

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

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

**TENTH 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, Matthew D. Pryor<sup>1</sup>, pursuant to Section III(C) of the September 19, 2012 Agreed Order for the Cook County Assessor’s Office (“AO”), Doc. No. 3007, submits the ACA’s Tenth Report to the Court:

**I. INTRODUCTION**

On September 22, 2017, the ACA filed the Ninth Report to the Court (the “Ninth Report”). Doc. No. 5204. This was her fourth report since her January 26, 2016 appointment (effective February 1, 2016). *See* Doc. Nos. 4751, 4856, 5059 (ACA’s Sixth – Eighth Reports). This Tenth Report is to update the Court as to the Assessor’s progress towards Substantial Compliance with the September 19, 2012 Agreed Order (“Agreed Order”) since the Ninth Report.

---

<sup>1</sup> On January 4, 2018, the Court entered an Order approving a motion for substitution of counsel. Doc No. 5707. That same day, Matthew Pryor entered an appearance as Counsel of Record for the ACA.

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>2</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. No. 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. The other elements remain works in progress. The *Shakman*-related policies have been completed. Implementation of these policies, a significant task, remains. The AO has provided initial drafts of all Position Descriptions in the AO's ten departments.<sup>3</sup> Revising, updating and finalizing the Position Descriptions (including desk audits to determine job duties), another significant task, remains. The Assessor's longstanding failure to implement an electronic application system ("EAS") appears near resolution as Cook County's EAS, Taleo, apparently is available to the AO with modest adjustments. Implementation in hiring processes are expected to follow. The ACA

---

<sup>2</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. No. 3007 at 5.

<sup>3</sup> Capitalized terms in this Report are given the meaning assigned them in the Employment Plan.

continues to be concerned whether the Assessor is providing the resources required to achieve the professional, effective Human Resources function required to achieve Substantial Compliance.

## **II. OVERVIEW OF THE ACA'S ACTIONS SINCE THE SEPTEMBER 22, 2017 NINTH REPORT**

The ACA and her staff remain actively engaged with the AO and its efforts to achieve Substantial Compliance. The ACA's activities since the Ninth Report included:

- met and conferred with the Director of Compliance (“DOC”) on a regular basis;
- met and conferred with counsel for Plaintiffs on a regular basis;
- met and conferred with AO personnel responsible for implementing the Agreed Order and counsel on a regular basis;
- monitored the hiring process for one Non-Exempt Position<sup>4</sup>;
- provided significant input into the AO's proposed *Shakman*-related employment policies;
- provided significant input into the AO's efforts at implementing *Shakman*-related employment policies;
- provided significant 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) and provided feedback regarding same.

---

<sup>4</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.

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

#### **A. The Assessor's One Non-Exempt Hiring Included Violations of the Employment Plan**

The Assessor filled one Non-Exempt Positions since the Ninth Report – an Erroneous Exemption Specialist in the Erroneous Exemption Unit. This is an are entry level positions. The ACA understands that this position could be filled despite Cook County's budgetary issues because the EEU is self-funding via the monies generated by elimination of erroneous exemptions.

The Assessor's hiring of the Erroneous Exemption Specialist gave rise to several violations of the Employment Plan. These violations included:

1. Violation of Section VI.H.1 – The AO's Human Resources Department ("Human Resources") improperly contacted candidates on the Preliminary Interview List before knowing whether candidates on the Final Interview List were available for interviews. This caused the cancellation of a scheduled interview for a candidate.
2. Violation of Section VI.H.4 - Human Resources allowed candidates who failed to present required evidence of education prior to the interview to be interviewed. This included the failure to provide copies of a high school diploma or GED certificate and/or an official college transcript.
3. Violation of Section VI.1.3.b – Human Resources failed to circulate to the Interview Panel the list of interviewees' names and applicant materials at least 48 hours in advance of the interviews.
4. Violation of Section VI.J.2 – Human Resources, the designated note taker at Ranking Meetings, failed to create notes with the specificity required by this section. This included an instance where the notes did not identify which Interview Panel Member was speaking and how a candidate was ranked.
5. Violation of Section III.K - Human Resources created an erroneous NPCC indicating the hiring of internal candidates into new positions were transfers even though the AO does not have a transfer policy.

Violations 2, 3 and 4, above, are not new issues. The ACA has made Human Resources aware of similar deficiencies in prior hiring and they have been noted in prior reports to the Court. While perhaps not major violations, Substantial Compliance requires compliance with all Employment Plan requirements.

