

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

|                                     |   |                                      |
|-------------------------------------|---|--------------------------------------|
| MICHAEL L. SHAKMAN, <i>et al.</i> , | ) |                                      |
|                                     | ) |                                      |
| Plaintiffs,                         | ) |                                      |
|                                     | ) | Case No. 69 C 2145                   |
| v.                                  | ) |                                      |
|                                     | ) | Magistrate Judge Sidney I. Schenkier |
| COOK COUNTY ASSESSOR’S              | ) |                                      |
| OFFICE, <i>et al.</i> ,             | ) |                                      |
|                                     | ) |                                      |
| Defendants                          | ) |                                      |

**EIGHTH REPORT OF THE ASSESSOR COMPLIANCE  
ADMINISTRATOR FOR THE COOK COUNTY ASSESSOR**

Susan G. Feibus, Assessor Compliance Administrator for the Cook County Assessor (“ACA”), by her attorney, Laura B. Bacon, pursuant to Section III(C) of the September 19, 2012 Agreed Order for the Cook County Assessor’s Office (“AO”), Doc. #3007, submits the ACA’s Eighth Report to the Court:

**I. INTRODUCTION**

On January 18, 2017, the ACA filed the Seventh (Amended) Report to the Court (the “Seventh Report”). Doc. #4856. This was her second report since her January 26, 2016 appointment (effective February 1, 2016). *See* Doc. #4751 (ACA’s Sixth Report dated October 12, 2016). This Eighth Report is to update the Court as to the Assessor’s progress towards Substantial Compliance with the September 19, 2012 Agreed Order for the AO (“Agreed Order”) since the Seventh Report.

To achieve Substantial Compliance, the Agreed Order requires:

1. a New Employment Plan, including procedures to ensure compliance with the New Employment Plan and identify instances of non-compliance;

2. the Assessor to act in good faith to remedy instances of non-compliance that have been identified and prevent a recurrence;
3. the Assessor not have a policy, custom or practice of making employment decisions based on political factors except for Exempt Positions;
4. the absence of material noncompliance which frustrates the Assessor's Consent Decrees<sup>1</sup> and this Agreed Order's essential purpose; and
5. the Assessor to implement procedures that will affect long-term prevention of the use of impermissible political considerations in connection with employment with the Assessor.

Doc. #3007 at 18.

As noted in the prior reports, the first element of Substantial Compliance was completed with the Court's August 10, 2016 approval of the Employment Plan. Since the Seventh Report, the Assessor's progress regarding other elements required to achieve Substantial Compliance has been slow. Only three employee polices have been finalized. Progress on updating Position Descriptions has been limited. The Assessor continues to prioritize hiring. There has been no progress on the Assessor's Electronic Application System ("EAS") and he continues to be resistant to implementing TALEO, the EAS used by other elected officials in Cook County. The ACA continues to be concerned whether the Assessor is providing sufficient and appropriate resources to achieve the professional, effective Human Resources function that is required if Substantial Compliance is to be achieved.

## **II. OVERVIEW OF THE ACA'S ACTIONS SINCE THE JANUARY 18, 2017 SEVENTH REPORT**

The ACA and her staff remain actively engaged with the AO and its efforts to achieve

---

<sup>1</sup> The "Assessor's Consent Decrees" refer to the combination of (a) a 1972 Consent Decree which, *inter alia*, prohibited the Assessor from taking any action regarding governmental employment against any governmental employee based on political reasons or factors; and (b) a 1995 Consent Decree which incorporated the 1972 Consent Decree's prohibitions and extended those prohibitions to the Assessor's hiring practices, with certain exclusions. *See* Doc. #3007 at 5.

Substantial Compliance. Activities since the Seventh Report included:

- met and conferred with the Director of Compliance on a regular basis;
- met and conferred with counsel for Plaintiffs on a regular basis;
- monitored the hiring process related to multiple non-Exempt<sup>2</sup> positions;
- monitored the hiring of one Exempt position;<sup>3</sup>
- provided significant input into the AO's proposed employee policies;
- provided input into the AO's proposed updated Position Descriptions;
- provided significant input into the AO's proposed revised Position Description for the Human Resources Generalist;
- interviewed AO employees, as needed; and
- monitored many non-hiring employment actions (*e.g.*, overtime, discipline, temporary assignments, grievances).

### **III. THE ASSESSOR'S PROGRESS TOWARDS SUBSTANTIAL COMPLIANCE**

#### **A. The Assessor's Non-Exempt Hiring, While Improved, Remains Non-Compliant with the Employment Plan**

The Assessor has filled, attempted to fill or is in the process of filling nine non-Exempt positions in the approximate four months since the Seventh Report. In February 2017, the Assessor hired a Manager of Application Development, Manager of Certificate of Error and Manager of Appraisal Review and Education. In May 2017, the Assessor hired a Human Resources Generalist; that position had to be reposted since the Position Description used for the November 2016 posting was (as the ACA noted prior to posting) too narrowly drawn to yield any minimally qualified applicant.

---

<sup>2</sup> Throughout this Report, the terms "Exempt" and "Non-Exempt" have the meaning ascribed by the Employment Plan. These terms do not relate to the applicability of any collective bargaining agreement.

<sup>3</sup> In April 2017, the Assessor filled the Legal Counsel position that became vacant when the person holding that job became the Assessor's Deputy of Human Resources. *See* Seventh Report at 9; Doc. #4856 at PageID # 31015.

The Assessor also attempted, but failed, to hire a Manager of Exemption Investigations when none of the candidates interviewed in January 2017 received a sufficient score to be considered for the job. Currently, the Assessor is in the process of filling four additional non-Exempt positions (Manager of I/C Valuations, Landmark Analyst, Systems Analyst and Erroneous Exemption Specialist).

Complying with the Employment Plan's non-Exempt hiring process requires considerable thought, time and attention to detail. Based on the experience gained through the non-Exempt hiring described in the Sixth Report and Seventh Report, the AO's recent hiring and attempted hiring efforts have improved. Continued areas of concern include appropriate Position Descriptions, accurate validations, proper conduct by the interview panels and completed and up-to-date Posting files.

Despite the improvement, multiple violations of the Employment Plan occurred in connection with the Assessor's recent hiring efforts. *See* Exhibit A ("Employment Plan Violations: Hiring Related").

