

**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)	

**NINTH 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, Kathleen Champagne, 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 Ninth Report to the Court:

I. INTRODUCTION

On May 24, 2017, the ACA filed the Eighth Report to the Court (the “Eighth Report”). Doc. #5059. This was her third report since her January 26, 2016 appointment (effective February 1, 2016). *See* Doc. # 4751, 4856, 5059 (ACA’s Sixth – Eighth Reports). This Ninth 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 Eighth 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 Decrees¹ 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. As to the other elements required to achieve Substantial Compliance, the ACA is particularly troubled by the Assessor's conduct regarding the Employment Plan-mandated Electronic Application System ("EAS"), which will bring greater transparency to the hiring process.

After refusing to use Cook County's TALEO system and failing to create his own EAS internally for five years, the Assessor purports to have determined that he can create an internal EAS faster than the approximate six months that it will take to implement the County's TALEO system - for which the County has agreed to absorb all costs and provide all necessary manpower. Based on his years of inaction, the Assessor's decision about the EAS is not credible. Also, the Assessor has excluded the ACA and Plaintiffs from his EAS decision making in contravention of the Agreed Order and the Employment Plan.

As to other elements required to achieve Substantial Compliance, significant progress has been made in drafting *Shakman*-related policies. No progress has been made on the Assessor's end

¹ 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.

on updating Position Descriptions. 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 MAY 24, 2017 EIGHTH REPORT

The ACA and her staff remain actively engaged with the AO and its efforts to achieve Substantial Compliance. Activities since the Eighth 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-Exempt² positions;
- provided significant input into the AO's proposed employee policies;
- provided input into the AO's proposed updated Position Descriptions;
- investigated the AO's potential use of Cook County's EAS, TALEO;
- 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 Cannot Unilaterally Determine the Parameters of the Electronic Application System Required by the Employment Plan if He is to Achieve Substantial Compliance

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

² 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.

33; Doc. #4651 at PageID #29698. The Assessor has failed to put an EAS in place in the five years since the entry of the Agreed Order.

Implementing an EAS clearly has not been the Assessor's priority. His failure to implement an EAS over so many years indicates a lack of good faith in accomplishing this important step toward Substantial Compliance.

As described in prior reports to the Court, the Assessor from the outset refused to use the County's TALEO system, a well-established talent management software that, in large part, automates the hiring process.³ See, e.g., Eighth Report at 13- 14, Document #5059 at Page ID #34412-34413; Seventh Report at 13 -14, Doc. #4856 at PageID # 31019-20; Sixth Report at 7-8, Doc. # 4751 at PageID # 301889-90. Rather than using TALEO - as do other elected officials in Cook County who must hire in compliance with the *Shakman* decrees - the Assessor insisted on creating his own EAS.

In the last five years, the Assessor has made little progress in creating an EAS internally. Based on a February 2017 demonstration, virtually no progress had been made on the Assessor's EAS since it was shown to the prior ACA in November 2015. The ACA is unaware of any progress since the February 2017 demonstration.

For the last seven months, the ACA has urged the Assessor to use the County's TALEO system. The Assessor has indicated (including at the last Court status) that he has been in communication with Cook County about doing that.

In a September 5, 2017 email, the Assessor's Legal Counsel told the ACA and Plaintiffs that the Assessor's Office purportedly "cannot be easily integrated into [Cook County's] TALEO

³ 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.

at this time. Rather we have been told that there are multiple steps that the County must take and accomplish on its end before any such integration is possible. As of now, the County has told us there is no time frame for when these steps will be completed.” As a result, the Assessor’s Legal Counsel told the ACA and Plaintiffs that the Assessor’s Office “intend[s] to continue developing and insuring that the system we have developed internally is operational as soon as possible.”

Upon receipt of the September 5, 2017 email, the ACA made her own inquiries. This included inquiries to the Bureau Chief of Cook County’s Human Resources Department, the Director of HRIS for Cook County, the Manager of Recruitment and Selections for Cook County’s Human Resources Department and the Director of Application Development & Management for Cook County’s Bureau of Technology.

Based on these inquiries, the ACA learned that in or about July 2017, Jeffrey Cox, the AO’s Deputy of Human Resources, and Vicki LaCalamita, the AO’s Deputy of Financial Operations, met with representatives from Cook County’s Bureaus of Human Resources and Technology about implementing TALEO in the Assessor’s Office. A July 17, 2017 email from the Cook County Bureau of Human Resources to Cox and LaCalamita indicated that Cook County anticipated a “TALEO go-live” in the Assessor’s Office in January or February 2018. This assumed that satisfying “the specific requirements of your Office’s configuration” required a County Board-approved amendment to the County’s contract with Oracle, which would take approximately three months.

