

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

MICHAEL L. SHAKMAN, et al.,)	
)	
Plaintiffs,)	
)	Case Number: 69 C 2145
v.)	
)	Judge Edmond E. Chang
CLERK OF COOK COUNTY, et al.,)	Mag. Judge Gabriel Fuentes
)	
Defendants.)	
)	

**THIRD REPORT OF THE COMPLIANCE ADMINISTRATOR
FOR THE CLERK OF COOK COUNTY**

Cardelle B. Spangler, County Clerk Compliance Administrator (“CCCA”)¹, by and through her attorney, Matthew D. Pryor, pursuant to the Memorandum Opinion and Order filed on April 17, 2020 (the “Appointment Order”), submits this Third Report as follows:

I. Introduction

On September 15, 2020, Ms. Spangler filed her Initial Report to the Court (Dkt. 7085) wherein she explained the duties assigned to her by the Court and provided updates on her initial attempts to carry out those duties. On February 16, 2021, she filed her Second Report to the Court wherein she described progress on updating the Clerk’s Exempt List, and the Clerk’s Office’s limited progress on revising its Policy Manual (the “Manual”) and lack of consistent compliance with its existing Manual. Since the Second Report, the following has occurred: (1) the parties and CCCA agreed to an updated Exempt List of 30 Positions and the parties filed arguments with the Court concerning 10

¹ “CCCA” hereinafter shall refer to the County Clerk Compliance Administrator and/or her staff.

additional disputed proposed Exempt Positions; (2) the Clerk made minimal progress for months on updating its Policy Manual but recent engagement on the issue has it on track for completion by the early August 2021; (3) the Clerk continued to demonstrate considerable difficulty both creating updated and accurate Non-Exempt Job Descriptions and Organizational Charts and complying with its existing employment policies; (4) the Clerk's Office recently committed to adopting the policy on political solicitation in the Cook County Ethics Ordinance and will train employees on the same when the updated Manual is rolled out in the coming weeks; (5) the Clerk continues to be in noncompliance with its Assumption of Duties ("AOD") Hiring Plan, in part, by not producing proof that 16 AOD hires possessed the minimum education requirements at the time of their hire; and (6) the Clerk has not been consistently responsive to the CCCA's requests for information and documentation concerning Employment Actions but notably was receptive to recommendations by the CCCA and Plaintiffs' Counsel during discussions surrounding updates to the Manual. Overall, the CCCA believes the Clerk's efforts over the past five months have been uneven but engagement in the past two months by the Deputy Chief of Staff, new Deputy Clerk of HR, and Chief Ethics Officer give hope that more progress is forthcoming.

II. Clerk's Efforts to Comply with Appointment Order

A. Updating Clerk's Exempt List

The first duty set forth in the Appointment Order is for the CCCA to "[w]ork with the Clerk's Office (with input from Plaintiff's Counsel) to develop a list of Shakman Exempt Positions to be approved by the Court." Appointment Order at 41-42. At the time of the Second Report, the parties and CCCA had agreed on 25 Exempt Positions

with 15 additional Positions in dispute. Since then, the parties and CCCA agreed on five additional Exempt Positions and, after conferral, the parties submitted filings to the Court on the disputed Positions. Concerning the 30 approved Exempt Positions, final Job Descriptions remain outstanding for many of these Positions.

1. Updating the Exempt List

After the Second Report, the parties and CCCA spent significant time reviewing, revising, and conferring on the Job Descriptions for the proposed Exempt Positions. By April 2021, the parties and CCCA had agreed on 30 Exempt Positions while 10 proposed Exempt Positions remained in dispute.