**B. The Assessor Continued to Violate the Non-Hiring Provisions of the Employment Plan – Although Remediation Appears in the Offing**

As noted in each of the ACA's prior reports, the Assessor failed to comply with Non-Hiring provisions of the Employment Plan by failing to post certain information on his website to ensure its Employment Actions and hiring lists are available to the public:

1. Violation of Section IV.C - Human Resources has not posted quarterly reports on the Assessor's Website; presumably these reports are not being created.
2. Violation of Section X.A - The Executive Assistant List that is posted on the Human Resources Department website does not include an active link to the position description.
3. Violation of Section XI.A.1 - The AO's Exempt Position Descriptions are not posted on the Assessor's Website.

This week, Human Resources posted the Executive Assistant Position Descriptions and Quarterly Reports on the AO website and indicated that the Exempt Position Descriptions would be posted by January 26, 2018. The ACA is pleased that the Assessor appears to be addressing these issues.

**C. The Assessor Has Completed Drafting Shakman-related Policies; the Implementation Required to Achieve Substantial Compliance Remains**

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." *See* Doc. No. 3007 at 14, PageID No. 138914. A foundational piece of these procedures is an Employee Handbook, which

collects the AO's "employment policies and procedures regarding the Employees' relationship with the Assessor's Office." See Employment Plan at 8 and 17; Doc. No. 4651 at PageID Nos. 29673, 29682. The Employee Handbook includes policies required by the Employment Plan ("*Shakman*-related policies") and other personnel policies that are not required by the Employment Plan.

Since the Ninth Report, the AO's *Shakman*-related policies have been completed, apparently subject to union review. While implementation of these policies has begun, much remains to be done. To achieve Substantial Compliance, Human Resources will have to demonstrate effective implementation of *Shakman*-related policies.

**1. The *Shakman*-related policies are completed.**

The ten *Shakman*-related policies that have been completed are: Reclassification; Performance Evaluation; Overtime; Layoff and Recall; Interim Assignment; Temporary Assignment; Training; Performance Improvement Plan; Time and Attendance; and Discipline. The AO opted not to promote via a policy but to use the Employment Plan's general hiring process. Based on discussions with the AO's counsel, the ACA understands that: (a) the *Shakman*-related policies are subject to review by the AO's union per the AO's collective bargaining agreement; and (b) this review is expected shortly. Following this review, the *Shakman*-related policies will be considered final.

Once final, all AO policies (those related and unrelated to *Shakman*) will be combined into a revised Employee Handbook that will be distributed to all AO employees. This will be the first substantive revision to the AO's Employee Handbook since the 2012 entry of the Agreed Order. The ACA understands that once the Employee Handbook is final, Human Resources will provide all AO employees with the training required by the Employment Plan.

**2. The *Shakman*-related policies must be implemented.**

Although not finalized with the union, the AO has begun implementing the *Shakman*-related policies. The first step is training the supervisors who must implement the policies on a day-to-day basis. In December 2017, Human Resources conducted supervisor training on the *Shakman*-related policies. It was a dense session lasting over two hours. While a start, this training unlikely was sufficient to educate supervisors on the significant changes under the AO's *Shakman*-related policies that require new and rigorous documented processes.

For the *Shakman*-related policies to be successfully implemented, it is critical that Human Resources understands the policies and what they require, review the documentation submitted by supervisors, identify and correct errors in the documentation and instruct the supervisors how to correct their errors. The ACA expects that additional, substantial training of supervisors by Human Resources, both formal and informal, will be required.

As an indication of the significance of the task ahead, the ACA has seen and continues to see violations of the *Shakman*-related policies. These include:

a. Overtime Policy

The vast majority of the AO's Employment Actions relate to overtime. Since the Ninth Report (and as described therein, *Id.*), violations of the Overtime Policy include:

- *Failure to provide the ACA with the requisite 48 hours' notice of overtime;*
- *Failure of management to adequately explain why providing the requisite 48 hours of advance notice of overtime was not feasible; and*
- *Failure of Deputies to adequately document overtime.* This included: the failure to include pre-approved overtime start and/or end dates in email to employees offering overtime opportunities; failure to identify employees performing overtime on the overtime action form; failure to provide limitations on the overtime and/or documentation sufficient to show that overtime was worked in accordance with those limitations; failure to provide a properly executed NPCC for overtime worked; failure to provide sufficiently detailed selection and eligibility criteria for overtime; failure to provide sufficiently

specific documentation for why overtime is required; failure to sufficiently explain reason for supervisor/management overtime; failure of manager/supervisor document hours worked that week as required for manager/supervisor overtime; failure to identify employees who are performing overtime; failure to disclose whether employee receiving overtime is in paid status for the week and/or has not accumulated less than 240 hours of unused Time Due; failure to disclose production standards when overtime is contingent on meeting production standards.