The ACA also learned that Cook County is willing to absorb any costs and provide any manpower (including project management personnel) required to integrate the Assessor’s Office to the County’s TALEO system. Regarding “the specific requirements of [the AO’s] configuration” referenced in the County’s July 17, 2017 email, County representatives could not

identify them or confirm they will be required. If they are not, a contract amendment likely will not be required and the time required for TALEO to “go-live” in the Assessor’s Office likely will be substantially reduced.

The ACA is troubled by the Assessor’s approach to implementing an EAS for several reasons:

First, the statement in Legal Counsel’s September 5, 2017 email that “the County has told [the AO] there is no time frame for when these steps will be completed” appears inconsistent with the County’s July 17, 2017 email indicating that it would take about six-months for the AO to be integrated into the County’s TALEO system even if a Board-approved contract amendment is required. If the AO had additional information regarding the timeframe for TALEO integration when that email was sent, it was not shared with the ACA or Plaintiffs.

Second, while Legal Counsel’s September 5, 2017 email references “the [EAS] system we have developed internally,” to the ACA’s knowledge the Assessor has not developed an internal EAS system. Based on the February 2017 demonstration, the Assessor has the beginning of a system that automates the application system only. (And this limited piece does not even conform to the terms of the Employment Plan.) This is a far cry from a fulsome EAS or the functionality that TALEO will supply.

Third, that the Assessor can create an operational EAS within a reasonable period of time, is an empty promise belied by the lack of progress for the last five years. The ACA seriously doubts that the Assessor can create a working EAS system within the time that the AO can be integrated into the County’s TALEO system (which is approximately six months if a contract amendment is required and less if it is not).

But the most troubling aspect of the Assessor's treatment of the EAS issue is his wholesale lack of transparency with the ACA and Plaintiffs. Implementing an EAS is required by the Employment Plan as a critical piece of the hiring process. The Assessor simply cannot unilaterally decide how to address an EAS without involving the ACA and Plaintiffs – as he apparently is aiming to do.

AO representatives met with the County in July 2017. There was no communication with the ACA or Plaintiffs about this meeting or an EAS until Legal Counsel's September 5, 2017 email. Apparently, at the July 2107 meeting, Cox and LaCalamita told the County that the Assessor has "specific requirements" for customizing TALEO for the AO. These purported requirements never have been discussed with the ACA or Plaintiffs.

The ACA and Plaintiffs must be an integral part of completing, testing and training on the EAS that the Employment Plan requires. Had the AO engaged the ACA and Plaintiffs in July 2017 when discussions about implementing TALEO began with Cook County, considerable progress already could have been made.

The Employment Plan mandates an EAS and the Employment Plan and Agreed Order mandate the ACA and Plaintiffs' participation in the process of what and how an EAS is implemented. The Assessor's efforts to unilaterally control the process are in violation of the Employment Plan and in derogation of the transparency in hiring underlying both the Employment Plan and the Agreed Order. If the Assessor wishes to achieve Substantial Compliance his approach must change.

B. The Assessor's Non-Exempt Hiring Continues to Violate the Employment Plan

The Assessor has filled two non-Exempt positions since the Eighth Report –one Human Resources Generalist and one Industrial Commercial ("I/C") Jr. Field Inspector. At the last Court

status on July 17, 2017, the Assessor reported that a hiring freeze had been imposed because of the fiscal uncertainty created by the legal challenge to the County's "soda tax." As a result, non-Exempt hiring (including several positions that were in the process of being filled) was halted.

The Assessor's hiring of the Human Resources Generalist and the I/C Junior Field Inspector included Employment Plan violations. These violations included:

1. *Position Description did not accurately reflect the requirements of the position – violation of Section VI.E.2. (HR Generalists #2 – lack of experience with collective bargaining and Family and Medical Leave Act used to exclude candidates even though such experience was not Minimum Qualification for the position.)*
2. *Justification to Hire form did not adequately explain the basis for hiring – violation of Section V.L. (HR Generalist #2 – Justification for Hire form did not explain why third and fourth ranked candidate was chosen to fill positions.)*
3. *Assessor's Office decision to use Interview Panel Ranking form to fill a subsequent vacancy was not properly documented – violation of Section V.J.4. (HR Generalist #2.)*
4. *Deputy of Human Resources has not created and does not maintain an Internal Candidate Preference List – violation of Section VI.E.3.*

The Assessor cannot achieve Substantial Compliance until his hiring efforts are Employment Plan compliant.

