

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

<b>MICHAEL L. SHAKMAN, <i>et al.</i>,</b>	)	
	)	<b>Case No. 69 C 2145</b>
<b>Plaintiffs,</b>	)	
	)	<b>Hon. Edmond E. Chang</b>
v.	)	<b>District Judge</b>
	)	
<b>COOK COUNTY ASSESSOR, <i>et al.</i>,</b>	)	<b>Hon. Gabriel A. Fuentes</b>
	)	<b>Magistrate Judge</b>
	)	
<b>Defendants.</b>	)	

**STATUS REPORT OF THE COMPLIANCE  
ADMINISTRATOR FOR THE COOK COUNTY  
ASSESSOR REGARDING POTENTIAL SUNSET TIMELINE**

Susan G. Feibus, Assessor Compliance Administrator for the Cook County Assessor (“ACA”), by her attorney, Matthew D. Pryor, pursuant to the Court’s May 11, 2022 order (at §12) Dkt. 7943, submits this status report regarding the potential timeline to sunset.

**I. INTRODUCTION**

The May 11, 2022 order at §12 extended the potential target date for filing a Motion to Dissolve the Assessor’s Consent Decrees<sup>1</sup> and the September 19, 2012 Agreed Order (“Agreed Order”), either jointly (AO, Plaintiffs and ACA) or by the AO, alone, in accordance with Section III(F) of the Agreed Order.

The May 11, 2022 order did not set a specific date for the termination motion because the parties and ACA agreed, and the Court approved, that the motion will be filed approximately eight weeks after the AO completes annual Supervisor Employee Handbook training required by Section IV.E of the Employment Plan. Based on the AO’s projected timeline at the May 10,

<sup>1</sup> The “Assessor’s Consent Decrees” refer to the Consent Decrees to which the Assessor entered: (1) in 1972, which, *inter alia*, prohibited the Assessor from taking any employment action against a current employee based on political reasons or factors; and (2) in 1995, which extended the prohibitions of the 1972 Consent Decree to include the Assessor’s hiring practices, certain exclusions.

2022 court status, the AO's preview of the termination motion was due to Plaintiffs/ACA on September 6, 2022.

The May 11, 2022 order at §12 required the ACA to "file a concise report on the timeline so far and on ongoing training and preparation for training" by July 1, 2022. This is that report.

## **II. STATUS OF EMPLOYMENT PLAN MANDATED TRAINING**

### **A. Annual HR Employee Handbook Training: Deadline Met**

As indicated in the May 11, 2022 order at §8.A, annual HR Employee Handbook training, required by Section IV.D of the Employment Plan, was to be concluded by June 3, 2022. The AO met that deadline.

The ACA gave the AO/HR/DOC extensive comments on deficiencies in the training deck on May 17, 2022 (as the May 11, 2022 required) in the form of a 23-page chart. The AO/HR/DOC revised the training deck and the Deputy Assessor of HR recorded the training on or about May 23, 2022. The ACA reviewed the revised deck and viewed the recorded training. Based on that review, the ACA gave the AO a revised compliance analysis (in the form of a 36-page chart) on June 30, 2022.

While the HR Employee Handbook training was accomplished, it was far from stellar. The ACA's compliance analysis detailed specific deficiencies in the slides. The ACA's general observations included:

- The Deputy Assessor of HR's performance did not indicate a mastery of the AO's Shakman-related policies. She basically read the slides verbatim, did not add examples of policy compliance issues and/or how these issues should be resolved. Where there were errors in the slides, she repeated them and conveyed incorrect information. Where material policy provisions were missing, she did not supply them.
- AO/HR/DOC failed to correct slides that were based on the old – not the revised - policies.

- AO/HR/DOC failed to include material policy provisions (identified in ACA 5/17/22 analysis) and Deputy Assessor of HR did not address omitted provisions in the recorded training.
- Employee Handbook distinguishes between business days and calendar days. (ACA 5/17/22 analysis identified this deficiency.) Many of the revised slides still did not draw the distinction that affects timing/notice requirements.
- Implementing forms were not discussed. Slides merely showed the headings and beginning of the certain forms - not the complete forms. Deputy Assessor of HR indicated implementing forms must be filled out - without explaining what is required. Also, the implementing forms (except for Performance Evaluations) were under revision (as the ACA was waiting for the AO/HR/DOC comments). Deputy Assessor of HR made no mention that the implementing forms had not been finalized.
- Attendees were not asked (let alone required) to provide evaluations – a typical follow up to any training to assess its effectiveness.
- The training was done via a LMS system by employees individually online. While Deputy Assessor of HR indicated that questions could be directed to her - or the DOC or Compliance Analyst - the ACA is unaware of any formal follow up sessions to make sure that the HR Generalists (two of whom are relatively new) understand their duties and responsibilities regarding policy enforcement.

HR's ability to understand, administer and enforce Shakman-related policies is a critical component of a durable remedy, as evidenced by the Employment Plan's requirement that this training be presented annually. While the ACA has concerns about the quality of the HR Employee Handbook training, as indicated above, that will be shown by whether (or not) the AO/HR with input from the DOC effectively administers and enforces Shakman-related policies. This will be addressed in the ACA's next report.

**B. Annual all Employee Handbook Training: Deadline Met**

As indicated in the May 11, 2022 order at §8.B, annual general Employee Handbook training, required by Section IV.F of the Employment Plan, was to be concluded by June 21, 2022. The AO met that deadline.

