) at the location where other City of Chicago positions are posted, (b) on the Office of Inspector General's website, and (c) on the Department of Human Resources' website. The notice of available positions shall remain posted and the posted position shall remain open for a minimum of 14 consecutive days. The notice shall list the minimum qualifications and a description of the job duties of the position and shall state that the Office of Inspector General requires that its employees be nonpartisan and free from conflicts of interest.

2. The Office of Inspector General may recruit individuals to apply for available positions in order to attract the most highly-qualified, conflict-free candidates.

3. Applications for such positions shall be sent directly to the Office of Inspector General, as specified in the notice. Any applications for such positions received by the Department of Human Resources shall be forwarded to the Office of Inspector General.

4. All applicants shall submit a resume, transcripts from their educational institution(s), a writing sample or essay if requested in the hiring advertisement, and any other requested information relevant to the position involved. All application materials shall be made part of the Hiring File.

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<sup>3</sup> In addition, prior to the sunset of the Accord, thirty (30) days' advance written notice of any modifications of these Hiring Procedures shall be given to the *Shakman* Plaintiffs and the court-appointed [Shakman Decree Monitor \(the "SDM"\)](#), who may comment on the modifications and make written objections. Impasses shall be resolved as provided in Section II.D of the Accord.

## **B. Screening and Interviewing Applications**

1. At least two members of the Office of Inspector General designated by the Inspector General shall review the applications and select applicants for interview based on the minimum qualifications set for the applicable position and any additional written criteria appropriate to the particular position to be filled. If there is disagreement between those members who are screening applications as to whether an applicant should be selected for interview, the Office of Inspector General Hiring Committee (see C.1 below) shall make the determination. The members who screened the applications and the applicants selected for interview shall be documented and made part of the Hiring File.

2. Applicants selected for an interview shall be interviewed by at least three senior or supervisory members of the Office of Inspector General, each of whom shall fill out an Evaluation Form prescribed by the Office of Inspector General. The Evaluation Forms shall be made part of the Hiring File. Advance notification of scheduled interviews shall be provided to the Office of Inspector General's Hiring Oversight Section.<sup>4</sup>

3. The Office of Inspector General may ask questions of its applicants to determine whether the applicants have ties to City officials or City political figures or entities. The Office of Inspector General shall create a written record of the information supplied by the applicants on this subject, and may require applicants to provide such information in writing as part of the application process. The documents containing this information shall be made part of the Hiring File. In making its hiring decision, the Office of Inspector General shall consider this

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<sup>4</sup> Prior to sunset of the Accord in case number 69 C 2145 captioned *Shakman v. City of Chicago*, et. al. in the United States District Court for the Northern District of Illinois, the SDM will be copied on all information provided to the OIG's Hiring Oversight Section and will be allowed to monitor the employment process including the interviews.

information in determining whether the applicant would be able to pursue the mission of the Office of Inspector General without any conflicts of interest.

4. The Office of Inspector General shall retain the Hiring Files for three years after receipt of an application and may contact and evaluate these applicants for the purpose of filling any position. The Office of Inspector General may rely on its prior screening for one year from the receipt of an application if the applicant is being considered for the same position for which the applicant originally applied.

### **C. The Hiring Decision**

1. The Hiring File for each applicant who is submitted for consideration to the Hiring Committee shall be distributed to the Hiring Committee members. The Hiring Committee shall consist of at least five senior or supervisory employees in the Office of Inspector General selected by the Inspector General. The Hiring Committee shall meet to discuss the qualifications of the applicants interviewed. The Hiring Oversight Section shall be given at least two (2) business days advance written e-mail notice of each such meeting.<sup>5</sup> At each Hiring Committee meeting, a member of the Hiring Oversight Section may be present and may review all documentation.