C. 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. Three of these violations are administrative in nature and were cited in the Sixth, Seventh and Eighth 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 current Executive Assistant List is posted on the Human Resources Department website does not include an active link to the position descriptions– violation of Section X.A.

3. 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 were additional continuing non-hiring related violations of the Employment Plan. These violations, which indicate systemic problems that must be addressed for the Assessor to achieve Substantial Compliance, include:

- 1. The Assessor's continued 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 minimum two days' notice of Employment Actions required by the Employment Plan. *See* Employment Plan, Section IV.D. at 18; Doc. #4651 at PageID #29683. This has been the subject of prior reports to the Court. *See e.g.*, Eighth Report at 8 – 9; Doc. #50459 at PageID #34407 – 34408.

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.

As noted in the Eighth Report, Doc. # 5059 at PageID #34405 – 34407, the biggest problem is with overtime, the most common employment action (which is specifically identified in the Employment Plan's definition of Employment Actions).

The Assessor's violations relating to overtime include:

a. **Failure of Deputies to give ACA advance notice of overtime.** The ACA continues to receive notice of overtime worked by AO employees only after the overtime has been worked.⁴ The Taxpayer Services & Public Outreach, Communications and Information Technology Departments and the Exemptions Investigation Unit failed to provide advance notice of overtime to be worked. To the extent (if any) that advance notice was not feasible, that was not documented.

b. **Failure of Human Resources to give ACA advance notice of overtime.** In certain instances, AO department Deputies (*e.g.*, Deputies of Assessment Operations and Legal) gave advance notice of overtime to Human Resources but Human Resources failed to give the ACA notice until after the overtime was worked.

c. **Failure of Human Resources to give ACA timely notice of overtime worked.** The AO agreed to give the ACA notice of overtime worked by the Monday following the week the in which the overtime was worked. Human Resources failed to do so vis-à-vis various departments that assigned overtime (*e.g.*, Legal, Information Technology, Taxpayer Service, Communications, I/C Valuations, and Exemptions Investigations Unit).

d. **Failure of Deputies to adequately document overtime.** In many instances, the Deputies' documentation related to overtime has been deficient. This includes:

- i. *failure to include pre-approved overtime start and/or end dates in emails to employees offering overtime opportunities - e.g., Residential Valuations, I/C Valuations, Assessment Operations and Administration, Taxpayer Services;*
- ii. *failure to provide documentation sufficient to verify that overtime was worked in accordance with limitations in notice of overtime availability - e.g., I/C Valuations, Residential Valuations;*

⁴ 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.

- iii. *failure by Deputy to personally complete Notice of Employment Action form; form completed by employees who worked the overtime – e.g., Communications;*
- iv. *failure to sign form indicating overtime was approved - e.g., Taxpayer Services, Residential Valuations;*
- v. *failure to provide a weekly overtime record for employee reported to have worked overtime – e.g., Information Technology; and*
- vi. *failure to complete a new Notice of Employment Action form and NPCC for each week where overtime assigned for sequential weeks – e.g., Residential Valuations.*

While documenting and processing paperwork related to overtime (including notice to the ACA) may be burdensome to AO Deputies and the Human Resources department, it is what the Employment Plan requires. As discussed below, *see* p. 13, *infra*, an Overtime Policy has been drafted. The next step is for the AO to train supervisors and implement the policy.

The AO also failed to give the ACA notice of recently conducted training, including: (a) annual mandatory training for Taxpayer Information section (“TPI”) of Taxpayer Services and Communications Department employees; and (b) training in Graphic Information System (“GIS”) and pictometry, both of which are forms of mapping. Since training is an Employment Action specifically enumerated in the Employment Plan, the ACA must receive timely notice and an opportunity to monitor. This Employment Plan violation must be rectified for the Assessor to achieve Substantial Compliance.

2. The Assessor continues to temporarily assign 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. As such, they are subject to the Employment Plan’s two-day notice requirement and monitoring by the ACA. That the Assessor was temporarily assigning AO employees to positions other than their own or to perform duties outside of their regularly assigned department in violation

of the Employment Plan was described in the Eighth Report, *see* Doc. # 5059 at PageID #34407 – 34408. This Employment Plan violation continues.

For example, (i) there were many temporary assignments to TPI from several departments during the July tax bill season without advance notice – and sometimes no notice at all - to the ACA; (ii) the AO failed to provide the selection criteria explaining why certain employees were eligible and selected for temporary assignment to TPI while others were not; and (iii) Deputies (assigning and receiving) failed to provide notice and properly document temporary assignments. The ACA also is aware of an AO TPI Specialist who has been operating outside of her assigned position for years without appropriate documentation or explanation.