The ACA gave the AO/HR/DOC extensive comments on deficiencies in the training deck on June 3, 2022 (in accordance with the schedule in the May 11, 2022 order) in the form of a 28-page chart. The AO/HR/DOC revised the training deck and the Director of HR and Director of Training and Development recorded the training on June 8 – 10, 2022. The ACA reviewed the revised deck and viewed the recorded training.

While the ACA has not yet given the AO a revised written compliance analysis, the general Employee Handbook training left much to be desired. On the positive side:

- Director of HR demonstrated a general understanding of the policies. While she primarily read the slides, she added examples of policy rationales and policy implementation issues.
- Director of Training and Development demonstrated a good command of the Training and Telecommuting policies. She did not read the slides but used them as a guide. Director of Training and Development's presentation was professional, smooth and conversational.

On the negative side, the AO/HR/DOC repeated and failed to correct many deficiencies identified in the ACA's June 3, 2022 analysis (some of which were the same or similar to errors identified in the ACA's May 17, 2022 analysis of the HR Employee Handbook training deck).

These deficiencies included:

- AO/HR/DOC did not correct all errors identified in ACA's 6/3/22 analysis. Where the slides were in error, Director of HR repeated them and conveyed incorrect information. Where material policy provisions were missing, she did not supply them.
- AO/HR/DOC failed to include new material policy provisions in revised policies in the revised deck (identified in ACA 6/3/22 analysis) and Director of HR did not address omitted provisions in the oral presentation.
- AO/HR/DOC failed to include existing material policy provisions in the revised deck (identified in ACA 6/3/22 analysis) and Director of HR did not address omitted provisions in the oral presentation.
- AO/HR/DOC's original training deck did not include the Telecommuting policy. It was added only after the ACA identified the omission.

**C. Annual Supervisor Employee Handbook Training: Deadline Will Not Be Met**

As indicated in the May 11, 2022 order at §8.C, annual Supervisor Employee Handbook training, required by Section IV.E of the Employment Plan, was to be concluded by July 12, 2022. The AO will not meet that deadline.

The May 11, 2022 order (at §8.C) required the AO to give the training deck to the ACA on June 8, 2022. The AO did not give the ACA a complete training deck until June 30, 2022. Based on the ACA's review period, AO/HR/DOC revisions to the training deck, recording and launching, the ACA understands that the AO expects to complete the Supervisor Employee Handbook training by August 3, 2022.

Based on a preliminary review of pieces of the training deck that the ACA received in mid-June, 2022, the ACA found serious deficiencies (many of which were the same or similar to those identified in the ACA's analyses of the HR Employee Handbook training and the general Employee Handbook training). These deficiencies include:

- AO/HR/DOC failed to base training on revised policies, citing policy provisions that were amended or removed.
- AO/HR/DOC failed to address significant policy provisions that supervisors are required to enforce.
- AO/HR/DOC failed to include implementing forms that are critical part of supervisory enforcement responsibilities.
- To the extent implementing forms included, AO/HR/DOC used forms that are not current and in the process of being revised (but are not finalized).

Supervisors' ability to understand and enforce Shakman-related policies also is a critical component of a durable remedy, as evidenced by the Employment Plan's requirement that this training be presented annually. The ACA will engage in the same review process as with the HR

Employee Handbook training and general Employee Handbook training and will report further on this training in the next report.

**D. Time and Attendance Employee Handbook Training (HR, Employees and Supervisors: Deadline Will Not Be Met**

As indicated in the May 11, 2022 order at §8.D, training on Time and Attendance, a required part of HR, Employee and Supervisor Employee Handbook training, was to be completed by July 22, 2022. The AO will not meet that deadline.

The Sixth Interim Report at 7 – 8 (Dkt. 7928) described the AO's machinations regarding revisions to the Time and Attendance policy. The parties and the ACA did not finalize the policy until on or about June 8, 2022. The revised policy has yet to be provided to the union for its review (that may last up to three weeks).

Because of this delay, the parties and ACA agreed to separate Time and Attendance training for HR, Employees and Supervisors. The ACA expects the AO to apprise the Court when it expects to complete Time and Attendance training for HR, Employees and Supervisors (including the time for ACA review of the training deck) at the July 6, 2022 court status.

**III. POTENTIAL TIMELINE TO MOTION TO TERMINATE**

The May 11, 2022 order at §12 set the date for the AO's preview of the motion to terminate to Plaintiffs/ACA on September 9, 2022. This date, as agreed, was approximately eight weeks after the AO's annual Supervisor Employee Handbook training was to be completed (by July 12, 2022). Since the Supervisor Employee Handbook training will not be completed by July 12, 2022, the dates in the May 11, 2022 order cannot hold.

The ACA, Plaintiffs and Shakman Liaison have conferred about the need to extend the dates. These discussions are premised on the AO completing the Supervisor Employee

Handbook training by August 3, 2022. The ACA expects the AO, Plaintiffs and ACA will suggest revised agreed dates at the July 6, 2022 court status.

Dated: July 1, 2022

Respectfully submitted,

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By her attorney:

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**CERTIFICATE OF ELECTRONIC FILING**

I, Matthew D. Pryor, the undersigned, do hereby certify that on July 1, 2022, I electronically filed a true and correct copy of the foregoing **Status Report of the Compliance Administrator for the Cook County Assessor Regarding Potential Sunset Timeline** using the CM/ECF system, which sends notification of such filing to all registered users.

/s/ Matthew D. Pryor  
Counsel to the ACA