The process to negotiate or declare impasse on the Clerk's proposed Exempt Positions took considerably longer than was necessary. For example, based on the Clerk's assertion that the disputed Positions had significant policymaking duties, on January 8, 2021, Plaintiffs' Counsel requested examples of what policies current or former office holders of the proposed Exempt Positions created or examples of where they had meaningful input into developing policies. In a January 14, 2021 email, the Clerk's Office agreed to gather the requested documentation. Despite (1) discussing this request during a February 25, 2021 status² after which (2) the Court ordered the Clerk to provide the requested information by March 12, 2021 (Dkt. 7315), and (3) a follow-up inquiry from Plaintiffs on March 25, 2021, the Clerk never provided this information.³ Instead,

² Concerning Plaintiffs' request, the Court stated that, "[Plaintiff's Counsel] and the compliance administrator would be shirking your duties if you did not go beyond the job descriptions as to what these individuals actually do. So that's perfectly sensible." See Feb. 25, 2021 Hr'g Tr. (Dkt. 7323) at 34:25 – 35:4.

³ Rather, on March 12, 2021, the Clerk provided a memo that included examples of policy issues that occupants of some of the disputed Exempt Positions were purportedly involved. On March 25, 2021, Plaintiffs' Counsel acknowledged the Deputy Chief of Staff's March 12 memo but

months later, the Clerk asserted the request was unnecessary. *See* Apr. 12, 2021 Def.’s Mot. to Amend Exempt List (Dkt. 7375-1) at 11-12. Ultimately, the parties were unable to reach agreement on the remaining 10 Positions and, on April 12, 2021, the Clerk filed a Motion to Amend the Exempt List to add the 10 Positions in dispute *Id.* The Motion has since been fully briefed and remains pending with the Court.

2. Finalizing Job Descriptions for Approved Exempt Positions

With respect to the approved Exempt Positions, the Clerk still has not finalized the Job Descriptions for many of these Positions. On April 23, 2021, the Clerk’s Office emailed the CCCA and Plaintiffs’ Counsel proposed resolutions to several then-disputed Exempt Job Descriptions. The resolutions were put in a body of an email rather than in the Job Descriptions themselves. The CCCA and Plaintiffs’ Counsel approved those edits, signed off on those Positions qualifying as Exempt, but noted that final clean Job Descriptions would have to be generated. In a call with the Deputy Chief of Staff the same day, CCCA Counsel informed that many of the Job Descriptions for previously approved Exempt Positions also required final edits to be approved. To be clear, these edits did not impact whether the Positions qualified as Exempt but were necessary to ensure the Job Descriptions were “updated and accurate,” as the Clerk’s Manual requires. On May 25, 2021, the CCCA sent a follow-up email to the Clerk’s Office on the status of providing proposed final versions of all Exempt Job Descriptions. The CCCA has since spoken with the Clerk’s Office on this outstanding issue and understands the Clerk has limited resources that recently have been focused on policy revisions and hiring

noted the Clerk’s Office had not yet provided Plaintiffs with “any policy, draft policy or deliberative correspondence showing input on policies for any current or previous occupant of these positions.”

sequences. The CCCA does not believe this task will take long to complete after given the necessary attention by the Clerk; however, it is a necessary step so there is clarity and transparency on the duties, responsibilities, and Minimum Qualifications of the approved Exempt Positions. Until these Job Descriptions are finalized, the CCCA does not believe the Clerk has satisfied this section of the Appointment Order.

B. Status of Manual Updates and Clerk's Adherence to the Existing Manual and Interim Hiring Policy

The second duty assigned to the CCCA by the Court is to review the Manual “to determine whether the policy is in fact applied in the observance rather than the breach . . . identify any discrepancies in the application of the policy, and propose any appropriate revisions.” Appointment Order at 41. In her Second Report, the CCCA discussed how she had proposed edits to all Clerk policies in late November and early December 2020 but that the Clerk had only provided responsive edits to a single policy (Performance Management). Since then, after a few additional months where the parties exchanged drafts of the policies without making much progress on resolving areas of disagreements, the parties and CCCA engaged in a series of telephonic conferrals over the past six weeks which has brought the Manual to the doorstep of completion as detailed below. All-office training is required after the revisions are complete. The CCCA also continued monitoring the Clerk's compliance with its existing Manual and providing the Clerk with feedback on the same. Noncompliance with various policies was widespread as is detailed below.