2. At the meeting, each member of the Hiring Committee shall state his/her views on each interviewed applicant and shall state in writing his/her opinion as to whether each interviewed applicant is recommended or not recommended for hire. These written opinions shall be made part of the Hiring File. If the Inspector General has not interviewed a selected

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<sup>5</sup> Prior to sunset of the Accord in case number 69 C 2145 captioned *Shakman v. City of Chicago*, et. al. in the United States District Court for the Northern District of Illinois, the SDM will be copied on all information provided to the OIG's Hiring Oversight Section and will be allowed to monitor the employment process including the interviews

applicant at this point in the process, the Inspector General shall do so before making a decision on employment. The Inspector General shall make the final decision as to which action to take. The Inspector General may choose to participate in any stage of the hiring process but is not required to do so.

3. For each applicant hired by the Office of Inspector General, the Inspector General shall complete a Hiring Decision Form stating the reasons for the hiring decision. This form shall be made part of the Hiring File.

4. As to each applicant hired by the Office of Inspector General, the applicant, the Inspector General, and all Office of Inspector General employees who participated in the evaluation or hiring process shall, under penalties of perjury and possible loss of employment, sign an affidavit stating that, except for the consideration of political factors for the sole purpose of addressing possible conflicts of interest, the evaluation of the applicant, the hiring decision and the recommendations regarding the applicant were not based on or affected by Political Reasons or Factors or Improper considerations, including political sponsorship, affiliation, support, or any other factor that is not job-related. Such affidavits shall be made part of the Hiring File.

5. Within one week of the hiring decision, the Hiring File shall be forwarded to the Office of Inspector General Hiring Oversight Section for compliance review. The Hiring File shall be reviewed and returned to the Office of Inspector General Administrative Section within 48 hours.

6. Within 30 days of the applicant being hired by the Office of Inspector General, the Office of Inspector General shall post on its website or the Department of Human Resources' website the following information: (i) the number of people who applied for the position, (ii) the

number of people interviewed, and (iii) whether at least two members of the Hiring Committee did not recommend the applicant for the position. The information shall remain posted until replaced with the annual data for categories (i) – (iii) along with (iv) a geographical breakdown of the residences of the employees hired during the year by ward of residence for each year after 2005. Such annual information shall remain so posted for five years. In addition, each quarter, the Office of Inspector General shall post to its website or Department of Human Resources' website a geographical breakdown of the residences of its employees showing the number of employees who live in each ward.

7. For those applicants hired by the Office of Inspector General, the Hiring File will be maintained by the Office of Inspector General for a period of 10 years unless otherwise required by law. For applicants interviewed but not hired, the Hiring File will be maintained by the Office of Inspector General for a period of 5 years unless otherwise ordered by the Court. The Hiring File and other hiring documentation shall remain confidential within the Office of Inspector General and shall not be disclosed. Nothing in this document shall make the Hiring File or other hiring documentation a public record.

#### **D. Promotions**

1. The Office of Inspector General may promote internally, providing the position is within the same classification series and is at least one level higher class grade than the current position. Promotion to the next higher rated title shall be made on the basis of satisfactory continuous service for at least the period specified in the particular classification.

2. Notice of vacant positions within the Office of Inspector General shall be provided to Supervisors in the appropriate classification. Supervisors may recommend an employee under his/her supervision for a promotion. Supervisors will ensure that the employee

meets the minimum qualifications for the position and provide his/her views on why he or she is recommending the employee for promotion, a current resume, and any existing annual employee performance evaluations to the Promotional Committee (see D.3 below). All employee materials shall be made part of the Promotion File.

3. The Promotional Committee shall consist of at least four senior or supervisory employees in the Office of Inspector General selected by the Inspector General. The Promotional Committee shall invite the recommended employee(s) before the Promotional Committee to discuss their qualifications. The Promotional Committee shall review the written recommendation letter, resume, and performance evaluations and discuss the qualifications of the recommended employee(s). The recommending supervisor of the employee shall present to the Promotional Committee his/her views on why he or she is recommending the employee for promotion.

4. The Promotional Committee shall meet with the Inspector General to discuss the qualifications of the recommended employee(s). Each member of the Promotional Committee shall state his/her views on each recommended employee and state in writing whether the employee should be promoted to the vacant position. These written opinions shall be made part of the Promotion File. The Inspector General shall make the final decision on who will be promoted.

