

Gov. Rauner acts to increase fairness and speed in administrative hearing process

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SPRINGFIELD – Gov. Bruce Rauner today signed Executive Order 2017-04 to improve and streamline Illinois state government. This action reaffirms the administration’s commitment to transforming administrative law in Illinois. The goal of enhancing justice was the driving force behind the Administrative Hearings Executive Order.

Administrative hearings govern hundreds of important interactions between the state, its citizens and businesses. They are quasi-judicial proceedings, and some look identical to trials. More than 150,000 administrative hearing matters are opened each year across state agencies. These hearings cover wage disputes, child support claims, professional licensing decisions, permits, and the range of State services and benefits available to Illinoisans.

In April 2016, Gov. Rauner signed an Executive Order creating a pilot program at the Department of Central Management Services charged with streamlining regulations, testing the efficiencies of case sharing, and implementing best practices for administrative hearings. The new Bureau of Administrative Hearings represented the first comprehensive effort to analyze the efficiency and quality of the state's administrative hearings process. The Bureau's initial findings included inefficient caseloads, poor resource allocation across agencies, and confusing and conflicting rules that made it very challenging for agencies to do their work well and for citizens to understand their rights.

In response, the Bureau instituted many important reforms. First, it developed a set of Model Rules for Administrative Hearings. These rules, when implemented, will dramatically reduce the regulatory burden by increasing speed and clarity in the administrative hearing process. Rather than looking to hundreds of rules spread across agencies, the Model Rules simplify and standardize hearings.

“Citizens should not struggle to understand — and learn and relearn and relearn again—the rules and their rights in administrative hearings,” Gov. Rauner said. “This parochial approach is not a policy prerogative; it is merely the result of a haphazard system of promulgating new rules without taking a comprehensive look at all the rules already on the books. It's poor regulatory planning the same way that failing to account for the layout of existing streets would be poor city planning, and in just the same way it results in extra and unnecessary work for agencies. Rather than looking to history and the accumulated knowledge of sister agencies, each agency drafts from scratch and issues its rules in a vacuum.”

The Bureau also improved the quality of administrative hearings through increased professional development. It coordinated more than 1,100 hours of training for state judges since its inception and developed a first-in-the-state Code of Professional Conduct for adjudicators.

Additionally, the Bureau demonstrated the value of consolidation and case sharing between agencies, focusing on advanced data collection to learn where backlogs exist at certain agencies and where judges have aptitude and time at other agencies. At no cost to the state, the Bureau launched a case sharing initiative that resulted in more than 500 Department of Labor cases heard that would otherwise have languished, sometimes as long as four years, before they could be resolved.

Acting Director of Labor Joe Beyer stated, “We're thinking every day about how we as a Department can better serve the constituents that rely on us. Our judges hear 400 to 450 cases each year, and so we're always fighting backlogs. Many of the parties waiting

for decisions in these cases are minimum wage workers and small businesses. The Bureau coordinated and trained Department of Public Health and Department of Revenue judges to hear our cases, and that doubled our monthly hearing output almost immediately.”

Executive Order 2017-04 directs the Bureau to implement the Model Rules and collect quarterly reports from agencies on their backlogs and workflows so the Bureau can continue smart case sharing. It also directs the Bureau to procure a statewide case management solution for agencies.

The Bureau reports that many agencies have no electronic case management, while others still work on systems from the 1980s and 1990s. Not only does electronic case management ease the administrative burden on agencies and save costs from doing business on paper, but it also helps protect the confidential personal and financial information agencies often collect as part of the hearing process. The Bureau and DoIT intend to develop one system all agencies can share, realizing savings and helping smaller agencies take part of something they couldn’t otherwise afford.

DoIT already helped the Bureau launch a website to serve as a comprehensive resource on administrative law for citizens and practitioners.

Deputy Director of the Bureau Sarah Kerley said, “We have judges working with Stone Age technology. Some judges receive only on-the-job training. We’re working to change that and to continue successful case sharing initiatives. All I can say is thank you to our agencies, particularly DoIT for its support, and the Competitiveness Council for partnering with us to cut the red tape surrounding hearings. But my biggest thanks are to the judges and agency support staff who have embraced a better way of serving Illinois citizens.”