1. Updating the Clerk's Manual

Despite the Clerk's Office identifying early on that its Manual needed significant revisions, it has taken over a year (and counting) to finalize the updates. At the Clerk's

request, the CCCA provided the Clerk with draft revisions to all of its policies in early December 2020. Afterward, the Clerk did not work with the CCCA and Plaintiffs at a consistently efficient pace on the proposed edits. The Court set deadlines for exchanging drafts and for the parties and CCCA to confer on the same (*see, e.g.*, Oct. 16, 2020 Minute Entry (Dkt. 7128)), but the Clerk continually missed those deadlines. *See* Apr. 14, 2021 Minute Entry (Dkt. 7385). During one status, the Court noted that, “[t]he longer the Clerk waits to implement policies, and the less concrete the policies are in establishing a durable remedy against First Amendment violations (the standard for termination), the less likely it will be that the Clerk will prevail on the motions.” Apr. 14, 2021 Minute Entry (Dkt. 7385).

During June 2021, the parties and CCCA held the first set of a series of conferral meetings whereby significant progress was made on updating the policies.⁴ On June 8, 2021, the parties and CCCA discussed the Hiring Policy. On June 14 and 15, 2021, the parties and CCCA discussed all other draft policies except the Time and Attendance Policy. The CCCA quickly turned around revised policies based on those meetings and provided them to the Clerk for review the day after the above meetings. On June 25, 2021, the Clerk’s Office proposed a new Attendance Policy. The CCCA and Plaintiffs’ Counsel provided proposed edits to the same on July 9, 2021. On July 13, 2021, the parties and CCCA resumed their telephonic conferrals and, based on significant progress made during the calls, anticipate finalizing updates to the Manual (and forms) by early

⁴A Hiring Policy that would govern the Clerk’s elections-specific seasonal hiring was not a part of the conferral process. The Clerk recently proposed the use of an external vendor to facilitate its elections-specific seasonal needs, and only provided the first documentation detailing the same on July 2. The CCCA will engage with the Clerk (and the Chicago Board of Elections, who appears also to use the same vendor) on this matter after the Manual edits already in process are completed.

August 2021. The CCCA appreciates the collaboration and efforts of the Deputy Chief of Staff, new Deputy Clerk of HR, Chief Ethics Officer and Plaintiffs' Counsel during these recent conferrals.

After the Manual updates are finalized, the most important step prior to implementation will be to effectively train all staff on the updated policies. It is imperative that the Clerk's Office develop and execute thorough, effective and digestible training presentations for its staff. The more successful the training, the more likely the Office will be able to implement the revised policies effectively and demonstrate more swiftly that a durable remedy has been achieved. The Clerk aims to conduct these trainings in mid-August 2021 and will utilize several senior staff as trainers given the recent departure of her Director of Training. The CCCA will assist with feedback on the training deck and will report on the training sessions in her next report.

2. Clerk's Adherence to its Existing Manual

Although the Clerk's Office is still in the process of updating its Manual, it is required to follow its existing Manual until the new version is finalized and trained on. Appointment Order at 41. The Clerk's Manual – like Employment Plans for other Cook County agencies – requires the Clerk to have updated and accurate Job Descriptions for all Positions. *See* Manual § 4.4 (g). The Clerk has so far not produced or developed such Job Descriptions for most of its Positions and has struggled to provide an updated and accurate Organizational Chart showing the correct reporting structure of the Office. Concerning active monitoring of Employment Actions, since the Second Report, the CCCA has monitored in real-time (or audited after the fact) hiring for both Exempt and Non-Exempt Positions, as well as the following policies concerning Non-Exempt

Positions: Discipline, Performance Management, Temporary Assignments, Time and Attendance and Training. Based on the CCCA's observations (and a recent OIG Report), we do not believe the Clerk has demonstrated consistent compliance with its existing policies.

a. Status of Organizational Chart and Non-Exempt Job Descriptions

On May 4, 2020, just a few days into her appointment, the CCCA spoke with the Clerk's outside Counsel and requested various key documents from the Clerk including the Clerk's most recent Organizational Charts.⁵ On July 10, 2020, she requested copies of Job Descriptions for all Non-Exempt Positions in the Clerk's Office. Despite receiving these requests over a year ago, the Clerk has not yet provided updated and accurate Organizational Charts or Job Descriptions for most Non-Exempt Positions.