The cited violations of the Overtime Policy cover time periods before and after AO supervisors were trained on the new Overtime Policy and some of these violations were more extensive than others. While there appears to be some improvement, the ACA has observed violations of the Overtime Policy across many AO departments since the supervisor training. The ACA is prepared to meet with the AO to discuss issues related to overtime and how policy compliance may be achieved.

b. Discipline Policy

Since the Ninth Report, the ACA has observed non-compliance with the AO's Discipline Policy in a variety of ways. While some were technical (*e.g.*, failure to include a NPCC with the disciplinary document; failure to include all required information on the Disciplinary Action form; failure to properly document prior disciplinary actions), properly completed forms are the first step to policy compliance and these errors must be rectified. Others were more serious, such as: failure to impose the proper level of discipline based on prior disciplinary record; failure to provide an Employee Counseling Form memorializing an employee's purported corrective counseling; and failure to impose discipline for over two months in violation of policy mandate to impose discipline "as soon as practical."

Given the potential to use the Disciplinary Policy to favor politically connected employees or disfavor those who are not, the ACA is concerned that the AO lacks objective criteria to ensure such that like discipline is imposed for like misconduct. Plaintiffs have



indicated a similar concern. While the ACA understands the AO's desire for discretion in imposing discipline, this discretion cannot be unfettered. The parties and ACA recently discussed these concerns and agreed to consider creating measures aimed at fostering transparent and consistent application of the Discipline Policy.

c. "Attendance Points" Section of the Time and Attendance Policy

Section 4 of the Time and Attendance Policy lays out a scheme where AO employees accrue "attendance points" if they fail to sign in or out ("swipe") on the electronic attendance system or are absent, late or leave early without being excused. Attendance points accrue for 365 days and then "fall off." When an employee's attendance points rise to a specified level, he or she is subject to discipline. The policy provides for progressive discipline - the level of discipline increases as the number of attendance points increases. Documentation is in the form of "swipe records," which detail an employee's swipe history on the electronic system, and "points reports" which track the level of all AO employees' points.

Since attendance points increase and decrease on a daily basis, Human Resources' review must be vigilant to ensure that discipline is fairly and consistently imposed. The attendance points policy requires Human Resources to review attendance points on a weekly basis and hold attendance points/disciplinary meetings with employees as soon as practicable, but generally no less often than every two weeks.

The ACA understands that the AO has used this attendance points policy for years, including before the current Assessor's election. So even before the Time and Attendance Policy was revised, Human Resources was administering essentially the same attendance points policy currently in effect.

Despite the attendance points policy's history in the AO, the ACA has observed many issues with its application and enforcement. Since the Ninth Report, these include:

i. *Human Resources' failed to hold attendance points/disciplinary meetings in the over four-month period between May 8, 2017 and September 28, 2017.* This lapse resulted in untimely discipline. It also resulted in discipline that did not account for the variations in employees' points total (up and down) during that time. It appears that Human Resources largely has addressed that problem which hopefully will not recur.

ii. *Human Resources did to produce adequate documentation of swipe records and points reports to allow effective ACA monitoring.* There has been an ongoing issue with the AO regarding the need to properly document (through an employee's swipe records) why an otherwise late arrival, early departure or absence was deemed "excused" and therefore did not accrue points. Without an explanation, the ACA cannot properly monitor whether such excuses are for proper, political or other reasons. This documentation is much improved.

There also has been an ongoing issue with the ACA's receipt of sufficient information of employees' points records on a timely basis. Without this information, the ACA cannot effectively monitor whether employees receive discipline that is warranted and do not receive discipline that is unwarranted. Human Resources appears to have made progress but additional work is required.