5. For each promotional decision made by the Office of Inspector General, the Inspector General shall complete a Promotional Decision Form stating the reasons for the promotional decision. This form shall be made part of the Promotion File.

6. As to each promotional decision made by the Office of Inspector General, the employee who has been promoted, the Inspector General, and all Office of Inspector General

employees who participated in the evaluation or promotional process shall, under penalties of perjury and possible loss of employment, sign an affidavit stating that, except for the consideration of political factors for the sole purpose of addressing possible conflicts of interest, the evaluation of the employee, the promotional decision and the recommendations regarding the employee were not based on or affected by Political Reasons or Factors or Improper considerations, including political sponsorship, affiliation, support, or any other factor that is not job-related. Such affidavits shall be made part of the Promotion File.

7. Within two (2) business days of the promotional decision, the Promotion File shall be forwarded to the Office of Inspector General Hiring Oversight Section for compliance review. The Hiring File shall be reviewed and returned to the Office of Inspector General Administrative Section within 48 hours.

8. Within 30 days of the employee being promoted, the Office of Inspector General shall post on its website or the Department of Human Resources' website the following information: (i) the number of people who were recommended for the position, (ii) the number of people interviewed, and (iii) whether at least two members of the Promotion Committee did not recommend the employee for the position. The information shall remain posted until replaced with the annual data for categories (i) – (iii) along with (iv) a geographical breakdown of the residences of the employees promoted during the year by ward of residence for each year after 2005. Such annual information shall remain so posted for five years.

9. For those employees promoted by the Office of Inspector General, the Promotion File will be maintained by the Office of Inspector General\_ for a period of 10 years unless otherwise required by law. For employees interviewed but not promoted, the Promotion File will be maintained by the Office of Inspector General for a period of 5 years unless otherwise



required by law. The Promotion File and other promotion documentation shall remain confidential within the Office of Inspector General and shall not be disclosed. Nothing in this document shall make the Promotion File or other promotion documentation a public record.

## **OFFICE OF INSPECTOR GENERAL- SENIOR MANAGER HIRING PROCEDURES**

The Office of Inspector General may use these Senior Manager Hiring Procedures to recruit and hire for positions on the Office of Inspector General Senior Manager list. These Senior Manager Hiring Procedures are intended to appropriately preserve discretion and flexibility in the hiring process for certain senior and sensitive positions.

### **A. Applicability**

1. Office of Inspector General Senior Manager Definition. The Office of Inspector General has identified Positions which are classified as Senior Managers. These positions report directly to the Inspector General or report to someone who reports directly to the Inspector General and (1) are Non-Career Service, (i.e., employees-at-will); (2) are not covered by a collective bargaining agreement; (3) are not Shakman-Exempt; and (4) either perform significant managerial responsibilities or are highly specialized in their respective fields or areas of work operations with highly specific minimum qualifications and skill sets.

2. Senior Manager List Maintenance and Modifications. The Office of Inspector General Administrative Section shall maintain a list of Senior Manager Positions. Modifications to the Senior Manager Positions List shall be made by the Inspector General, who shall provide fourteen (14) days prior written notification to the Department of Human Resources and Office of Inspector General Hiring Oversight and, prior to sunset of the Accord, to the Shakman Plaintiffs and the SDM, both of whom may comment on the modifications and make written

objections. Impasses shall be resolved as provided in Section II. D of the Accord. All other positions in the Office of Inspector General not on the Office of Inspector General Senior Manager Positions List must be hired using the procedures detailed in Office of Inspector General- General Positions Hiring section.

**B. Methods of Obtaining or Accepting Applications**

1. Available Senior Manager Positions shall be advertised and posted, at a minimum, on the Office of Inspector General's website. The notice ("Notice of Opening") of available Senior Manager Positions shall remain posted and the application period shall remain open for a minimum of 7 consecutive days and may be extended by posting the extension of the new deadline date as provided above in this section. The Notice of Opening can be posted after an A-Form is requested.