Concerning Organizational Charts, the Clerk's Office appears only recently to have become engaged on this issue. The first two Charts provided (in October and November 2020, respectively) were explicitly labeled as in "draft" form, contained myriad entries that did not align with what the CCCA had observed through monitoring, and were confirmed by the then Deputy Clerk of HR to be inaccurate. In her Second Report, the CCCA offered her assistance to meet directly with Managers and line staff to create a current and accurate Organizational Chart if the Clerk's Office was unable to assign the resources to such a request. *See* Second Report at 28. However, during the February 25, 2021 Status Hearing, Clerk's Counsel rejected the CCCA's request and stated its preference to create the Organizational Chart "because the Office is the one who

⁵ Although an Organizational Chart is not directly addressed in the Appointment Order, the Court agrees that "[the Organizational Chart is] a basic foundational document to have an organization chart because [] the employment policies refer repeatedly to supervisors and chains of command. And so it's very difficult to have one without the other."

knows the organization best.” *See* Feb. 25, 2021 Hr’g Tr. (Dkt. 7323) at 39:14 – 41:2. Since no Organizational Chart was forthcoming by the following status, the CCCA reiterated her offer to create the Organizational Chart through the interviews of current employees. *See* Apr. 13, 2021 Hr’g Tr. (Dkt. 7379) at 25:17 – 27:5. The Court required at that status that the Clerk produce the Organizational Chart by April 20, 2021; the Clerk did not produce the same until May 19, 2021.

Concerning the CCCA’s July 10, 2020 request for all Non-Exempt Job Descriptions, the Clerk has not yet fully satisfied this request either, and what it has provided appears to fall short of the Manual’s requirement for Job Descriptions to be updated and accurate. The Clerk provided around 20 Job Descriptions on July 17, 2020 and then developed an additional 20 new Job Descriptions through the AOD hiring process in the Fall of 2020. Job Descriptions for many Non-Exempt Positions remained outstanding for months resulting in the Court ordering, during the April 13, 2021 status, that the Clerk provide the CCCA with all Non-Exempt Job Descriptions by April 27, 2021. *See* Apr. 13, 2021 Hr’g Tr. (Dkt. 7379) at 27:12-21. The Clerk provided 93 Non-Exempt Job Descriptions to the CCCA on April 27 and 28, 2021. This production included several Job Descriptions that were provided previously, including several of the AOD Job Descriptions referenced above.

The CCCA reviewed the May 19, 2021 Organizational Chart in connection with the produced Non-Exempt Job Descriptions to determine consistency and accuracy amongst titles and reporting structures. On June 14, 2021, she provided the Clerk with

extensive feedback⁶ about the May 19, 2021 Organizational Chart and, the following day, met with the Deputy Clerk of HR to discuss. During this meeting, the CCCA and Deputy Clerk of HR agreed that individual meetings with each department's Deputy Clerk would help expedite the process to obtain answers to the CCCA's questions.