These hiring-related Employment Plan violations included:

1. The methods of posting positions as well as the posting locations were not documented in the Posting Files – violation of Section VI.B.
2. Request to Hire ("RTH") form was not properly completed for re-posting and did not include a copy of the current Position Description - violation of Section VI.E.1.
3. Position Description did not accurately reflect the requirements of the Position – violation of Section VI.E.2.
4. Deputy of Human Resources has not created and does not maintain an Internal Candidate Preference List – violation of Section VI.E.3.
5. Contact Logs created by Human Resources were insufficient - violation of Section VI.F.2.

6. Human Resources failed to properly analyze applications resulting in validation errors – violation of VI.F.5.b.
7. Deputy of Human Resources has not created the Ineligible for Rehire List – violation of Section VI.F.6.a.
8. Human Resources accepted educational documents other than those specifically listed on the Notice of Job Opportunity – violation of Section VI.H.4.
9. Human Resources allowed incomplete Interviewer Evaluation Forms to be submitted at the conclusion of the interview – violation of Section VI.I.3.a.
10. Comments made about one Candidate by interviewers before completing Interviewer Evaluation Forms potentially impacted other interviewers’ evaluations and scoring of the Candidate – violation of Section VI.I.4.
11. Human Resources used an outdated “Selection Meeting Notes” form that contained instructions inconsistent with the Employment Plan’s requirements for Ranking Meetings; substance of selection meeting notes was insufficiently detailed to explain the basis for the final rankings – violation of Section VI.J.2.
12. The Posting Files for completed and pending hiring are incomplete or deficient – violation of Section VI.N.

*See Exhibit A.*

As the Assessor proceeds with additional hiring, this will provide opportunities for the AO to demonstrate that its processes and procedures continue to improve.

**B. The Assessor Continues to Violate the Employment Plan in Ways that Are Not Related to Hiring**

The Assessor’s violations of the Employment Plan have not been limited to hiring. *See Exhibit B (“Employment Plan Violations: Non-Hiring Related”).* Six of these violations are administrative in nature and were cited in the Sixth and Seventh Reports:

1. Human Resources has not posted quarterly reports on the Assessor’s Website; presumably these reports are not being created – violation of Section IV.C.
2. The DOC’s hotline number is not physically posted on the bulletin boards at all places where individuals apply for employment with the AO - violation of Section IV.M

3. The DOC's hotline number does not appear on the Human Resources page of the Assessor's website - violation of Section IV.M.
4. Human Resources' recordkeeping practices are deficient – violation of Section IV.O.
5. The current Executive Assistant List is not posted on the Human Resources Department or the Assessor's Website – violation of Section X.A.
6. The Exempt Position Descriptions are not posted on the Assessor's Website – violation of Section XI.A.1.

None of these Employment Plan violations should be difficult to address. Yet the Assessor continues to ignore them.

There also were substantive non-hiring related violations of the Employment Plan that indicate systemic problems that must be addressed for the Assessor to achieve Substantial Compliance. These include:

**1. Failure to timely and fully inform the ACA of Employment Actions in violation of Section IV.D.**

Since the ACA's appointment, there has been an ongoing issue of the AO's failure to give the ACA the requisite minimum two days' notice of Employment Actions. *See* Employment Plan, Section IV.D. at 18; Doc. #4651 at PageID #29683.

The Employment Plan's definition of "Employment Actions" is broad:

Any action (positive or negative) related to any aspect of employment, including, but not limited to, hiring, training, change in job assignment, Temporary Assignment, Cross-Training, Promotion, Demotion, Transfer, Reclassification, Layoff, assignment of Overtime (and other benefits of employment), Discipline and Termination.

*See* Employment Plan, Section II (Definitions) at 8; Doc. #4651 at PageID #29671.

While the AO's notice to the ACA has improved considerably, deficiencies remain. The biggest problem is with overtime, an Employment Action specifically identified in the Employment Plan's definition of Employment Actions.

Overtime worked appears to be the single most common Employment Action for the AO, occurring on a near daily basis. As detailed in Exhibit B at 2-4, the ACA regularly receives notice of overtime worked by AO employees more than two days after the overtime has been performed. In several instances, notice was not provided until more than a week later. While an “official” agreed-upon Overtime Policy has not been finalized, the Employment Plan’s minimum 2-day notice provision for all Employment Actions applies.

While documenting and processing paperwork related to overtime (including notice to the ACA) may be burdensome to the AO’s Human Resources department, it is what the Employment Plan requires. To the extent that the Human Resources staff is unable to comply with the Employment Plan, the Assessor should provide sufficient personnel to do the job. *See infra* at pp. 11-13.

The AO also failed to give timely notice to the ACA of disciplinary actions and their attendant investigations. The AO attempted to justify this lack of notice on the theory that discipline is not an Employment Action, and the AO need not provide notice to the ACA until the AO made its disciplinary determination and it was issued to the employee. The ACA has made it clear that each step of the disciplinary process, including employee interviews and internal AO deliberations, are Employment Actions that she is entitled to monitor. Presumably, the notice issue will be corrected going forward.

Finally, the AO recently failed to give the ACA timely notice of its plans for 2017 Summer Internship/Externships. The ACA and DOC were informed of the AO’s intent to email Notices of Availability for internships to the AO’s selected list of academic institutions just hours before the emails were sent out. This lack of notice deprived the ACA of the opportunity to alert the AO to the various Employment Plan violations it committed with regard to proper

implementation of the process required for Internships pursuant to Section IX.C. of the Employment Plan. (*See* Ex. B at 8-9.)

**2. Failure to provide new supervisors with required supervisory training within 60 days of appointment as a supervisor in violation of Section IV.F.**

While the AO put considerable effort into training its employees and supervisors with regard to the Employment Plan by year-end 2016, this was not the end of its training responsibilities. The Employment Plan requires all supervisors to receive “comprehensive mandatory training” about, *inter alia*, the Employment Plan “no later than 60 days following their appointment as a Supervisor.” Employment Plan at Section IV.F; Doc. #4651 at PageID #29683. The AO has ignored this Employment Plan requirement.

On February 21, 2017, two AO employees were promoted to the supervisory roles of Manager of Certificate of Error and Manager of Application Development. To date (which is more than 60 days since their promotions) neither has received the supervisory training required by the Employment Plan. The ACA is unaware of any plans by the AO to provide training to these two new supervisors. This is disheartening as training is an essential component if the AO is to operate free from political reasons or factors.

