

**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.)	

**THIRTEENTH 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, 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 Thirteenth Report to the Court:

I. INTRODUCTION

On October 31, 2018, the ACA filed the Twelfth Report to the Court (the “Twelfth Report”). Doc. No. 6079. This was her seventh report since her January 26, 2016 appointment (effective February 1, 2016). *See* Doc. Nos. 4751, 4856, 5059, 5204, 5725, 5894 (ACA’s Sixth – Eleventh Reports). This Thirteenth 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 Twelfth Report.

This is the ACA’s first report since the December 3, 2018 start of the Assessor Fritz Kaegi’s administration. The ACA and Plaintiffs met with Assessor Kaegi and his management team both

before and after the start of his administration to discuss the status of the components, set forth below, required to achieve Substantial Compliance under the Agreed Order:

1. a New Employment Plan, including procedures to ensure compliance with the New Employment Plan and identify instances of non-compliance;
2. the Assessor must act in good faith to remedy instances of non-compliance that have been identified and prevent a recurrence;
3. the Assessor must 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 must 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.

Here is a summary of where we are: The Employment Plan is in the process of being brought up to date. A new Employee Handbook – the first since 2012 – soon will be distributed to the AO workforce. Accurate and up-to-date non-Exempt Position Descriptions are completed.² These are all major pieces required for Substantial Compliance. *Shakman*-related policy implementation has improved. Employment Plan-mandated training has been completed or will be completed in the near future. These, too, are positive developments. Hiring in compliance with the Employment Plan's various highly regulated schemes remains a work in progress. So does the proficiency of the Human Resources function. A new Director of Compliance, Matthew Serio,

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. No. 3007 at 5.

² Capitalized terms in this report are given the same meaning as in the Employment Plan, effective August 5, 2016, as amended.

was hired, has hit the ground running and appears to be an excellent addition. Overall this is a lot to have accomplished in the six months since Assessor Kaegi took office. His team is working hard and appears committed to the venture. The ACA anticipates further progress in the coming months.

II. OVERVIEW OF THE ACA'S ACTIONS SINCE THE OCTOBER 31, 2018 TWELFTH REPORT

The ACA and her staff remain actively engaged with the AO, Plaintiffs and the DOC in the AO's efforts to achieve Substantial Compliance. In summary form, the ACA's activities since the Twelfth Report included:

- served as the Interim Director of Compliance ("DOC") following the DOC's December 5, 2018 resignation until the hiring of a new DOC as of April 29, 2019;
- provided significant input into and monitoring of the Assessor's Exempt hiring at the start of his administration and thereafter;
- provided significant input into and monitoring of the hiring of the new DOC;
- provided significant input into and monitoring of the Assessor's hiring under the Actively Recruited process;
- provided significant input into and monitoring of the Assessor's non-Exempt hiring;
- met and conferred with counsel for Plaintiffs on a regular basis, including resolution of AFSCME's prior refusal to allow the ACA to monitor grievances;
- met and conferred with AO personnel responsible for implementing the Agreed Order and counsel on a regular basis;
- provided significant revisions to the Employment Plan;
- provided significant input into revisions to the AO's *Shakman*-related employment policies;
- provided significant input into the AO's efforts at implementing *Shakman*-related employment policies, including regular feedback to the AO;
- provided significant input into updating and finalizing the AO's Exempt Position Descriptions;

- provided significant input into updating and finalizing the AO's non-Exempt Position Descriptions; and
- interviewed and conducted desk audits of AO employees, as needed.

III. THE ASSESSOR'S PROGRESS TOWARDS SUBSTANTIAL COMPLIANCE

A. Assessment of the Assessor's Hiring Practices

Hiring under the Employment Plan is a highly regulated process, with five separate variants: (1) Exempt hiring; (2) Executive Assistant hiring; (3) DOC hiring; (4) "Actively Recruited" hiring; and (5) non-Exempt hiring. Substantial Compliance requires the ability to hire in compliance with each of these schemes. Since taking office, Assessor Kaegi has hired employees in each of the five categories, with varying results.

1. Exempt Hiring

The ACA, Plaintiffs and the DOC (before his December 2018 departure) conferred with Assessor Kaegi and his high-level management team both before and after he took office, as he assembled his Exempt team. Exempt Position Descriptions were reviewed, revised and negotiated. To the extent there were questions as to whether certain new positions had the requisite policy-making attributes or the proffered candidates were qualified, discussions were had and the issues were resolved. To the extent the ACA and Plaintiffs have lingering concerns, the ACA is the midst of desk auditing those Exempt positions that were part of the Assessor's initial hires to assess whether the job duties they actually are performing meet the *Branti* standard.