Recently, Human Resources began providing the DOC and ACA with weekly points reports although, as Human Resources acknowledges, there are issues with AO's technology system that generates these reports which raise questions about the reports' accuracy. Hopefully, these technical issues will be resolved soon. Also, Human Resources has agreed to timely respond to the ACA and DOC's questions about the points reports and/or the underlying swipe

records. These steps should improve Human Resources' ability to properly enforce, and the ACA's ability to effectively monitor, the attendance points policy.

iii. *The memoranda memorializing the discipline imposed under the attendance points policy should more clearly describe the underlying facts and circumstances.* The disciplinary memoranda memorializing the discipline imposed under the attendance points policy - which are given to the employee and to the ACA (and DOC) as part of their monitoring function - tend to lack clarity (or sometimes are wrong) about the employee's attendance points history and current status. Transparency and effective monitoring requires an accurate description of the employee's full points history for the prior 12 months, in chronological order, including any discipline issued and the trigger for the current discipline.

iv. *The AO should devise objective criteria to ensure that similar violations of the points attendance policy are treated similarly.* The progressive discipline scheme in the attendance points policy is not straightforward. Discipline is imposed when the employee's attendance points are within a range (*e.g.*, verbal reprimand – 15 to 25 points). As the level of discipline increases so does the room for discretion: (a) an employee who accrues 36 – 40 points is subject to a 1 to 5-day suspension; (b) an employee who accrues 41-50 points is subject to a 5 to 10-day suspension; and (c) an employee who accrues over 51 points is subject to termination.

As with imposing discipline, generally, the ACA is concerned that without objective criteria, discipline under the attendance points policy can be used to reward politically-connected employees and punish those who are not. Objective criteria should include guidelines as to what conduct in the 36 to 40-point range warrants a suspension of a particular number of days (1 to 5); what conduct in the 41 to 50-point range warrants a suspension of a particular number of days (5 to 10); and what conduct warrants termination when an employee accrues 51 points. Plaintiffs

have indicated a similar concern about the lack of objective criteria for imposing discipline. This issue has been raised with the AO which has indicated a willingness to consider such guidelines.

d. Temporary Assignment Policy

The AO's issues regarding temporary assignments previously have been reported to the Court. *See* Eighth Report at 8, Doc. No. 5059 at PageID No. 34407 -34408; Ninth Report a 11-12, Doc. No. 5204 at PageID No. 34984 - 34985. These issues continue.

Since the Ninth Report, the AO continued to temporarily assign employees to positions other than their own without giving the ACA the requisite 48-hour notice required by Section IV.D of the Employment Plan (*e.g.*, temporary assignment of TPI employees to the Exemption Investigations Unit). The AO also failed to provide to the ACA the information required to explain why certain employees were chosen for a temporary assignment and/or whether the chosen employees were trained to perform the temporary assignment (*e.g.*, temporary assignment of Residential Field Inspectors to Residential Valuations in Assessment Operations & Administration Department).

Such errors have continued after the Temporary Assignment Policy was finalized (*e.g.*, Deputy of Erroneous Investigations Unit submitted Employment Action for Temporary Assignment when the assignment was an interim assignment for a vacant position governed by the AO's Interim Assignment Policy). The ACA hopes that Human Resources will rectify such errors going forward.

e. Layoff Policy

In the wake of Cook County's budgetary issues, the AO identified five positions for layoff and gave written notice to Plaintiffs, the DOC and the ACA. Plaintiffs and the ACA were dissatisfied with the AO's notice for failing to provide the requisite specificity under the Layoff

Policy as to why these positions were chosen for layoff. The AO agreed to revise the notice to include additional information. Plaintiffs' counsel and the ACA agreed that the revised notice was policy compliant.

f. Performance Evaluation Policy

The only performance evaluations to date have been of the two Human Resources Generalists who began employment in were hired in June 2017. The Deputy of Human Resources conducted 90-day performance evaluations in September 2017 and six-month performance reviews in December 2017.

The 90-day evaluations included technical violations of the Performance Evaluation Policy (e.g., errors in tabulating a score and an NPCC was not signed prior to the performance evaluation meeting). Also, the written comments on the form were brief and there was no discussion of one of employee's performance expectations going forward. The ACA indicated concern that the objectives of the Performance Evaluation Policy, which include assisting an employee in improving job performance by providing constructive feedback and developing an employee's goals and objectives for future growth, were not satisfied. The Deputy apparently considered the ACA's feedback as the six-month reviews of the two Human Resources Generalists were much better. The Deputy satisfied the policy's technical components. He gave the employees constructive feedback on their job performances to date, asked if they had questions, and discussed performance expectations. The ACA appreciates the Deputy's effort in this regard.

As reported previously, apparently no performance evaluations have been conducted in the seven years since the current Assessor took office. *See* Ninth Report a 14, Doc. No. 5204 at PageID No. 34987. This has been a subject of discussion between the parties and with the Court.