The first of these meetings took place on July 9, 2021 with the Deputies in Elections and Information Technology. The Deputies informed that: (a) several of the Job Descriptions provided by Clerk's outside Counsel in April 2021 did not appear to be relevant to any current Elections and IT Positions, (2) the Clerk's Office lacks a number of Job Descriptions which will need to be drafted (or potentially have been drafted but not provided to the CCCA), and (3) many of the titles listed on the May 19, 2021 Organizational Chart and corresponding Job Descriptions do not accurately reflect what the respective Positions actually perform. The CCCA discussed these developments with the Deputy Chief of Staff, who agreed to attend the meetings with the remaining Deputies as HR (and the CCCA) learn both the extent to which the Organizational Chart is inaccurate and the number of Non-Exempt Job Descriptions that have not yet been drafted or provided to the CCCA. Only afterwards will the CCCA have a clearer picture of the Clerk's compliance with the Manual's requirement to have accurate and updated Job Descriptions for all of its Positions; for now, it is clear much work remains.

b. Hiring

Since the Second Report, the Clerk has hired three Employees into Exempt

⁶ In short, the CCCA noted the following: (a) there appeared to be 41 positions on the Org Chart for which the Clerk did not provide a Job Description, (b) there appeared to be 18 positions the CCCA had Job Descriptions for but the titles on the Job Descriptions did not match (or closely resemble) any titles on the Org Chart; and (c) there were many positions where the titles on the Job Descriptions and the Org Chart weren't identical, but were close, so the CCCA sought confirmation of the correct/accurate title.

Positions and four Employees into Non-Exempt Positions. The Clerk's Exempt hires complied with the Policy Manual (although HR's validation for one of them was based initially off an incorrect version of the Job Description); however, the Deputy Clerk of HR more recently attempted to use the Exempt hiring process to hire someone into a Position not on the Court-approved Exempt List. That effort was halted as soon as the CCCA raised concerns. Non-Exempt hiring since the Second Report has been problematic as the Clerk's Office did not comply with many steps of its written hiring processes. These and other significant updates are described below.

(1) Exempt Hiring

The hiring process for Exempt Positions is straightforward: if the Position is on the Court-approved Exempt List and has an updated and accurate Job Description, the Clerk can select whoever she wants for the Position if the Deputy Clerk of HR (or Designee) verifies the Candidate meets the Minimum Qualifications for the Position. *See* Manual § 4.6(a)(2). Since the Second Report, the Clerk hired a new Deputy Clerk of HR, who began her employment on April 26, 2021. The Clerk also hired an Executive Assistant to the Deputy Clerk of Real Estate and Taxes in May. Both hiring processes complied with the Manual. Also, in July 2021, the Clerk hired an Assistant Deputy Clerk of Elections. The Deputy Clerk of HR's initial validation relied on an outdated June 2020 Job Description. After the CCCA provided the correct current version (from October 2020), the parties finalized edits to the Job Description and the Clerk executed the hire.

Finally, since the Second Report, the Clerk responded to an OIIG report concerning a 2020 noncompliant Exempt hiring process, and the Clerk's Office attempted to utilize the Exempt hiring process to fill a Position that is not on the Court approved

Exempt List. Additional explanation of the Clerk's response to the OIIG Report and the noncompliant attempted Exempt hire are below.

a. Clerk Response to OIIG Report

As explained in the Second Report, on January 27, 2021, the OIIG issued a report wherein it concluded the Clerk hired an individual who did not meet the Minimum Qualifications of her Position and the Clerk's process for reviewing the Candidate's resume and work experience did not comply with the Manual. *See* Summary Report IIG20-0663; CCCA's Second Report at 7-8. The OIIG made four recommendations: (1) HR "create a protocol to allow for a meaningful opportunity to confirm minimum qualifications prior to interview or hire"; (2) the Clerk discipline two Deputies Clerk involved in the hire; (3) the Clerk modify the Exempt Hiring Process in the Manual so the Deputy Clerk of HR is required to certify in writing that a selected Candidate for an Exempt Position meets the Minimum Qualifications for the Position; and (4) that the Clerk "vacate" the current Exempt hire and restart the hiring process. *Id.* at 6.