**3. Temporary assignment of employees to positions other than their own in violation of Section VIII.H.**

Temporary Assignment is an Employment Action within the meaning of the Employment Plan. The ACA is aware of several instances where AO employees have been temporarily assigned to positions other than their own or to perform duties outside of their regularly assigned department. Despite being an Employment Action, these Temporary Assignments were made without prior notice to the ACA. When the ACA belatedly was told of the Temporary Assignments, the AO did not provide any explanation of the process, including

the selection criteria (if any). Nor has the ACA been made aware of whether temporarily assigned employees have been trained for the purpose of these temporary assignments. As with Overtime, while a Temporary Assignment Policy has not been finalized, the AO must comply with the Employment Plan.

**C. The Assessor Cannot Achieve Substantial Compliance Without Drafting and Implementing Policies and Procedures: Progress to Date Remains Slow**

Substantial Compliance under the Agreed Order requires the Assessor, *inter alia*, to “implement procedures that will affect long-term prevention of the use of impermissible political considerations in connection with employment with the Assessor.” Consistent with this requirement, Section IV.B of the Employment Plan requires Human Resources to revise and maintain an Employee Handbook to be distributed to all AO employees. *See* Employment Plan at 17; Doc. #4651 at PageID #29682. The AO’s Employee Handbook has not been substantively revised since the 2012 entry of the Agreed Order and the policies contained therein do not provide the necessary detail required for meaningful implementation. This violation of Section IV.B of the Employment Plan must be rectified before Substantial Compliance can be achieved.

While the Assessor has made modest progress since the Seventh Report, *see* Doc. #4856 at PageID #31020 - 31021, much remains to be done. In the “completed” column is a Reclassification Policy (under discussion since 11/16), a Promotion Policy (where it was agreed to use the general hiring process) and, very recently, a Performance Evaluation Policy (under discussion since 8/16).

Currently in progress are five policies: Layoff and Recall (under discussion since 12/16), Overtime (under discussion since 12/16), Time and Attendance (under discussion since 2/17), Interim Assignment (under discussion since 4/17) and Performance Improvement (under discussion since 4/17). While in varying stages of completion, the extended period that has been

required to date to finalize a policy is unacceptable if the Assessor is to achieve Substantial Compliance within any reasonable period of time.

**D. The Assessor Cannot Achieve Substantial Compliance Without Updating All Position Descriptions: Progress to Date Remains Slow**

Section IV.J of the Employment Plan requires the AO to review Position Descriptions to make sure they current and accurate. *See* Employment Plan at 19 - 20; Doc. #4651 at PageID #29684 - 29685. This is a critical piece towards achieving Substantial Compliance. Updated and accurate Position Descriptions are the foundation not only for appropriate hiring but for many other employment actions including performance evaluations and discipline.

The ACA understands that at the time of her appointment, many of the AO's position descriptions had not been updated for approximately 10 years. As part of the expedited hiring/promotions of over 20 AO positions caused by the purported potential budget crisis described in the Sixth Report, *see* Doc. #4751 at PageID #30188 - 30193, a number of Position Descriptions were updated. Due to the purported exigency of this hiring, this was not done in a systematic fashion with the appropriate rigor.

By the ACA's count, the AO has 129 Position Descriptions of which 69 have been updated and 60 remain to be updated. As reported in the Seventh Report, Doc. #4856 at PageID # 31021-310230, the AO undertook to draft updated Position Descriptions in a piecemeal fashion rather than the systematic, department-by-department progressive review (that the ACA and Plaintiffs suggested). Subsequently, based on the Court's direction, the AO agreed to draft updated Position Descriptions by department.

To date, the AO has completed drafts of updated Position Descriptions for three Departments (Human Resources, Financial Operations and the Erroneous Exemption Unit). These three departments comprise a total of 15 Position Descriptions. The AO's draft updated

Position Descriptions for each of the seven remaining departments are approximately half complete.

As to the three completed departments, the ACA has given feedback on one (Human Resources) and is in the process of finalizing feedback on the other two. The AO has given no indication of when it will complete drafts for any of the remaining seven departments. As with the drafting of policies, the extended period that has accompanied the AO's work on updating Position Descriptions is unacceptable if the Assessor is to achieve Substantial Compliance within in any reasonable period of time.

**E. The Assessor Cannot Achieve Substantial Compliance Without a Fully Functioning, Professional Human Resources Function the Adequacy of Which Remains Questionable**

Substantial Compliance cannot be achieved without a professional, effective Human Resources function. *See* Section III.I of the Employment Plan at 16 (requires maintaining a Human Resources staff of "experienced and knowledgeable professionals"); Doc. #4651 at PageID #2968. Under the Deputy of Human Resources effectively appointed in July 2016, the Human Resources function has improved but much remains to be done.

The ACA remains concerned whether the Assessor is providing the resources required to achieve a fully functional, professional Human Resources Department. The current budget for the Human Resources Department is three full-time employees (Deputy, Director and Generalist). Given the extent of the *Shakman*-related activities that are required for the Assessor to achieve Substantial Compliance, along with carrying out the AO's day-to-day employment-related operations, this staffing may well be inadequate.

To date, the Human Resources Department has been operating with two full-time employees – the Deputy and the Director. The Human Resources Generalist is a newly-created

position; the new hire will start on June 26, 2017. In hiring the Human Resources Generalist, it was apparent that he or she would be an external candidate. The position initially was posted in November 2016 but had to be reposted when the initial posting failed to produce any Minimally Qualified candidates. The AO also increased where the position would be reposted, including employment websites that required placement fees. The position was reposted with a salary range of \$60,470 – \$97,606.

As expected, the qualifying candidates who were interviewed were external. Despite the posted salary range, the Assessor took the position that he could offer an external candidate only the entry level salary of \$60,470. Unsurprisingly, the top two ranked candidates (who were earning \$80,000 or more in their current jobs) declined the position. The third-ranked candidate accepted the job.

Given the expectation of an external hire, if the Assessor's position was that an external hire only could be offered the minimum \$60,470 salary, the salary range on the posting should have been more realistic so as to yield a more realistic applicant pool. This would have eliminated the time and effort required to deal with applicants, like the top two ranked candidates, who likely would not have applied had they known what the job actually paid.