The Assessor has filled, or attempted to fill, several Exempt positions since his initial wave. As to some, there were no issues. As to a Deputy of Communications, there was considerable debate as to whether the candidate satisfied the position's Minimum Qualifications. Ultimately, Plaintiffs and the ACA agreed that she did. As to a Senior Data Scientist, the DOC, Plaintiffs and

the ACA concluded that the candidate did not satisfy the position's Minimum Qualifications. The AO withdrew the candidate from consideration.

It appears that there has been a certain learning curve for the AO regarding Exempt hiring. To the extent issues arise in connection with Exempt hiring, the experience to date suggests that they will be aired and resolved.

2. Executive Assistant Hiring

The "Executive Assistant" hiring process is of a time when high-level executives routinely had private secretaries.³ It allows an Exempt Deputy to hire "a direct-report clerical and secretarial assistant." The new administration hired four Executive Assistants. Assessor Kaegi's - who is Exempt - and three others who must be hired in compliance with the Executive Assistant hiring process and possess the Minimum Qualifications for the position.

One Executive Assistant was not hired in accordance with the Executive Assistant hiring process. The impropriety of this hiring is the subject of the Interim DOC's April 25, 2019 Investigation and Recommendation Report, wherein she concluded the Executive Assistant did not meet the Minimum Qualifications for the position. She also concluded the Executive Assistant made false statements in his Employment Application, which, per the application, is grounds for immediate termination. The Interim DOC recommended, *inter alia*, that the Executive Assistant be terminated immediately.

There is no indication that has happened. Per the Employment Plan, the Assessor was to respond to the Interim DOC's report within 30 days but could, and did, opt for a 30-day extension. The AO's response is due on June 24, 2019.

³ Recognizing the effective obsolescence of private secretaries, the Plaintiffs/ACA's suggested consolidated revisions to the Employment Plan eliminate the Executive Assistant hiring process such that all support staff hiring (with the exception of the Assessor's Exempt Executive Assistant) would be hired in accordance with the General Hiring Process.

As detailed in the Interim DOC's report, she found that the hiring of the Executive Assistant was a flagrant violation of the Employment Plan both in process and in substance. The issues were raised with the Chief Deputy Assessor before the investigation was launched (although the extent of the procedural issues only came to light through the investigation). There was no acknowledgment of the problems; her responses reasonably could be construed as inadequate and/or misleading. Given her role in the administration and that *Shakman* compliance comes from the top, this is of concern to the ACA.

3. DOC Hiring

The DOC position is subject to a special hiring process set forth in the Employment Plan. The position was not posted until early February 2019. Once posted, the process went smoothly and collaboratively. Matthew Serio, an excellent candidate, was selected. His employment began on April 29, 2019.

4. "Actively Recruited" Hiring

The Kaegi administration asked to add an "Actively Recruited" hiring process to the Employment Plan to apply to high-ranking or technical/professional positions. The purpose is to afford the AO greater discretion and flexibility in filling these types of positions by not requiring randomization as is required for positions filled through the General Hiring Process; all applicants may be considered. Plaintiffs and the ACA had no objection. Plaintiffs moved to amend the Employment Plan to include an "Actively Recruited" hiring process and the Court granted the motion.

a. Director of Training and Continuous Development

The AO used the "Actively Recruited" process to hire a Director of Training and Continuous Development. This is a new position. The process has just been completed and the

selected candidate is to start work on June 24, 2019. The ACA has been involved in and has monitored all aspects of the process – from creation of the Position Description through the interview and selection process. While there were a few deviations from the Employment Plan’s requirements, they were modest.

b. Managers – Commercial Valuations, Residential Valuations and Special Properties

The AO is using the “Actively Recruited” process to hire three managers in the Valuations Department – for Commercial Valuations, Residential Valuations and Special Properties. The positions were posted on May 6, 2019. The ACA, DOC and Human Resources are in the process of validating the applications.

5. General Hiring Process: Non-Exempt Hiring - Senior Human Resources Generalist

The AO has had only one Human Resources Generalist since July 2018, when the person in that position resigned. The Assessor decided to upgrade the position to Senior Human Resources Generalist. The position was not posted until early April 2019, in part because of issues in crafting an appropriate Position Description. A meeting to validate the applications is scheduled for June 13, 2019.