On March 12, 2021, the Clerk issued a response disagreeing with the OIIG's finding that the Employee failed to meet the Minimum Qualifications for the Position and declining to adopt all the OIIG's recommendations. The Clerk's Office, with the stated intent of providing clarity to the Minimum Qualifications it believed the OIIG had misinterpreted in its findings, proposed to the CCCA and Plaintiffs' Counsel an updated Job Description. On July 15, 2021, the parties and CCCA agreed to edits to the same.

b. Clerk's Erroneous Attempt to Use Exempt Hiring Process

In June 2021, after the departure of the Director of Training and while the Clerk's contested motion to amend the Exempt List (in part to add the Director of Training title)

was pending with the Court, the Deputy Clerk of HR notified the CCCA of her intent to fill the Director of Training vacancy by using the Exempt hiring process. But for the CCCA's intervention reminding the Deputy Clerk of HR that until the Court approved the position to be added to the Exempt List, the Clerk could not use the Exempt hiring process to fill it, the CCCA fears the Clerk would have again violated the Consent Decree (and its own Manual) by filling this Non-Exempt Position using an unauthorized hiring process. The CCCA recognizes that the Clerk's Office immediately halted the hiring effort and ascribed the issue to an internal miscommunication on the Exempt status of the Position. This Position remains vacant.

(2) Non-Exempt Hiring

Since the CCCA's appointment, the Clerk has hired Non-Exempt Employees through three separate policies: (1) the Clerk's Manual; (2) the Assumption of Duties ("AOD") Hiring Plan⁷; and (3) a June 2021 Interim Hiring Policy. The Clerk has not demonstrated consistent compliance or the ability to independently implement any of these policies to date. As explained below, the Clerk has not demonstrated the ability to consistently adhere to its written hiring policies concerning Non-Exempt Positions.

a. Non-Exempt Hiring Under Clerk's Manual

The Clerk's Manual contains a policy for Non-Exempt hiring. As acknowledged by the Clerk early in the CCCA's tenure, this policy had significant gaps such as no direction on how Applicants are validated and selected for interviews. *See, e.g.*, Aug. 31, 2020 Hr'g Tr. (Dt. 7056) at 23:5-12. Policy deficiencies aside, in mid-2020, the CCCA

⁷ As the fourth task assigned the CCCA in the Appointment Order concerns monitoring of the Clerk's assumption of the duties of the Recorder of Deeds, the Clerk's compliance with its "AOD Hiring Plan" is discussed below in Section II.D.

undertook an audit of the Clerk's hiring sequences that took place (or were finalized) after the CCCA's appointment.⁸ Between the CCCA's review and a recent OIG Report concerning a mid-2020 Non-Exempt hiring sequence, it is clear the Clerk did not implement and follow significant portions of its Manual's Non-Exempt Hiring Policy.⁹

The CCCA's review of the Clerk's 2020 Non-Exempt sequences noted many issues, including a lack of the following required documentation: signed No Political Consideration Certifications ("NPCCs"), completed Interview Evaluation Forms, Interview Panel Ranking Forms, and proof that interviewed Candidates possessed the educational Minimum Qualifications on the job posting. In some instances, HR accepted paper applications despite a requirement that all applications be submitted electronically. Finally, the Clerk's Office did not implement any Conflict of Interest vetting process for any of these hiring sequences. *See* Initial Report at 17-20 and Second Report at 11-12. Independently, the OIG identified additional issues during an investigation.

On June 16, 2021, the OIG issued IIG20-0583 which concerned whether an individual hired as a Security Officer I in June of 2020 received special consideration and was hired without a job posting or going through a formal hiring process. The OIG

⁸ The Clerk did not provide the CCCA with the opportunity to monitor any aspect of these hiring processes in real time – including hiring interviews conducted in late July – three months after the CCCA's appointment.