Presumably the limited Human Resources staff is, at least in part, responsible for the Assessor's slow progress in drafting policies and updating Position Descriptions described above. Moreover, to the extent progress has been made on the drafting of policies or updating of Position Descriptions, extensive involvement by the ACA, the DOC and Plaintiffs has been required. The ACA understands that the DOC reviews each AO draft policy and draft updated Position Description before it is sent to the ACA and Plaintiffs for initial review. Upon receipt, extensive review and comment by the ACA and Plaintiffs also has been required.

The adequacy of Human Resources Department staffing recently has been exacerbated by the resignation of the Human Resources Director, effective May 12, 2017. With this resignation, the Human Resources Department currently consists of the Deputy. This is untenable. The ACA assumes that replacing the Director of Human Resources will be the Assessor's hiring priority. The ACA will work with the AO to expedite that hiring.

On the positive side, as of May 15, 2017, the Assessor hired a Legal Counsel who, prior to his appointment, was an Assistant State's Attorney assigned to this matter. The Assessor has indicated that the new Legal Counsel will devote the bulk of his energies to *Shakman*-related issues. While this undoubtedly will be helpful, this Legal Counsel hire does not obviate the need for a professional, effective Human Resources function.

Substantial Compliance requires the Assessor and his Human Resources Department to be able to function effectively and independently. Drafting detailed policies and up-to-date, accurate position descriptions is only a small (initial) piece of the process. Demonstrating the ability to effectively implement policies and attend to the numerous administrative burdens of a 300-employee workforce also will be crucial. Considerable improvement is required before that can be achieved.

**F. The Assessor Cannot Achieve Substantial Compliance Without an Electronic Application System**

The Employment Plan requires an Electronic Application System ("EAS") to be "completed, tested and trained for use on a good faith priority basis." Employment Plan §VI.G at 33; Doc. #4651 at PageID #29698. Implementing an EAS has not been the Assessor's priority. His failure to put an EAS in place in the over four years since the entry of the Agreed Order suggests a lack of good faith in accomplishing this important step toward Substantial Compliance, which is now memorialized as a requirement of the Employment Plan.

From the outset, the Assessor has insisted on creating his own EAS. Little progress has been made. Based on a February 28, 2017 demonstration to the ACA (and the DOC), it appears that almost nothing has been done since a November 19, 2015 EAS demonstration for the prior ACA. For example, the current version of the Assessor's EAS does not reflect the terms of the August 2016 Employment Plan. Also, the automation of the Assessor's system is limited to the submission of applications. Every other part of the hiring process remains dependent on a manual system – in sum, the current version is mainly an electronic database. This is inefficient and burdensome and will not yield the transparency that the Employment Plan is designed to achieve.

Despite the lack of progress on an internally-created system, the Assessor refuses to use TALEO, a well-established talent management software that, in large part, automates the hiring process. TALEO's capabilities include tracking job openings, an on-line job application system, tracking job applicants, applicant screening and assessment tools, applicant communication functions, interview management and interviewee assessment.

The ACA understands that TALEO is being used effectively by other elected officials in Cook County who must hire in compliance with the *Shakman* decrees. *See* Seventh Report at 13-14, Doc. #4856 at PageID # 31019-20; Sixth Report at 7-8, Doc. # 4751 at PageID # 301889-90.

After the February 28, 2017 EAS demonstration, the ACA suggested to the Assessor's Chief Legal Counsel, who was present at the demonstration, that the Assessor reconsider his resistance to TALEO. The Chief Legal Counsel referenced the increased cost to the Assessor of using TALEO; to what the Chief Legal Counsel referred was not explained. Nor has it been explained subsequently. The ACA understands that there would be no cost to the Assessor to use

TALEO as the cost is borne by Cook County. At most, the Assessor could incur the incremental cost of a project manager to navigate the AO's entry into the TALEO system.

Cost aside, the Assessor cannot achieve Substantial Compliance without a fulsome EAS and the increased transparency it brings to the hiring process. The ACA again recommends the Assessor consider importing TALEO to his office.

#### **IV. RECOMMENDATIONS**

Based on the foregoing, the ACA makes the following recommendations:

**A. Recommendation No. 1 – The Drafting and Implementation of Policies and Procedures Should be Done Under Deadlines**

Little progress has been made on the drafting of policies since the Seventh Report. The Court has facilitated the AO, DOC and Plaintiffs to produce policies and policy revisions according to agreed deadlines. This should speed the process. The continued use of deadlines is recommended.

**B. Recommendation No. 2 - The Assessor's Updating of Position Descriptions Should be Done Under Deadlines**

Little progress has been made on the updating of Position Descriptions since the Seventh Report. While the AO has agreed to produce updated Position Descriptions on a departmental basis, at the May 15, 2017 status the AO would not commit to a timeframe for additional progress. The Court should facilitate deadlines for the AO's completion of Position Descriptions on a department-by-department basis.

**C. Recommendation No. 3 – The Assessor Should Commit Resources Adequate to a Professional and Well-Staffed Human Resources Function**

The Assessor should prioritize the immediate hiring of a replacement Human Resources Director. Additional resources, including an administrative assistant, should be considered.

**D. Recommendation No. 4 – The Assessor Should Implement an Electronic Application System (“EAS”)**

The Assessor either should devote whatever internal resources are required to readily complete a fully functional internally-created EAS (which prior to implementation must be reviewed, tested and approved by the ACA, DOC and Plaintiffs). Alternatively, the Assessor should adopt Cook County’s TALEO system.

If not accomplished by the next status on July 17, 2017, the Assessor should be ordered within 30 days thereafter to either: (1) present a detailed work plan describing the completion of an AO internally-created EAS, including a specific timeline; or (2) agree to implement TALEO and present a work plan and timeline for the adoption thereof.