As described below, *see* p. 13, *infra*, a Temporary Assignment policy has been drafted. Here, too, the next step is for the AO to train supervisors and implement the policy.

D. The Assessor Cannot Achieve Substantial Compliance Without Drafting and Implementing Policies and Procedures: Considerable Progress Has Been Made

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.

The Assessor has made substantial progress in drafting the policies required by the Employment Plan since the Eighth Report. This largely is the result of the Assessor's new Legal Counsel (hired in 5/17) who has seriously attended to the process.

The drafting of the policies required by the Employment Plan has been a collaborative effort. The AO, after consultation with the DOC, has given an initial draft to the ACA and Plaintiffs. The ACA and Plaintiffs have given combined feedback (generally considerable, usually in the form of revised versions) to the AO. In-person meetings with the AO, DOC, ACA and Plaintiffs and subsequent revisions have been required before a policy is completed.

When the Eighth Report was submitted, the Assessor had completed only two policies: (1) Reclassification, which had been under discussion since 11/16; and (2) Performance Evaluation, which had been under discussion since 8/16. The Assessor also had decided not to promote employees via a policy but to use the general hiring process. This eliminated the need for a Promotion Policy.

Since the Eighth Report, these policies have been completed: (1) Overtime Policy (under discussion since 12/16);⁵ (2) Layoff and Recall (under discussion since 12/16); (3) Interim Assignment (under discussion since 4/17); (4) Temporary Assignment (under discussion since 5/17); and (5) Training (under discussion since 6/17). The Performance Improvement Plan (under discussion since 4/17) is complete with the exception of the implementing forms. The Time and Attendance Policy (under discussion since 2/17) and Discipline Policy (under discussion since 6/17) are in progress.

⁵ The AO's Overtime Policy allows *Shakman* Exempt employees and other supervisors to accrue overtime. While this is not prohibited by the Fair Labor Standards Act, it is not the norm. Salaries of such high-level employees generally are considered to account for the totality of time on the job. Further, *Shakman* Exempt employees will be allowed to accrue overtime without using the electronic attendance ("swiping") system; hand written time sheets will suffice. While it may not violate the Employment Plan, this part of the AO's Overtime Policy is concerning as it raises the specter of potential fraud and abuse.

The ACA is pleased to report on the excellent progress that has been made regarding the drafting of *Shakman*-related policies. Of course, Substantial Compliance requires an Employee Handbook which includes non-*Shakman* related policies. The AO must review and revise the non-*Shakman* related policies to complete the Employee Handbook required by the Employment Plan.

Drafting policies is only the first step. Implementation is equally, if not more, important. To achieve Substantial Compliance, the Assessor will have to implement the policies that address *Shakman*-related issues (as well as the non-*Shakman* related policies). This will require training of the supervisors and education of the non-supervisory personnel.

Training and implementation of the Overtime and Temporary Assignment policies are critical to remediating the Employment Plan violations in those arenas. Implementation of the Performance Evaluation Policy also is critical. The ACA understands that in the over six years since the Assessor was elected, no performance evaluations have been conducted. Since this process must be institutionalized before Substantial Compliance can be achieved, the ACA urges the Assessor to devise a plan that will initiate the training and education required to implement the policy as soon as possible.

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

Section IV.J of the Employment Plan requires to 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.

To date, the AO has completed drafts of updated Position Descriptions for three Departments (Human Resources, Financial Operations and the Exemptions Investigation Unit). These three departments comprise a total of 15 (of the AO's 129) Position Descriptions.

The ACA gave the AO her analysis and recommended changes for the position descriptions for the Human Resources Department on May 12, 2017, the Financial Operations Department on August 8, 2017 and the Exemptions Investigation Unit on September 12, 2017. The ACA's analysis and recommended changes are based on a review of the draft position descriptions for the department, desk audits to test the position descriptions' accuracy and comparisons with position descriptions for other departments, as required. The AO has not yet engaged the ACA or Plaintiffs in a discussion of the ACA's analysis and recommended changes.

The AO's draft updated Position Descriptions for each of the seven remaining departments are approximately half complete. At the last court status on July 17, 2017, the Assessor gave the Court a time line by which the AO's updated draft position descriptions for the remaining departments would be completed. Despite the Assessor's schedule (by which the position descriptions for the Legal, Assessment Operations and Valuation Departments should have been completed), the AO has not provided additional updated draft position descriptions.

Also, the ACA understands that the AO's position description review has not included desk audits. Desk audits to determine what job duties actually are being performed are a necessary part of revising and updating position descriptions. The ACA recommends that the AO perform desk

audits as part of its position description review as this is part of the Human Resources function necessary to achieve Substantial Compliance. As an intermediate step, the ACA invites Human Resources personnel to attend the desk audits performed by ACA staff.