2. The Office of Inspector General may recruit individuals to apply for available positions in order to attract the most highly-qualified, conflict-free candidates.

3. The Notice of Opening shall list the minimum qualifications, a description of the job duties of the position, and requested information all applicants must submit, and shall state that the Office of Inspector General requires that its employees be nonpartisan and free from conflicts of interest.

4. Applications for Senior Manager Positions shall be sent directly to the Office of Inspector General, as specified in the notice. Any applications for Senior Manager Positions received by the Department of Human Resources shall be forwarded to the Office of Inspector General.

5. In order to promote transparency, the Office of Inspector General shall post on its website a list of all Classes that may be filled using the Office of Inspector General Senior

Manager Hiring Procedures.

**C. Screening Applications and Interviewing**

1. The Inspector General or any designee shall review the applications and select applicants for interview based on minimum qualifications for the applicable Senior Manager Position and any additional written criteria appropriate for the particular position to be filled. Application screening can begin immediately following the position posting.

2. Applicants selected for an interview shall be interviewed by the Inspector General and, if the Inspector General chooses, other senior employees. Interviews can begin immediately following the minimum 7 day open application period.

3. The Office of Inspector General may ask questions of its applicants to determine whether the applicants have ties to City officials or City political figures or entities. The Office of Inspector General shall create a written record of the information supplied by the applicants on this subject, and may require applicants to provide such information in writing as part of the application process. The documents containing this information shall be made part of the Hiring File. In making its hiring decision, the Office of Inspector General shall consider this information in determining whether the applicant would be able to pursue the mission of the Office of Inspector General without any conflicts of interest.

4. At the discretion of the Inspector General, the application period may remain open during the interview process and up to and including the time at which the applicable Senior Manager Position is filled.

**D. Hiring Decision**

1. The Inspector General shall make the final hiring decision. The Inspector General shall complete (i) a justification letter that explains the rationale for selecting a Candidate and

how the selected Candidate's experience meets minimum qualifications and any other criteria for the Senior Manager Position and (ii) a Hire Certification form. Any other individuals involved in the interview and selection process shall also complete a Hire Certification Form. The justification letter and Certification Forms shall be maintained by the Office of Inspector General Administrative Section for a period of 10 years.

2. The Inspector General can make an offer to the selected candidate without any additional notifications to or approvals from DHR or any other City departments.

3. Within one week of the hiring decision, the selected hire's name, resume, justification letter, and Hire Certification form(s) shall be forwarded to the Department of Human Resources.

4. Within 30 days of the employee being hired, the Office of Inspector General shall post on its website or the Department of Human Resources' website the following information: (i) the number of people who applied for the Senior Manager position and (ii) the number of people interviewed. The information shall remain posted until replaced with the annual data for categories (i) – (ii) along with (iii) a geographical breakdown of the residences of the employees hired during the year by ward of residence for each year after 2005. Such annual information shall remain so posted for five years.

5. For those Senior Managers hired by the Office of Inspector General, the Hiring File will be maintained by the Office of Inspector General for a period of 10 years unless otherwise ordered by the Court. For Senior Managers interviewed but not hired, the Hiring File will be maintained by the Office of Inspector General for a period of 5 years unless otherwise ordered by the Court. The Hiring File and other hiring documentation shall remain confidential within the Office of Inspector General and shall not be disclosed. Nothing in this document shall

make the Hiring File or other hiring documentation a public record.

**E. Recordkeeping**

The name and Position of each Senior Manager Position hire shall be posted on the Inspector General's website within fourteen (14) days of the hire date and remain posted for a period of three (3) years from the date of hire.

**Office of Inspector General Senior Manager List: (21)**

First Deputy Inspector General

Deputy Inspector General (3)

Associate General Counsel

Chief Investigator (3)

Chief Assistant Inspector General

Chief of Hiring Oversight

Chief Performance Analyst (2)

Director of Information Systems

Assistant Inspector General (7)

Public Relations Coordinator

# Exhibit 1



David H. Hoffman  
Inspector General

**OFFICE OF THE INSPECTOR GENERAL**  
*City of Chicago*

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Chicago, Illinois 60601  
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*Memorandum of Understanding  
Between the Law Department and the Inspector General's Office  
Regarding Investigations of the Inspector General's Office  
June 15, 2009*

The City of Chicago Law Department, through Corporation Counsel Mara S. Georges, and the City of Chicago Inspector General's Office, through Inspector General David H. Hoffman, agree that the following protocol will govern complaints against and investigations of employees of the Inspector General's Office.