B. The Employment Plan Is in the Process of a Much-Needed Overhaul

The first component of Substantial Compliance is a new Employment Plan. The AO’s Employment Plan was approved by the Court, effective August 5, 2016. Since then, modest amendments have been made, including expanding the DOC’s jurisdiction to include investigations of Unlawful Political Discrimination and adding an “Actively Recruited” hiring process, as noted above. But after nearly three years, the Employment Plan is in need of a significant overhaul. The anticipated revisions are to reflect, *inter alia*, lessons learned in the

hiring process and elsewhere and the AO's use of Taleo, an electronic application process, instead of the paper process that was in place in 2016 when the Employment Plan was approved (and for years thereafter).

The ACA and Plaintiffs have provided the AO with their consolidated, substantial revisions to the current version of Employment Plan. Per the deadline set at the April 29, 2019 status, the AO's revisions are due on June 14, 2019. The ACA is ready to engage in the process required to bring the Employment Plan up to date. Accomplishing this will be a positive step towards achieving Substantial Compliance.

C. The *Shakman*-Related Procedures Required to Ensure Compliance with the Employment Plan Have Been Revised

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”)⁴ and other personnel policies that are not required by the Employment Plan.

Near the close of the Berrios administration, the *Shakman*-related and other policies had been thoroughly revised and updated and were accumulated in a new Employee Handbook (the

⁴ The AO's *Shakman*-related policies are Reclassification; Performance Evaluation; Overtime; Layoff and Recall; Interim Assignment; Temporary Assignment; Training; Performance Improvement Plan; Time and Attendance; and Discipline.

first since 2012). Given the timing, the new Employee Handbook was not promulgated to the AO's workforce as a courtesy to allow for the incoming Assessor's review.

The current administration did want to make changes to the *Shakman*-related policies. The parties and the ACA engaged in a process to appropriately revise those policies without, per the Court's direction, recreating the wheel. That process is complete. The ACA understands that the revised Employee Handbook was sent to AFSCME, the union to which the AO's bargaining unit employees belong, on May 21, 2019, and that it has a 30-day review period, per the Collective Bargaining Agreement. Based on this timetable, the ACA would expect a revised Employee Handbook to be distributed to the AO's workforce in short order. As the first substantive revision to the AO's Employee Handbook since 2012, it is a significant step towards achieving Substantial Compliance.

D. Although Issues Remain, Implementation of *Shakman*-related Policies Has Improved

As the ACA has noted in prior reports, finalizing the *Shakman*-related policies is necessary but insufficient to achieve Substantial Compliance. Proper implementation is required to assure that the *Shakman*-related policies are applied even-handedly, without regard for political influence or factors.

The ACA has continued her practice of identifying *Shakman*-related policy violations and concerns and giving the AO notice of these deficiencies through regular written feedback. While Substantial Compliance does not mean perfect compliance, the ACA is obliged to monitor all aspects of *Shakman*-related policy implementation and will continue to do so, including through written feedback.

That being said, *Shakman*-related policy implementation has improved and the Assessor and his team appear committed to effective *Shakman*-related policy implementation. Deficiencies identified by the ACA largely have been remediated.

Supervisor training should further help. With a completed revised Employee Handbook comes Employment Plan-mandated training for AO supervisors on the substance of *Shakman*-related policies and their duties in terms of implementation. The ACA expects supervisor training to be forthcoming.

Here is a summary of *Shakman*-related policy implementation issues that the ACA has observed since the change in administrations:

1. Overtime Policy

Most of the implementation issues around *Shakman*-related policies concern overtime, which comprise most of the *Shakman*-related policy Employment Actions. There have been two discernable changes regarding overtime under the current administration: (a) overtime has been less frequently assigned; and (b) implementation issues largely abated after the first few months. Both of these changes are positive from a fiscal, organizational and *Shakman* perspective. Nonetheless, the Overtime policy purposefully presents a highly regulated and technical structure because of the potential for abuse. The ACA will continue to monitor and provide feedback on the AO's compliance with all Overtime policy requirements.

Also worth noting is the Assessor's elimination of compensation or the banking of Time Due for overtime for FLSA Exempt employees (*Shakman* Exempt and non-bargaining unit employees), which the ACA and Plaintiffs had advocated. While the ACA and Plaintiffs had been able to circumscribe the Berrios administration's grant of overtime to FLSA Exempt employees to some extent, elimination is welcome.