Respectfully submitted,

/s/ Susan G. Feibus  
Assessor Compliance Administrator  
69 West Washington St., Suite 840  
Chicago, IL 60602  
and  
105 West Adams St., 35<sup>th</sup> Floor  
Chicago, IL 60603  
(312) 637-9637  
susan@feibuslaw.com

/s/ Laura B. Bacon  
Counsel to the Assessor Compliance Administrator  
69 West Washington St., Suite 840  
Chicago, IL 60602  
and  
70 West Madison St., Suite 3500  
Chicago, IL 60602  
(312) 977-4403  
lbbacon@nixonpeabody.com

**CERTIFICATE OF ELECTRONIC FILING**

I, Laura B. Bacon, the undersigned, do hereby certify that on May 24, 2017, I electronically filed a true and correct copy of the foregoing **Eighth Report of the Assessor Compliance Administrator for the Cook County Assessor** using the CM/ECF system, which sends notification of such filing to all registered users.

/s/ Laura B. Bacon  
Counsel to the ACA

# **EXHIBIT A**

EXHIBIT A

**COOK COUNTY ASSESSOR'S OFFICE  
EMPLOYMENT PLAN VIOLATIONS: HIRING-RELATED**

| PLAN SECTION | WHAT THE PLAN REQUIRES   | PLAN VIOLATION   | EXAMPLES OF PLAN VIOLATION  |
|--------------|--|--|---|
| VI.B.        | <b>Job Postings.</b> All Non-Exempt Positions which the Assessor's Office is seeking to fill will be posted in highly visible areas at the Assessor's main office, the Assessor's Office satellite offices, on EAS (when operational), and prominently on the main page of the Assessor's Website under the Jobs tab... <i>The methods of posting as well as posting locations will be documented in the Posting File.</i> | Documentation regarding all methods and locations of postings not contained in the Posting File.                       | <b>Various Positions.</b> HR Generalist (January 2017 posting), Erroneous Exemption Specialist (June 2016 posting), Systems Analyst (June 2016 posting), Landmark Analyst (June 2016 posting), Manager of Certificate of Error (May 2016 posting), Manager of Exemption Investigations Unit (May 2016 posting), Manager of Appraisal Review & Education (May 2016 posting). |
| VI.E.1.      | <b>Submission of Request to Hire ("RTH").</b> The RTH, <i>including a copy of the current Position Description and written justification for filling or creating the Position</i> , must be completed and signed by the Deputy of the Hiring Department and submitted to HR.   | RTH was not properly executed for re-posted position.<br><br>RTH did not include copy of current Position Description. | <b>HR Generalist.</b> The RTH utilized was executed for an earlier (December 2016) posting of this position. The space provided for re-post requests was not completed.<br><br>RTH in Posting File did not include attached copy of current Position Description.   |
| VI.E.2.      | <b>Current Position Description.</b> Pursuant to Section IV.J, the Deputy of HR or his or her Designee will review with the Deputy of the Hiring Department the current Position Description containing a list of all Minimum Qualifications and, if applicable, Preferred Qualifications, as well as a description of the knowledge, skills and   | Position Description did not accurately reflect the requirements of the Position.                                      | <b>HR Generalist.</b> The Position Description, which was updated after a 12/16 posting failed to yield any qualified Applicant, did not include collective bargaining or FMLA experience as Minimum Qualifications. Nonetheless, three Candidates who received qualifying average scores were not ranked at the Ranking Meeting for lack of this experience.               |

EXHIBIT A

|         |   |  |   |
|---------|---|--|---|
|         | <p>abilities relating to the Position. The Deputy of HR and the Deputy of the Hiring Department will confirm that any such Minimum Qualifications, Preferred Qualifications and knowledge, skills and abilities are, in fact, related to the Position's requirements. <i>If no Position Description exists or the Deputy of the Hiring Department claims the current Position Description is not accurate, the Deputy of the Hiring Department, and the Deputy of HR or his or her Designee with notice to the DOC and ACA, while acting, will draft a new or update the current Position Description to accurately reflect the requirements of the Position in compliance with Section IV.</i></p> |  |   |
| VI.E.3. | <p><b>Internal Candidate Preference.</b> The Deputy of HR, working with the Deputies and the DOC, shall create and maintain an Internal Candidate Preference List.</p>  | <p>Deputy of HR has not created and does not maintain an Internal Candidate Preference List.</p> | <p>Deputy of HR has not created and does not maintain an Internal Candidate Preference List.</p>  |
| VI.F.2. | <p><b>Permitted Contact from Applicants.</b> Applicants may contact HR with any questions they may have with respect to the application process. Any contact with an Applicant will be memorialized in writing and entered on a Contact Log maintained by the Deputy of HR or his or her Designee for each job posting.</p>   | <p>Contact Logs insufficient.</p>  | <p><b>Various positions.</b> HR Generalist, Manager of Appraisal Review &amp; Education, Manager of Application Development, Manager of Certificate of Error.</p> <p>AO has failed to maintain Contact Logs that properly memorialize contacts with Applicants. Deficiencies include: (1) failure to memorialize contacts; (2) failure to respond and/or provide satisfactory responses to Applicant inquiries; (3) failure to clearly and consistently identify the HR employee involved with each contact; (4) poor</p> |

EXHIBIT A

|           |  |   |   |
|-----------|--|---|---|
|           |  |   | organization, including combining Applicant contacts for an initial posting and re-posting; and (5) numerous typographical errors..   |
| VI.F.5.b  | <b>Validation of Applicants.</b> The Deputy of HR or his or her Designee will validate the information in the employment application materials concerning the Applicant's work experience, education and skills and compare it with the Minimum Qualifications and the Preferred Qualifications, if applicable...All Applicants whose application materials indicate they possess at least the Minimum Qualifications for the Position will be placed on the Validated Eligibility List. | HR failed to properly analyze applications resulting in validation errors.  | <b>Erroneous Exemption Specialist.</b> The AO incorrectly validated two Candidates which required redoing the Validated Eligibility List, Sorting of Applicants and Randomization.  |
| VI.F.6.a. | <b>Ineligible for Rehire.</b> The Deputy of HR or his or her Designee <i>will compare the Applicants to the Ineligible for Rehire List</i> and remove from consideration any Applicant who is on that List. The reason for the ineligibility will be noted on the Applicant List.  | The Deputy of HR has not created the Ineligible for Rehire List.  | The Deputy of HR has not created the Ineligible for Rehire List.  |
| VI.H.4.   | <b>Pre-Interview License and Certification Verification.</b> All Candidates must produce copies of required documents (e.g. current driver's license, diploma or proof of graduation, certifications, etc.) listed on the Notice of Job Opportunity by the conclusion of all of the interviews for the Position.   | Human Resources accepted educational documents other than those specifically listed on the Notice of Job Opportunity. | <b>Manager of Certificate of Error.</b> The Notice of Job Opportunity required a copy of the candidates' high school diplomas or GED certificates at the time of interview. AO accepted a college transcript for one candidate and a college diploma for another.<br><br><b>HR Generalist.</b> Notice of Job Opportunity required at the time of interview an official transcript evidencing graduation from an accredited college or university with a Bachelor's degree. AO accepted Master's degree transcripts, Master's degree |