**1. *Outside Investigative Company***

An independent investigative company ("the Outside Investigative Company" or "the Outside Company") will be selected in order to provide an independent mechanism for handling complaints against certain high-level employees of the Inspector General's Office ("IGO").

The Outside Investigative Company shall be chosen jointly by the Inspector General and the Corporation Counsel. The Outside Investigative Company shall have the maximum amount of independence from the City of Chicago government and the Inspector General's Office, and the maximum amount of experience regarding this type of investigative work.

**2. *IGO Internal Investigative Unit***

The Internal Investigative Unit in the IGO (also called "the Internal Unit") shall also handle complaints against employees of the IGO. The Internal Unit shall consist of two or three high-ranking members of the IGO. As of June 2009, the Internal Unit consists of First Deputy Inspector General Mary Hodge and Deputy Inspector General T.J. Hengesbach.

**3. *Division of duties between the Outside Company and the Internal Unit***

Complaints against the Inspector General, the First Deputy Inspector General, a Deputy Inspector General, or the Director of Investigations and Audit (collectively, "IGO Management") shall be handled by the Outside Company. Complaints against all other IGO employees shall be handled by the IGO Internal Investigative Unit.

If the complaint makes allegations against both a member of IGO Management and an IGO employee outside IGO Management ("a hybrid complaint"), the entire complaint will be handled by the Outside Company unless the complaint can be reasonably divided into one involving IGO Management and one involving other IGO employees. If the Outside Company determines that the allegations against IGO Management in a hybrid complaint do not merit



investigation, or that the allegations have no merit, the Outside Company may refer the remainder of the complaint to the Internal Unit.

**4. *Receipt of Complaints***

(a) When complaints against employees of the IGO are received by the IGO, the complaint shall be forwarded to the IGO Internal Investigative Unit, which shall keep the complaint or refer it to the Outside Company according to paragraph 3 above.

(b) When complaints against employees of the IGO are received by someone in City government who believes that the complaint may merit investigation, the complaints shall be forwarded either to the IGO Internal Investigative Unit or the Corporation Counsel.

If the IGO Internal Investigative Unit receives such a complaint, it shall keep the complaint or refer it to the Outside Company according to paragraph 3 above.

If the Corporation Counsel receives such a complaint, she shall refer the complaint to the IGO Internal Investigative Unit or the Outside Company according to paragraph 3 above.

**5. *Complaints referred to the Outside Company***

The Outside Company shall determine whether the complaint merits investigation.

If the Outside Company determines that the complaint does not merit investigation, it shall inform the IGO Internal Investigative Unit. If the complaint was referred to the Outside Company from the Corporation Counsel, the Outside Company shall also inform the Corporation Counsel of its determination.

**6. *Investigations by the Outside Company***

If the Outside Company conducts an investigation, it shall have access to all IGO personnel and records, subject to the provisions below, by making requests through the IGO Internal Investigative Unit or the Inspector General, as appropriate. The IGO shall cooperate fully with the Outside Company's investigation.

If the Outside Company requests information from the IGO, through records or interviews, that would cause information to be disclosed that is protected by grand-jury secrecy rules, the IGO Internal Investigative Unit shall inform the Outside Company that the IGO is unable to provide certain documents or answer certain questions because of grand-jury secrecy rules.

If the Outside Company requests information from the IGO, through records or interviews, that would otherwise compromise the confidentiality or integrity of an ongoing IGO investigation if disclosed, the IGO Internal Investigative Unit shall provide this information to the Outside Company but may inform the Outside Company that this information shall not be disclosed to anyone other than the Outside Company and the IGO, including in any final investigative report, until the Inspector General authorizes it.