2. Temporary Assignment Policy

The Temporary Assignment policy is designed to ensure that temporary assignments are made fairly with the opportunity available to all who qualify and to provide adequate notice to employees, the ACA and the DOC. In early February 2019, the AO scheduled temporary assignments from February 6, 2019 through March 1, 2019 to assist the Taxpayer Information unit, which faces an increase in taxpayer activity, including telephone calls, when the first installment tax bill is mailed by Cook County.

The ACA understands that the Taxpayer Information unit needed reinforcements. Unfortunately, the AO plan to provide them failed to comply with the Temporary Assignment policy in many respects.⁵ These included: the wrong person requested the temporary assignments; the wrong person selected the positions, dates and employees for the temporary assignments; inadequate documentation; failure to say whether the temporary assignment resulted in any employee ending up in a higher graded position; and failure to provide training to all who should have received it.

The ACA gave the AO written feedback identifying the Temporary Assignment policy violations to which the AO has responded, and the ACA has replied. To the extent that the AO misapprehended the Temporary Assignment policy's requirements in the early days of its administration, presumably this will be rectified before additional temporary assignments are required.

⁵ The AO's temporary assignment plan did not comply with the Temporary Assignment policy that is part of the new, revised Employee Handbook. But it also did not comply with the operative Temporary Assignment policy, which governs the AO's conduct until the new Employee Handbook is adopted.

3. “Points” Discipline Policy (“Attendance Points” Section of Time and Attendance Policy)

The AO had a longstanding “points” discipline aspect of its Time and Attendance Policy, which predated the Berrios administration. Neither the ACA nor Plaintiffs were fans of this policy, which was complicated, hard to administer and lacked the transparency desired to ensure that “points” discipline was imposed free of political influences or factors. When Assessor Kaegi indicated a desire to do away with “points” discipline, the ACA and Plaintiffs were supportive.

The new Employee Handbook has a revised Time and Attendance policy that does not include “points” discipline. It is replaced by a standard, negotiated with the Plaintiffs and the ACA, which was deemed adequate to avoid Unlawful Political Discrimination: “Four or more unexcused late arrivals and/or unexcused early departures within a one-month period shall result in disciplinary action, up to and including termination of employment.”

On February 4, 2019, without waiting for the revised Time and Attendance policy, conferring with the ACA or Plaintiffs or without providing standards by which employee conduct would be judged, the Assessor unilaterally ended “points” discipline. This is done by a February 4, 2019, memo entitled “Guidance on Dress Code, Time and Attendance, and Overtime Policy,” which “suspended” enforcement of discipline based on attendance “points.”

In a February 25, 2019 email to the AO, the ACA questioned the suspension of “points” discipline because the February 4, 2019 memo “does not address how the AO will enforce appropriate workplace attendance in the absence of a points policy.” While the ACA requested “Clarification, ASAP,” it was not provided.

Even a cursory review of AO employees’ time records in CCT, the timekeeping system used by Cook County employees, shows that since February 4, 2019, AO employees have engaged

in the conduct that would have subjected them to “points,” up to and including levels that mandated termination. Yet the ACA has not been apprised on any disciplinary actions based on attendance.

While a failure to administer an attendance policy based on objective standards presents organizational issues, the ACA’s concern from a *Shakman* perspective is that it improperly leaves open the door for treatment (positive or negative) based on Political Factors or Reasons. Presumably, the situation will improve when the new Time and Attendance Policy is promulgated as part of the new Employee Handbook. But given the significant change in how the AO will address attendance issues, no matter how desirable, it will be an area of heightened scrutiny by the ACA.

4. Performance Evaluation Policy

As noted in the ACA’s prior reports, not a single performance evaluation was conducted during Assessor Berrios’ reign. This has been of concern to the ACA, Plaintiffs and the Court. Presumably, that is about to change. As discussed below, updating the non-Exempt Position Descriptions is nearly done. Once finalized, and subject to AFSCME’s 30-day review, the non-Exempt Position Descriptions can be distributed to AO employees. Performance evaluations presumably will commence in a reasonable time thereafter. In the interim, the AO can conduct the Employment Plan-mandated training of its Supervisors on how performance evaluations are to be conducted in accordance with the Performance Evaluation policy.

Substantial Compliance cannot be achieved without the AO’s demonstrated ability to conduct performance evaluations in accordance with the Performance Evaluation policy. Addressing this issue presumably is an AO priority. Implementing this policy also will give Assessor Kaegi a more granular opportunity to assess his workforce.