Given that Substantial Compliance cannot be achieved without updated position descriptions, the Assessor presumably will work on these and will engage the ACA and Plaintiffs regarding position descriptions already reviewed within a reasonable period of time.

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

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. The Human Resources function improved under the Deputy of Human Resources effectively appointed in July 2016, but remains a work in progress.

Whether the Assessor is providing the resources required to achieve a fully functional, professional Human Resources Department remains to be seen. The current budgeted headcount for the Human Resources Department is three full-time employees. Given the nature and 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, staffing may be inadequate. While the efforts of the Assessor’s Legal Counsel (hired in 5/17) have been helpful in addressing *Shakman*-related issues, this does not obviate the Employment Plan’s requirement of a professional, effective Human Resources function.

Currently, the Human Resources Department is comprised of the Deputy and two Human Resources Generalists. Following the May 2017 resignation of the Human Resources Director, the

Assessor decided not to replace her. Rather, he opted for two Human Resources Generalists. (Both are new positions for the AO's Human Resource Department.) In eliminating the Human Resources Director, the Assessor eliminated a position that requires greater experience than that of a Human Resources Generalist. Time will tell whether this was a good decision.

The ACA continues to observe issues with the Human Resource function. In addition to Human Resources' lack of notice of overtime to the ACA noted above, *see* p. 10, *infra*, the ACA has observed employment plan violations (*e.g.*, failure to include offers of employment in employee personnel files, failure to include reports of disciplinary meetings in personnel files, failure to sign No Political Consideration Certificates ("NPCC") related to disciplinary meetings). The ACA also is concerned that disciplinary ("points") meetings with employees who violated the AO's attendance policy have not occurred since June 16, 2017.

The two Human Resources Generalists began employment on June 26, 2017. Given the hiring freeze, the ACA's interaction with the Human Resources Generalists has been limited. Nonetheless, the ACA has received reports that they are performing well and is hopeful that they will remediate the Employment Plan violations and help professionalize the AO's Human Resources function.

Substantial Compliance requires the Assessor and his Human Resources Department to be able to function effectively and independently. Addressing *Shakman*-related issues is only a piece of the process. Demonstrating the ability to effectively implement policies and hiring attend to the needs of a 300-employee workforce also will be crucial. Whether the current Human Resources staff can accomplish this remains to be seen.

IV. RECOMMENDATIONS

The ACA makes the following recommendations:

A. Recommendation No. 1 - The Assessor Should Engage the ACA and Plaintiffs and Implement TALEO, the County's Electronic Application System ("EAS") and Present an ACA and Plaintiff-Approved Plan for Implementation

The Assessor should work with the ACA, Plaintiffs and Cook County's Bureaus of Human Resources and Technology to assess what is required to implement TALEO in the Assessor's Office, including whether a County Board-approved contract amendment is required, and the expected time frame to accomplish implementation.

The Assessor should be ordered within 30 days to present to the Court a work plan and timeline for the implementation of the County's TALEO system his office. The ACA and Plaintiffs should be involved in and agree to the work plan and timeline prior to Court submission.

B. Recommendation No. 2 - The Drafting and Implementation of Policies and Procedures Should Continue Under Deadlines

Notwithstanding the progress that has been made on the drafting of policies since the Eighth Report, continued Court supervision is required to insure implementation. The continued use of deadlines, as required, is recommended.

C. Recommendation No. 3 - 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 Eighth Report. While at the July 17, 2017 status the Assessor committed to a timeframe for updating position descriptions on a departmental basis, the AO has not provided any additional position descriptions. The Court should impose deadlines for the AO's completion of Position Descriptions on a department-by-department basis.

D. Recommendation No. 4 – The Assessor Should Commit Resources Adequate to a Professional and Well-Staffed Human Resources Function

The Human Resources function currently is carried out by three employees – the Deputy and two lower level Human Resources Generalists. Given the nature and extent of *Shakman*-related activities required by the Human Resources Department, along with the day-to-day demands of addressing the AO’s Human Resources’ needs, whether this staffing is adequate is unclear. Additional resources should be considered.

Respectfully submitted,

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

/s/ Kathleen Champagne
Counsel to the Assessor Compliance Administrator
69 West Washington St., Suite 840
Chicago, IL 60602
kathleenchampagne10@gmail.com

CERTIFICATE OF ELECTRONIC FILING

I, Kathleen Champagne, the undersigned, do hereby certify that on September 22, 2017, I electronically filed a true and correct copy of the foregoing **Ninth 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/ Kathleen Champagne
Counsel to the ACA