While the Assessor has indicated a desire to begin effectuating performance evaluations for current employees, there has been no movement in that direction.

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

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. No. 4651 at PageID Nos. 29684 - 85. 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 ten 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. No. 4751 at PageID Nos. 30188 - 93, 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.

Since the Ninth Report, the Position Descriptions for two departments (Financial Operations and the Exemptions Investigation Unit) have been revised following review and discussion with Plaintiffs' counsel and the ACA. These two departments comprise a total of 12 (of the AO's 129) Position Descriptions. Also, the three Position Descriptions in the Human Resources department personnel were updated in the last 18 months after review and discussion with Plaintiffs' counsel and the ACA in the context of recent hiring.<sup>5</sup>

The AO has provided draft Position Descriptions for the seven remaining departments

---

<sup>5</sup> The Position Descriptions for these three departments will be reviewed, and potentially revised, if required to achieve consistency with the other departments.

(Assessment Operations, Central Office, Communications, Information Technology, Legal, Taxpayer Services and Valuations). The parties have agreed that Position Descriptions will be updated one department at a time. The contemplated process includes: ACA preliminary review of the AO's draft Position Descriptions by department; desk audits of selected positions;<sup>6</sup> additional review and analysis of the draft Position Descriptions in light of the desk audits; and discussion between the AO, Plaintiffs, the ACA and the DOC regarding revisions to the AO's draft Position Descriptions. The desk audit process has been initiated for the Legal Department (which has 14 positions) and should conclude this week.

Revising the AO's Position Descriptions is designed, in the first instance, to make sure that the AO's Position Descriptions accurately describe the work being performed by the employee(s) in the position. In undertaking this exercise, however, other issues are surfacing. These include: employees at lower salary grades performing the same job duties as employees at higher salary grades; employee performing the job duties of another position; and reporting structures that are inconsistent with the AO's organizational chart. The Assessor will have to address these issues, and others as they arise, to ensure that his Position Descriptions are Employment Plan compliant, his workforce has a clear understanding of their job duties and these job duties are being performed.

Updating the AO's Position Descriptions is an extensive task. Given that Substantial Compliance cannot be achieved without this, the Assessor is advised to make this a priority and devote the resources required to complete the task in a reasonable time frame. Much remains to be done.

---

<sup>6</sup> The desk audits are to be conducted by AO Human Resources personnel and monitored by the DOC and ACA staff who will ask follow up and additional questions as required.

**E. 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. No. 4651 at PageID No. 2968.

The Human Resources personnel are the Deputy and two Human Resources Generalists. This is lean staffing to manage the day-to-day operations of an approximately 300-person workforce and perform *Shakman*-related activities. The ACA has questioned whether this is a sufficient headcount to get the job done. While Human Resources is getting valuable support from the Assessor’s Legal Counsel, this does not obviate the Employment Plan’s requirement of a professional, effective Human Resources function.

As the Assessor proceeds towards his goal of Substantial Compliance, there will be opportunities to assess the quality of the Human Resources function. This includes Human Resources implementation of the *Shakman*-related policies. As noted herein, the ACA has observed a variety of issues with implementation. The ACA is hopeful that these issues will be resolved and not be an impediment to the Assessor’s ability to achieve Substantial Compliance.

**F. The Assessor Has Agreed to Use Cook County’s Electronic Application System Which is a Step Towards Achieving 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 33; Doc. No. 4651 at PageID No. 29698. In the five years following the entry of the Agreed Order, the Assessor failed to put an EAS into place. *See, e.g.*, Eighth Report at 13- 14, Document No. 5059 at Page ID No.34412-34413; Seventh Report at 13 -14, Doc. No.4856 at



PageID No. 31019-20; Sixth Report at 7-8, Doc. No. 4751 at PageID No. 301889-90. He refused to use Taleo, a well-established talent management software, that is used by other elected officials in Cook County who must hire in compliance with the *Shakman* decrees. Rather, the Assessor insisted on creating his own EAS system internally. This was a dismal failure. The ACA's entreaties that the Assessor use Cook County's Taleo system went unheeded – despite the Assessor's indications (including at the July 17, 2017 court status) that he was looking into it. See Ninth Report at 3-7, Doc. No. 5204 at PageID No. 34976 - 34979.

At the September 25, 2017 court status, the Court ordered the parties to meet and confer about the Assessor's adoption of an EAS system and, no later than October 25, 2017, file a joint status report outlining: (1) the areas of agreement the parties have reached; (2) whether there are any areas of disagreement; and (3) the parties' respective positions on any areas of disagreement that might exist. Doc. No. 5205.