E. The AO's Position Descriptions Have, For the Most Part, Been Updated

Section IV.J of the Employment Plan requires the AO to review Position Descriptions to make sure they are current and accurate. *See* Employment Plan at 19 - 20; Doc. No. 4651 at PageID Nos. 29684 – 85. This is a critical step 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.

1. Exempt Position Descriptions

The Exempt Position Descriptions were updated by the end of the Berrios administration. Understandably, they were reviewed, revised and augmented based on Assessor Kaegi's elimination and creation of new Exempt Positions. While any Position Description, including Exempt, is subject to review prior to a new hiring, the AO's Exempt Position Descriptions appear to be accurate and up-to-date.

2. Non-Exempt Position Descriptions

A major effort for most of the last year of the Berrios administration was conducting desk audits and updating the non-Exempt Position Descriptions. But for a few legacy issues described in the Twelfth Report, *see* pp. 18 – 20, the task was completed. Since completion was on the eve of the change in administrations, the project was left open as a courtesy for Assessor Kaegi's review.

With the new administration came a reorganization (which the ACA understands is ongoing) and the desire to revisit the non-Exempt Position Descriptions. The prior effort provided an excellent foundation. Based on hard and diligent work and excellent cooperation by and between the AO and the ACA, all of the non-Exempt Position Descriptions have been revised and are accurate and up-to-date. The ACA understands the revised versions must be provided to

AFSCME for a 30-day review. Once that is accomplished, the non-Exempt Position Descriptions can be distributed to the AO employees. As noted above, this sets the stage for the much-needed performance evaluations. All of this denotes significant progress towards Substantial Compliance.

F. The Human Resources Function, Which Must be Fully Functioning to Achieve Substantial Compliance, Remains a Work in Progress

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. As the Employment Plan assigns employee training to Human Resources, that will be discussed here, as well as current thoughts about the AO’s Human Resources function.

1. Report on the AO’s Training Efforts

The Employment Plan, Section IV, makes Human Resources responsible for various types of Employee Training: All Employee “Shakman” training, Human Resources Personnel Training, Interviewer and Supervisory Training. Here is the status:

a. Employee “*Shakman*” Training – The Employment Plan, Section IV(G), requires Human Resources, in conjunction with the DOC, to provide comprehensive mandatory training to all employees to ensure that they are knowledgeable about the Employment Plan, Employee Handbook and Unlawful Political Discrimination, annually or within 60 day of hire for new employees. The Director of Legal in conjunction with the ACA, in her role of Interim DOC, prepared the training deck and presented this training to all AO employees in a number of sessions in February 2019.⁶

⁶ Based on the AO’s assessment cycles, the ACA and Plaintiff’s agreed that *Shakman* training could extend slightly beyond the Employment Plan’s timeframe of 60 days after time of hire.

b. Human Resources Personnel Training – The Employment Plan, Section IV(E), requires Human Resources, in conjunction with the DOC, to provide two types of comprehensive, mandatory training for all Human Resources personnel on an annual basis and within 30 days of hire for new Human Resources employees:

i. Employment Plan and Employee Handbook Training – This training is to ensure that Human Resources personnel are knowledgeable about, can administer and can answer questions about the Employment Plan and Employee Handbook. Since the Director of Human Resources was a new employee, the ACA, in her role of Interim DOC, provided this training to the Chief Administrative Officer, the Director of Human Resources and the Human Resources Generalist on January 24, 2019.

ii. Validation Training - This training is to ensure that all Human Resources personnel who review and validate applications for any Position receive training on proper validation and review protocols. The Interim DOC did not include this in her January 24, 2019 training as experience has taught that validation training really is effective only when done in the context of an actual validation, of which there were none in January 2019. The ACA understands that the Director of Human Resources, in conjunction with the DOC, will be conducting this training for the Human Resources Generalist and the to-be-hired Senior Human Resources Generalist.

c. Interviewer Training – The Employment Plan, Section IV(H), requires Human Resources, in conjunction with the DOC, to provide comprehensive mandatory training to all employees who are eligible to interview Candidates for any position on proper interviewing conduct, techniques and requirements and the prohibition against Unlawful Political Contacts and Unlawful Political Discrimination, prior to conducting an interview. The Director of Human

Resources in conjunction with the ACA, in her role of Interim DOC, prepared the training deck and presented this training to all AO employees in several sessions in March 2019.

d. Supervisor Training – The Employment Plan, Section IV(F), requires Human Resources, in conjunction with the DOC, to provide comprehensive mandatory training to all Supervisors⁷ to ensure that they are knowledgeable about the Employment Plan and the Employee Handbook, annually or within 60 days of hire for new employees. As referenced elsewhere, this training presumably will be forthcoming as the revised Employee Handbook is expected to be distributed to AO employees in the near future.