EXHIBIT A

|           |  |   |   |
|-----------|--|---|---|
|           |  |   | diplomas and an Unofficial Student Academic Record.   |
| VI.I.3.a. | <b>Conducting the Interview.</b> The Deputy of HR or his or her Designee will facilitate the conducting of interviews by <i>requesting that any applicable forms be completed, and picking up completed forms at the conclusion of each interview.</i>   | HR allowed incomplete Interviewer Evaluation Forms to be submitted at the conclusion of the interview.  | <b>Manager of Appraisal Review &amp; Education.</b> HR accepted an Interviewer Evaluation Form that did not include a completed Interview Summary section.  |
| VI.I.4.   | <b>Interviewer Evaluation Form.</b> Each interviewer will <i>independently</i> and personally complete and sign an Interviewer Evaluation Form for each Candidate at the conclusion of each interview. . . The basis of any score of 5 or 1 must be explained in detail by the interviewer on his or her Interviewer Evaluation Form.  | Comments made about one Candidate by interviewers before completing Interviewer Evaluation Forms potentially impacted other interviewers' evaluations and scoring of the Candidate.   | <b>Manager of Exemption Investigations.</b> (1) Two interviewers discussed one Candidate's apparent nervousness during the interview; and (2) at the end of an interview, an interviewer indicated to HR - in the presence of the other interviewers - that he thought there was a discrepancy between the Candidate's resume and interview answers and asked if this purported discrepancy could be considered in scoring the Candidate; these comments potentially influenced the other interviewers' evaluation and scoring. |
| VI.I.2.   | <b>Candidate Ranking Procedure; Documentation of Ranking Meeting.</b> The Deputy of HR or his or her Designee will take notes at the Ranking Meeting. The notes will include a description of why, how and by whom each Candidate was ranked; and how each Candidate was ranked by each member of the Interview Panel. The notes will also indicate the objective basis or bases on which any Candidate was ranked by the panel, or the basis or bases on which any Candidate was not ranked by the panel. | HR used an outdated "Selection Meeting Notes" form that contained instructions inconsistent with the Employment Plan's requirements for Ranking Meetings.<br><br>Substance of notes were insufficiently detailed to explain the basis for the final rankings. | <b>Human Resources Generalist.</b> Notes from the Ranking Meeting were made on an outdated form and failed to include entries sufficient to fully document how the final ranking was determined.  |

**EXHIBIT A**

|              |  |   |  |
|--------------|--|---|--|
| <p>VI.N.</p> | <p><b>Posting File.</b> The Deputy of HR shall maintain the full Posting File. The Posting File shall include the Request to Hire, current Position Description, Notice of Job Opportunity, Contact Log, Applicant List, Validated Eligibility List, Preliminary Interview List, Final Interview List, a list of the persons on the Interview Panel, the interview questions, testing protocols, documented Conflicts of Interest, Interview Evaluation Forms, Scored Interview List, notes from the Ranking Meeting, the Interview Panel Ranking Form, Justification to Hire with written explanation provided pursuant to Section VI.J.4, if applicable, Grant of Authority, NPCC, and any other documentation regarding the selection and ranking of the selected Candidate, including all forms identified in Section VI. Copies of all such documentation shall also be made available to the DOC and the ACA, while acting, within two days of the final selection of the Candidate, if not previously provided.</p> | <p>Posting Files for completed hiring are incomplete or deficient.</p> <p>Posting files for hiring in process are not up to date.</p> | <p><b>Incomplete or Deficient Posting Files for completed hiring – various positions.</b> Assistant Manager of Technical Review, Industrial/Commercial Valuations Jr. Analyst, Residential Jr. Analyst, Industrial/Commercial Field Inspector, Support Staff (Taxpayer Information), Support Staff (Assessment Operations), Director of Field Operations, Taxpayer Information Specialist, Technical Review Industrial/Commercial Analyst, Taxpayer Information Junior Specialist, Industrial/Commercial Group Leader/Senior Field Inspector, Systems Analyst, Freedom of Information Specialist, Manager Taxpayer Information, Residential Field Workflow Coordinator, Technical Review Specialist, Erroneous Exemption Specialist, Manager of Exemption Investigations Unit, Manager of Appraisal Review &amp; Education .</p> <p>Deficiencies include missing forms, failure to document methods and locations of posting, using the wrong forms and forms signed by wrong AO employee.</p> <p><b>Incomplete Posting Files for hiring in process - various positions.</b> Erroneous Exemption Specialist, Landmark Analyst, Systems Analyst.</p> <p>AO files are not kept up to date with the required documentation.</p> |
|--------------|--|---|--|

# **EXHIBIT B**

EXHIBIT B

**COOK COUNTY ASSESSOR'S OFFICE  
EMPLOYMENT PLAN VIOLATIONS: NON-HIRING-RELATED**

| PLAN SECTION | WHAT THE PLAN REQUIRES   | PLAN VIOLATION  | EXAMPLES OF PLAN VIOLATION  |
|--------------|--|---|---|
| IV.C.        | <p><b>Quarterly Report.</b> <i>HR will post on the Assessor's Website quarterly reports of the total number of new hires, Promotions, Demotions, Transfers, Terminations, Reclassifications, Layoffs and resignations by Department during the preceding three month period, including: (1) the number and type of each such Employment Action; (2) the dates of each Employment Action; (3) the title of the Position, and (4) whether the Employment Action was pursuant to Section V or a specific exception to the General Hiring Process identified in Section VII – XII.</i></p> | <p>HR has not posted (and presumably has not created) quarterly reports on the Assessor's Website.</p>  | <p>The Assessor's Office has yet to post quarterly reports on Assessor's Website as of 5/11/17: See <a href="http://www.cookcountyassessor.com/Office/Shakman-Compliance.aspx">http://www.cookcountyassessor.com/Office/Shakman-Compliance.aspx</a></p>   |
| IV.D         | <p><b>Notification of Employment Actions.</b> Except as expressly provided in this Employment Plan, the Deputy of HR or his or her Designee will provide the DOC and ACA, while acting, with written or electronic notice of all Employment Actions <i>no</i></p>  | <p>HR has failed repeatedly to timely inform the ACA of various employment actions (including when overtime is made available to employees and discipline).</p> | <p><b>OVERTIME<br/>Exemption Investigations Department</b></p> <ul style="list-style-type: none"> <li>• Where Erroneous Exemption Specialists worked overtime from 2/14/17 through 2/18/17, notice was not given to the ACA until 3/7/17.</li> <li>• Where Director worked overtime on 2/18/17, notice was not given to the ACA until 2/24/17.</li> </ul> |