The Court-ordered "meet and confer" took place on October 17, 2017. In addition to Plaintiffs, the ACA, the DOC, the AO and its counsel, the meeting included representatives from Cook County's President's Office, Bureau of Technology ("BOT"), Procurement Office and Human Resources. Cook County personnel raised issues about the time frame and costs attendant to expanding the County's Taleo contract with an outside vendor to cover the AO. The Assessor's representatives continued to advance developing the EAS internally. Plaintiffs were adamant that a solution had to be found – and found quickly – and rejected the AO's plan to create the EAS internally based on the AO's inability to do so for many years.

After the October 17, 2017 meeting, the County BOT indicated that, contrary to concerns raised by BOT during the meeting, it believed the AO could be added to the County's Taleo system with modest adjustments to allow visitors to the AO's hiring portal to use the County's

EAS, supposedly seamlessly. Based on these representations (and a subsequent meeting that included a demonstration of how the AO's EAS would work), Plaintiffs, with the ACA's concurrence, agreed to this route. The parties then filed a joint status report on October 25, 2017 noting the agreement and stating that "the Assessor's Office will begin using the Taleo system as its electronic application system and anticipate functionality by the next status date of November 28, 2017." Doc. No. 5254. The AO has indicated that the County has modified its Taleo system such that it is functional for AO hiring.

While the Assessor's adoption of an EAS is good news and an important piece towards his ability to achieve Substantial Compliance, the ACA must note the long and arduous path – ultimately requiring Court intervention - to get here. If, as we all now understand, the solution was as simple as that presented, the Assessor could have – and should have – adopted Taleo years ago. Had that occurred, AO Human Resources would by now have significant experience with Taleo and the ACA would have been able to monitor whether the AO's hiring with Taleo was Employment Plan compliant. With the current hiring freeze, testing Taleo and AO Human Resources' ability to use it in compliance with the Employment Plan is untested and will remain so until AO hiring is commenced.

#### **IV. RECOMMENDATIONS**

The ACA makes the following recommendations:

##### **A. Recommendation No. 1 – The Court Should Consider Imposing Deadlines for Updating of AO Position Descriptions**

While the AO has produced drafts of Position Descriptions for all positions, progress on the requisite desk audits to verify the accuracy of those Positions Descriptions has been modest. Given the effectiveness of deadlines in achieving what progress has been made on Position

Descriptions, the Court may wish to consider imposing deadlines for finalizing the Position Descriptions by department.

**B. Recommendation No. 2 - The Court Should Consider Imposing a Deadline for the Initiation of Performance Evaluations**

While much of the *Shakman*-related policy implementation will evolve as the AO engages in Employment Actions that implicate the various policies, the Performance Evaluation Policy is a stand-alone item. Given the absence of performance evaluations under the Assessor, the Court may wish to consider imposing a deadline for the Assessor's initiation of Performance Evaluations.

**C. Recommendation No. 3 - The Assessor Should Confirm that All Required Adjustments Have Been Made to Cook County's Electronic Application System, Taleo, for Use by the Assessor's Office When Hiring is Initiated.**

The Assessor should confirm – and demonstrate to the extent possible – that all adjustments to Cook County's Taleo system have been made and it is ready for the AO's use when hiring is initiated.

**D. Recommendation No. 4 – The Assessor Should Continually Evaluate the Adequacy of his Human Resources Function**

Since a professional and effective Human Resources function is one of the foundational pieces to achieving Substantial Compliance, the Assessor should evaluate whether he has committed appropriate and sufficient resources to achieve that end.

Respectfully submitted,

Susan G. Feibus  
Assessor Compliance Administrator  
69 West Washington St., Suite 830  
Chicago, IL 60602

and

105 West Adams St., 35<sup>th</sup> Floor  
Chicago, IL 60603  
(312) 637-9637  
susan@feibuslaw.com

By her attorney:

/s/ Matthew D. Pryor

Matthew D. Pryor  
(m Pryor@shakmancompliance.com)  
Counsel to the ACA  
69 West Washington St., Suite 830  
Chicago, IL 60602  
Telephone: (312) 603-8911  
Fax: (312) 603-9505

**CERTIFICATE OF ELECTRONIC FILING**

I, Matthew D. Pryor, the undersigned, do hereby certify that on January 18, 2018, I electronically filed a true and correct copy of the foregoing **Tenth 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/ Matthew D. Pryor  
Counsel to the ACA