When the Outside Company completes an investigation, it shall issue a report stating whether it found the allegations to be sustained or not sustained. If it found that one or more allegations were sustained, the report shall summarize the Outside Company's basis for its findings or conclusions. The Outside Company may determine what form the report shall take. Pursuant to the paragraph above, if the IGO has informed the Outside Company that certain information may not be disclosed, the Outside Company will redact this information from the report in a manner satisfactory to the IGO before disclosing the report to anyone other than the Outside Company and the IGO.

All sustained reports shall be sent to the Inspector General, the IGO Internal Investigative Unit, and the Corporation Counsel. All non-sustained reports shall be sent to the Inspector General, the IGO Internal Investigative Unit and, if the complaint was referred to the Outside Panel from the Corporation Counsel, to the Corporation Counsel. If the Outside Company finds that there is a pattern of a substantial number of complaints involving the same type of allegation against a particular person in IGO Management, and if the Outside Company has not addressed such complaints against this person in sustained reports, then the Outside Company shall send a report to the Inspector General, the IGO Internal Investigative Unit, and the Corporation Counsel stating its finding regarding such a pattern. The Corporation Counsel may forward to the Mayor a report from the Outside Company if she believes it is appropriate.

**7. *Costs of Work By Outside Company***

The costs of work done by the Outside Company shall be paid by the Law Department (50%) and the Inspector General's Office (50%).

The Outside Company shall send a copy of the bill for its work to both the Inspector General and the Corporation Counsel. Regarding fees, the bill shall follow the Law Department's rules for legal fees for outside law firms, including the rule setting the cap on hourly rates.

The Outside Company shall endeavor to staff its investigations in a manner that keeps costs reasonable.

**8. *Complaints referred to the IGO Internal Investigative Unit***

When the IGO Internal Investigative Unit receives a complaint and does not refer the complaint to the Outside Company, the Internal Unit shall determine whether the complaint merits investigation. If it determines that the complaint does not merit investigation, it shall inform the Inspector General.

If the complaint was referred to the Internal Unit from the Corporation Counsel, the Internal Unit shall also inform the Corporation Counsel of its determination. If the Corporation Counsel disagrees and believes that the complaint merits investigation, the Corporation Counsel shall confer with the Internal Unit in an attempt to reach agreement about the proper determination. If the disagreement remains and the Corporation Counsel continues to believe that the complaint merits investigation, the Internal Unit shall conduct an investigation of the complaint.

**9. Investigations by the IGO Internal Investigative Unit**

If the Internal Unit conducts an investigation, it shall issue a report at the conclusion of the investigation stating whether it found the allegations to be sustained or not sustained. If it found that one or more allegations were sustained, the report shall summarize the Internal Unit's basis for its findings or conclusions. The report shall be sent to the Inspector General and, if the complaint was referred to the Internal Unit from the Corporation Counsel, to the Corporation Counsel. The Corporation Counsel may forward the report to the Mayor if she believes it is appropriate.

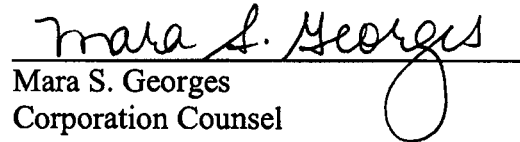
**10. Confidentiality**

All investigatory files and reports of the Outside Company and the IGO Internal Investigative Unit shall be confidential and shall not be divulged to any person or agency, other than:

- (i) as provided in this protocol;
- (ii) if a court orders such disclosure;
- (iii) if the Outside Company, the Internal Unit, the Inspector General, the Corporation Counsel, or the Mayor determines that such files and reports should be divulged to federal, state, or local law enforcement authorities; or
- (iv) within the IGO, as determined by the Inspector General, in order to take steps considered necessary by the Inspector General to address any negative findings or conclusions in a report by the Outside Company or the Internal Unit.



David H. Hoffman  
Inspector General



Mara S. Georges  
Corporation Counsel

6/15/09  
Date

6-16-09  
Date