EXHIBIT B

| PLAN SECTION | WHAT THE PLAN REQUIRES  | PLAN VIOLATION | EXAMPLES OF PLAN VIOLATION  |
|--------------|---|----------------|---|
|              | <p><i>less than 2 days prior</i> except where circumstances outside the control of the Assessor's Office preclude advanced notice, to provide the DOC and ACA, while acting, with a reasonable opportunity to monitor the Employment Action(s).</p> |                | <ul style="list-style-type: none"> <li>• Where Erroneous Exemption Specialists worked overtime from 2/20/17 through 2/24/17, notice was not given to the ACA until 3/7/17.</li> <li>• Where Investigation Specialists and Investigator worked overtime from 3/7/17 through 3/11/17, notice was not given to the ACA until 3/16/17.</li> <li>• Where an Investigation Specialist worked overtime from 5/1/17 through 5/7/17, notice was not given to the ACA until 5/15/17.</li> </ul> <p><b>Information Technology (“IT”) Department</b></p> <ul style="list-style-type: none"> <li>• Where IT employees worked overtime from 1/1/17 through 1/7/17, notice was not given to the ACA until 2/17/17.</li> <li>• Where IT employees worked overtime from 1/30/17 through 2/4/17, notice was not given to the ACA until 2/10/17.</li> <li>• Where IT employees worked overtime from 2/14/17 through 2/17/17, notice was not given to the ACA until 2/27/17.</li> <li>• Where IT employee worked overtime from 2/19/17 through 2/25/17, notice was not given to the ACA until 3/7/17.</li> </ul> <p><b>Taxpayer Services</b></p> <ul style="list-style-type: none"> <li>• Where Taxpayer Services employees worked overtime in 1/17, notice was not given to the ACA until 2/10/17.</li> <li>• Where Taxpayer Services employees worked overtime from 1/29/17 through 2/4/17, notice was not given to the ACA until 2/10/17.</li> <li>• Where Taxpayer Services employees worked</li> </ul> |

**EXHIBIT B**

| PLAN SECTION | WHAT THE PLAN REQUIRES | PLAN VIOLATION | EXAMPLES OF PLAN VIOLATION  |
|--------------|------------------------|----------------|---|
|              |                        |                | <p>overtime on 4/3/17, notice was not given to the ACA until 4/24/17.</p> <ul style="list-style-type: none"> <li>• Where Taxpayer Services supervisor worked overtime on 4/10/17, notice was not given to the ACA until 4/24/17.</li> </ul> <p><b>Communications</b></p> <ul style="list-style-type: none"> <li>• Where Deputy worked overtime on 1/25/17, notice was not given to the ACA until 2/10/17.</li> <li>• Where Deputy worked overtime on 2/3/17, notice was not given to the ACA until 2/10/17.</li> </ul> <p><b>Valuations &amp; Appeals</b></p> <ul style="list-style-type: none"> <li>• Where employee worked overtime from 3/26/17 through 4/1/17, notice was not given to the ACA until 4/13/17.</li> <li>• Where Advocate Department employees worked overtime from 4/17/17 through 4/21/17, notice was not given to the ACA until 5/1/17.</li> <li>• Where Advocate Department employee worked overtime from 4/24/17 through 4/28/17, notice was not given to the ACA until 5/5/17.</li> </ul> |

EXHIBIT B

| PLAN SECTION | WHAT THE PLAN REQUIRES   | PLAN VIOLATION   | EXAMPLES OF PLAN VIOLATION  |
|--------------|--|--|---|
|              |  |  | <p><b>DISCIPLINE</b></p> <ul style="list-style-type: none"> <li>On 3/24/17, the AO provided the ACA with notice of a disciplinary meeting to be held on 3/29/17, where a written warning was issued. At the 3/24/17 meeting, the ACA learned that the AO had conducted an internal investigation without notice to the ACA, thereby depriving her of the opportunity to monitor.</li> <li>On 3/27/17, the AO provided the ACA notice of a disciplinary meeting/investigation to be conducted on 3/30/17, at which the employee who was the subject of the investigation was interviewed. At the 3/27/17 meeting, the AO gave the ACA an AO internal memo indicating that HR had discussed the matter with the Deputy who had reported the alleged employee conduct without notice to the ACA, thereby depriving her of the opportunity to monitor.</li> </ul> |
| IV.F.        | <p><b>Supervisor Training.</b> HR, in conjunction with the DOC, will provide comprehensive mandatory training for all Supervisors to ensure they are aware of and knowledgeable about this Employment Plan and the Employee Handbook. All Supervisors will receive such training no later than 60 days following their appointment as a Supervisor . . .</p> | <p>New supervisors did not receive required training within 60 days of their appointment as supervisors.</p> | <p><b>Manager of Certificate of Error and Manager of Application Development.</b> Two previously non-supervisory AO employees who were promoted (through the General Hiring Process) to supervisory roles on 2/21/17 have not yet received supervisory training.</p>  |
| IV.M.        | <p><b>Complaint Line.</b> HR will post the hotline telephone number of</p>   | <p>The DOC’s hotline number is not posted in all required locations.</p>                                     | <p>The DOC’s hotline number is not physically posted on the bulletin boards at all places where individuals apply</p>   |