2. Observations

The ACA's prior reports expressed concern that the AO's Human Resources staff was inadequate to manage the day-to-day operations of an approximately 300-person workforce and perform *Shakman*-related activities. For the approximate last two years of the Berrios administration, Human Resources consisted of a Deputy and two Human Resource Generalists. One of the Generalists resigned in July 2018 and was not replaced.⁸ When Assessor Kaegi assumed office, he was aware that his non-Exempt Human Resources staff was one Generalist. The Human Resources function was augmented by an Exempt Director of Human Resources who came on board as of the beginning of the Kaegi administration.

Several months into the new administration, the decision was made to upgrade the vacant Human Resources Generalist to a Senior Human Resources Generalist position. As discussed

⁷ The Employment Plan defines "Supervisor" as any employee who "has the authority to authorize, execute, or recommend any Employment Action."

⁸ This was not for lack of trying. The AO posted, accepted applications and interviewed candidates for the Human Resources Generalist position in the Fall of 2018. However, a misleading posted salary range caused all who were offered the job to decline based on the salary offered. See Twelfth Report at pp. 6 – 8.

above, that position is not yet filled. That person should be a welcome and necessary addition to the Human Resources staff.

To date, the ACA has observed the Human Resources personnel as hard working but still grappling with the highly regulated *Shakman* world, especially when it comes to hiring. Also, as described above, the *Shakman* training was done by the Director of Legal, instead of Human Resources, as the Employment Plan requires. While support from the AO's legal function is necessary and expected, it cannot substitute for the professionalism required to be exhibited by the Human Resources function for Substantial Compliance. With a larger staff and more experience, the Human Resources function hopefully will rise to that level.

IV. THE ACA'S ACTIVITIES AS INTERIM DOC

On December 4, 2018, the Court appointed the ACA to simultaneously serve as the Interim DOC as a result of the DOC's resignation. The ACA held that post until April 29, 2019, when the new DOC's AO employment began. While Interim DOC, the ACA activities, in addition to her ACA duties and responsibilities, included:

- Held weekly office hours at the AO where she (or a member of her team) was available to address AO employee questions or concerns.
- Filed the Interim DOC's Semi-Annual Report with the Court on March 15, 2019.
- Issued an Investigation and Recommendation Report, dated April 25, 2019, regarding the improper employment of an Executive Assistant, as described above.
- Issued an Investigation Report, dated May 7, 2019, finding no basis for a claim of Unlawful Political Discrimination by a former Exempt AO employee who was terminated at the start of the Kaegi administration.
- Investigated a potential claim of Unlawful Political Discrimination by a former non-Exempt AO employee; the investigative report will be issued shortly.
- Investigated whether certain management-level employees were performing job duties consistent with their Position Descriptions; written feedback provided to AO.

- Conducted Human Resources Personnel training, as described above.
- Conducted Employee “Shakman” and Interviewer training, as described above.
- Assumed a greater role in Exempt and non-Exempt hiring, as required by the Employment Plan.

V. RECOMMENDATIONS

It has been the ACA’s practice to make recommendations at the close of each report. These largely have been designed to ensure continuing progress towards Substantial Compliance. As the report indicates, good progress has been made since Assessor Kaegi took office and the parties, the ACA and the DOC appear on track to continue that progress. Nonetheless, there are major pieces that would benefit from the Court’s supervision. So here are the ACA’s recommendations:

- A. Recommendation No. 1** – The Court Should Exercise Oversight of the Employment Plan Revisions, Including Setting Completion Goals.
- B. Recommendation No. 2** – The Court Should Exercise Oversight of the Shakman-Related Policy Implementation and Training, Including Setting Completion Goals.
- C. Recommendation No. 3** – The Court Should Exercise Oversight of the Performance Evaluation Process, Including Setting Completion Goals.

Respectfully submitted,

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CERTIFICATE OF ELECTRONIC FILING

I, Matthew D. Pryor, the undersigned, do hereby certify that on June 13, 2019, I electronically filed a true and correct copy of the foregoing **Thirteenth 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