

I. BACKGROUND FACTS

The Fourth Interim Report, and reports prior, identified serious violations of Section VII of the Employment Plan, governing the General Hiring Process, in Valuations Department hiring sequences. These violations included:

- **Manager of Data Collection** – Deputy Assessor of Valuations’ improper rejection of all ranked Candidates in violation of Section VII(S) of the Employment Plan. *See* 8/16/21 Second Interim Report at 4 – 6, Doc. # 7551. As the 8/19/21 order at §4 indicated: “On the Manager of Data Collection position, the Deputy Assessor of Valuations rejected the only Ranked Candidate, and the initial proffered justification did not meet the requisite objectivity, nor did the initial justification refer to a requirement in the job Description.”
- **Industrial Commercial (“IC”) Junior Analyst** (four vacancies) – Deputy Assessor of Valuations’ improper refusal to offer positions to ranked Candidates in violation of Section VII(S) of the Employment Plan. *See* 8/16/21 Second Interim Report at 6 – 8. As the 8/19/21 order at §4 indicated: “On the IC Junior Analyst positions, after the declination by one of the four highest Ranked applicants, the Deputy Assessor of Valuations refused to extend an offer to any of the remaining three Ranked applicants.”

Based on these Employment Plan violations, and the ACA’s recommendations for remediation, *see* 8/16/21 Second Interim Report at 9, the Court ordered the parties and the ACA to confer and report on: (1) how the current violations would be addressed; and (2) remedial measures to avoid future violations. *See* August 19, 2021 Order, Doc. # 7553; September 3, 2021 Joint Status Report on Non-Exempt Hiring, Doc. # 7574.

At the August 18, 2021 status, the Court said that it hoped for “some recognition by the supervisors who are not complying with the [Employment P]lan and the steps. And if it seems like they’re not taking in seriously, then they have to be called out for that.” 8/18/21 Tr. at 16 - 17. Hiring sequences in the Valuations Department however continued to violate the Employment

Consent Decree to include the Assessor’s hiring practices, certain exclusions. All capitalized terms have the meaning ascribed to them in the Agreed Order, Employment Plan or Employee Handbook, unless otherwise indicated.

Plan's General Hiring Process. These violations, as described in the Fourth Interim Report at 3 – 6, included:

- **Residential Field Inspector** – Deputy Assessor of Valuations' improper attempt to bar interviewed Candidates (one ranked and one not ranked) from future consideration in violation of Sections VII.R.6 and VII.S of the Employment Plan. *See* Fourth Interim Report at 5 – 6. As the 11/16/21 order at §4(A)(i) indicated: “During the Residential Field Inspector sequences, the Deputy [Assessor] of Valuations (Martin Paulson) declared that two Ranked Candidates should not be considered for future vacancies in violation of the [Employment] Plan.”
- **Industrial Commercial (“IC”) Field Inspector** – Deputy Assessor of Valuations' improper attempt to stop ongoing hiring process in violation of Section VII of the Employment Plan. *See* Fourth Interim Report at 3 – 5. As the 11/16/21 order at §4(B) indicated: “On the Industrial Commercial Field Inspector sequence, the Deputy of Valuations had declared a stop to the sequence announced a reposting. That again is a violation of the Plan.”

II. PERSISTENT VIOLATIONS OF THE GENERAL HIRING PROCESS ARE OBSTACLES TO SUBSTANTIAL COMPLIANCE

While the Court emphasized that “a showing of a durable remedy does not require anything close to perfection,” the November 16, 2021 order highlighted obstacles to Substantial Compliance evidenced by the Residential Field Inspector and IC Field Inspector (and prior) hiring sequences.

These obstacles include:

- The Assessor is free to propose changes to the Employment Plan but cannot unilaterally graft new provisions. *See* 11/16/21 order at §4(A)(i). *See also* 11/15/21 Tr. at 23 (“[G]rafting on or restarting processes, they can’t happen if the plan does not allow for them, and it doesn’t.”)
- The Industrial Commercial Field Inspector sequence was similar to the prior, non-compliant rejection of the Ranked Candidates for the Manager of Data Collection and IC Junior Analyst position (implying a lack of remediation of prior violations). *See* 11/16/21 order at §4(B).
- Human Resources did not catch the Employment Plan violations. *See* 11/16/21 order at §4(B). *See also* 11/15/21 Tr. at 15 (“[T]he HR function...is the first line of defense against partisan decision making. And so the hope is...to achieve a durable remedy that... HR can do this on its own...without a monitor stepping in.”)

While discussing PIPs at the November 15, 2021 status, although presumably equally applicable to hiring, the Court indicated that it does not “intend to apply a bright-line rule” to Substantial Compliance and “the overall idea is whether the HR function and the DOC function has achieved a durable remedy.” 11/15/21 Tr. at 60. The Court however indicated that it was “troubled by the decision-making process and the lack of attention that [the Deputy Assessor of Valuations] Mr. Paulson in particular seems to have to the [Employment P]lan.” 11/15/21 Tr. at 23. The Court indicated that it expected “much more attention by [Paulson] as well as HR so that these don’t continue to arise because we really do need to get to the point of a durable remedy, and instances like this will prevent a finding like that.” 11/15/21 Tr. at 23 - 24. The Court further indicated that “although it strongly prefers to avoid that step,” “repeated violations of this nature might require an on-the-record interview, under oath deposition, or in-court evidentiary hearing before the filing of a motion to terminate.” 11/16/21 order at §4(B); *see* 11/15/21 Tr. at 30.

III. CONCLUSION

As indicated by, *inter alia*, the Court’s comments at the November 15, 2021 status and the November 16, 2021 order, the persistent Employment Plan violations attendant to Valuations Department hiring pose obstacles to a finding of Substantial Compliance. The ACA cannot – nor would she want to – dictate AO operational priorities. And since the Court indicated there is no “bright-line” test for the AO to achieve Substantial Compliance, perhaps the AO can achieve that goal (with or without the ACA and/or Plaintiffs’ concurrence) without demonstrating hiring sequences in the Valuations Department that substantially comply with Section VII of the Employment Plan. Given the seriousness and persistence of the Employment Plan violations, however, the obverse also may be true. This supplement to the Fourth Interim Report is to recount

the recent history of Employment Plan violations attendant to hiring sequences in the Valuations Department, and well as the implications, as the Assessor works toward Substantial Compliance.

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Respectfully submitted,

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CERTIFICATE OF ELECTRONIC FILING

I, Matthew D. Pryor, the undersigned, do hereby certify that on December 13, 2021, I electronically filed a true and correct copy of the foregoing **Supplement to Fourth Interim 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
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