**EXHIBIT B**

| PLAN SECTION | WHAT THE PLAN REQUIRES  | PLAN VIOLATION  | EXAMPLES OF PLAN VIOLATION  |
|--------------|---|---|---|
|              | <p><i>the DOC at all places where individuals apply for employment with the Assessor, on its bulletin boards, and on the Assessor's website. HR will include a link to the DOC's hotline on its website.</i></p>      |   | <p>for employment with the AO.<br/><br/>The DOC's hotline number does not appear on the Human Resources page of the AO's website.</p> |
| <p>IV.O.</p> | <p><b>Recordkeeping.</b> HR will keep Posting Files, including Interview Files, for a minimum of three years following the date of Notice of Job Opportunity posting, unless longer retention is required by law.</p> | <p>HR's recordkeeping is deficient. Posting files are incomplete and/or not up to date.</p> | <p>See ACA's "Employment Plan Violations – Hiring Related" chart, Exhibit A at 6.</p>   |

EXHIBIT B

| PLAN SECTION | WHAT THE PLAN REQUIRES   | PLAN VIOLATION  | EXAMPLES OF PLAN VIOLATION   |
|--------------|--|---|--|
| VIII.H.      | <p><b>Temporary Assignments.</b> The Assessor shall follow the applicable provisions in the CBA and the Employee Handbook with respect to Temporary Assignments.</p> | <p>There are no applicable provisions in the Employee Handbook with respect to Temporary Assignments.</p> | <p>Employees have been temporarily assigned to positions other than their own – without the required notice to the ACA. Also, the AO’s selection criteria and training has not been properly documented or explained, e.g.:</p> <ul style="list-style-type: none"> <li>• Taxpayer Information (“TPI”) employee selected to assist the Exemption Investigations Unit from 1/1/17 through 1/7/17, 1/8/17 through 1/14/17, 1/15/17 through 1/21/17 and 1/22/17 through 1/28/17; notice was not given to the ACA until 2/10/17 and selection criteria was not disclosed.</li> <li>• Technical Review employee selected to assist the Taxpayer Services Department from 1/15/17 through 1/21/17, 1/22/17 through 1/28/17 and 1/29/17 through 2/4/17; notice was not given to the ACA until 2/10/17 and selection criteria was not disclosed.</li> <li>• Technical Review employee was selected to assist the Taxpayer Services Department from 3/5/17 through 3/11/17; notice was not given to the ACA until 3/16/17 and selection criteria was not disclosed.</li> </ul> |

EXHIBIT B

| PLAN SECTION | WHAT THE PLAN REQUIRES  | PLAN VIOLATION   | EXAMPLES OF PLAN VIOLATION   |
|--------------|---|--|--|
| IX.C.1       | <p><b>Hiring of Paid Interns; Direct Placement; Scope and Number.</b> Deputies interested in having Interns/Externs in their Department will submit a Request for Intern/Extern form setting forth the number of Interns/Externs requested, the background/skills sought, and the scope of duties to be performed by each. <i>The Assessor or his or her Designee will determine the scope and number of Internships/Externships based upon the operational needs of the Office. The final number of Intern/Externs and the scope of duties to be performed will be documented on the Request for Intern/Extern form.</i></p> | <p>Inadequate documentation by Assessor or his Designee regarding final number and scope of duties to be performed by the Interns/Externs.</p> | <p><b>Summer 2017 Internship/Externships.</b> The Assessor or his Designee failed to document the final number and scope of duties to be performed by the Interns/Externs.</p> |

EXHIBIT B

| PLAN SECTION | WHAT THE PLAN REQUIRES   | PLAN VIOLATION   | EXAMPLES OF PLAN VIOLATION   |
|--------------|--|--|--|
| IX.C.2       | <p><b>Hiring of Paid Interns; Direct Placement; Notice of Availability.</b> The Deputy of HR or his or her Designee will send a Notice of the Availability of an Internship/Externship to academic institutions and other non-political organizations, primarily within Cook County . . . The Notice of the Availability will be <i>posted</i> in compliance with Section VI.A.1. [sic] . . . A copy of the Notice of Availability will be provided to the DOC and ACA, while acting, prior to sending to academic institutions and other non-political organizations.</p> | <p>Notices of Availability were not posted in compliance with VI.B.</p> <p>Copies of the Notices of Availability were not timely provided to the DOC and ACA prior to being sent to the academic institutions.</p> | <p><b>Summer 2017 Internship/Externships.</b> Notices of Availability were not posted on the AO's Intranet or the AO's Website at the time of electronic distribution to the academic institutions and not until after the error was flagged by the DOC.</p> <p>On 5/13/17, Notices of Availability were sent to the DOC and ACA just hours before they were sent to the academic institutions thereby precluding a reasonable opportunity to review and comment. Comments would have included (1) requirement that materials be sent to P.O. Box as opposed to Career Development Department or non-HR Department AO employee; (2) consistent formatting of position descriptions (as opposed to different formats by departments); (3) clarity about selection process; and (4) explanation of choice of some (but not all) academic institutions in the region.</p> |
| X.A.         | <p><b>Posting the Executive Assistant List.</b> The Assessor's Office will post and maintain a current Executive Assistant List in the HR Department and on the Assessor's Website. The posting will include: (a) the name of the Department to which the Executive Assistant Position is assigned and in which the individual holding the Executive Assistant Position works, (b) the job title, and (c) <i>a link to the</i></p>   | <p>Certain Executive Assistant List posting requirements not met.</p>  | <p>The "links" to the Position Descriptions for Executive Assistant Positions posted on the Assessor's Website remain inactive as of 5/11/17. See <a href="http://www.cookcountyassessor.com/assets/forms/ExecutiveAssistantList.pdf">http://www.cookcountyassessor.com/assets/forms/ExecutiveAssistantList.pdf</a></p>  |

**EXHIBIT B**

| PLAN SECTION | WHAT THE PLAN REQUIRES  | PLAN VIOLATION  | EXAMPLES OF PLAN VIOLATION   |
|--------------|---|---|--|
|              | <i>Position Description for each Executive Assistant Position.</i>  |   |  |
| XIA.1.       | <b>Exempt Position Description.</b> The Deputy of HR shall maintain the Exempt List and shall post the Exempt List <i>and all Exempt Position Descriptions</i> on the Assessor's Website. | Certain Exempt Position Description posting requirements not met. | Exempt Position Descriptions are not posted on the Assessor's Website as of 5/11/17. See <a href="http://www.cookcountyassessor.com/assets/forms/ExemptList.pdf">http://www.cookcountyassessor.com/assets/forms/ExemptList.pdf</a> |