⁹ The CCCA notes an additional concern regarding the Clerk's Non-Exempt hiring that only recently came to light. On July 21, 2021, in response to an inquiry by the CCCA, the Deputy Clerk of HR explained that a previous seasonal elections worker had been "held over" by the former Deputy Clerk of HR and placed in Human Resources, where she remains working today. The CCCA responded on July 21, 2021 and asked the Deputy Clerk of HR to identify any other former seasonal elections workers who have been retained by the Clerk's Office and to explain the process or policy by which the Clerk executes these retentions. The parties and CCCA discussed this matter briefly during a July 22, 2021 conference call on policy revisions wherein the Clerk's Deputy Chief of Staff asked for additional time to review and respond. The CCCA will update the Court further on this matter in her next Report but notes here that all Non-Exempt hiring must follow written (and approved) hiring policies so safeguards are in place to help ensure Political Reasons or Factors do not impact such hiring processes.

concluded that the preponderance of the evidence failed to support the allegation that the hire received special consideration or was hired in the absence of a public posting or formal process; however, the OIIG found the Clerk's HR Department committed widespread violations of its own hiring policy. Specifically, the OIIG found HR did not comply with the Manual "regarding the validation of applicant resumes, establishing an interview list of eligible applicants or criteria for interview panel selection." IIG20-0583 at 6. These findings were due to the former Director of HR's acknowledged oversight when she reviewed the application to recognize that the hire did not indicate possession of a Minimum Qualification for the position and therefore should not have been offered an interview. *Id.* at 6-7. The OIIG also noted the former Director of HR's acknowledgement that she only retrieved "a fraction" of the online applications and consequently did not establish a list of all eligible Candidates. *Id.* Finally, the OIIG found that the former Director of HR's solo interview of one Candidate, along with teaming with the Deputy Clerk of Security to interview the hire, did not comply with Manual's provisions on who should comprise interview panels. *Id.* During the July 6, 2021 status hearing, Clerk's outside Counsel noted that the OIIG did not conclude there was any unlawful political discrimination but Counsel agreed this hiring sequence was "sloppily done" and that the Clerk's "new policies" coupled with a "new HR team" will hopefully prevent any recurrence. *See* July 6, 2021 Hr'g Tr. (Dkt. 7501) at 30:1 – 30:6.

b. Non-Exempt Hiring Under the Interim Hiring Policy

On March 20, 2021, the Clerk's Office posted six Non-Exempt Positions and stated their intent to fill the Positions either through the General Hiring Process or Actively Recruited Process as outlined in their current Manual. After the CCCA noted

that there were no specifics provided by the Clerk's Office on how it would perform the missing steps in the General Hiring Process (such as screening and validating applications and creating interview lists), and that the current Manual contained no separate Actively Recruited hiring process, the CCCA and Clerk's Office negotiated an Interim Hiring Policy for the Clerk to utilize for these Positions. Recently, the CCCA approved the Clerk's request to add seven more titles to the list of Positions covered by this stand-alone Hiring Process, bringing the total to 13.

In late June 2021, the Clerk began advancing the hiring sequences for five of the Positions that were posted in March 2021, with the CCCA closely monitoring the same. While the Clerk has advanced past validation for only one of these hiring sequences, the CCCA has noted consistent issues regarding compliance with the Interim Hiring Policy at each stage thus far, communicating the same to the Clerk. Some, but not all, of this feedback included: alerting the Clerk that its Applicant Lists were inaccurate, noting instances where individuals that applied after the posting period closed were incorrectly included by HR on the Applicant List, and ensuring the Clerk was utilizing the correct Job Descriptions and Minimum Qualifications when validating applications.

The CCCA also assisted the Clerk with policy interpretation, advising when randomization is triggered under the Policy and noting that for a few Positions, initial validation had been conducted prematurely without the required creation of an Applicant List and randomization of that list happening first. For one Position, the Deputy Clerk of HR had not only validated Applicants prior to creating an Applicant List and conducting the required randomization, she also had concluded no Applicants were eligible for the Position and reposted the Position online – all without following the steps in the Hiring

Policy and providing the CCCA the opportunity to monitor the same.¹⁰ After the above miscues were cured, the CCCA noted significant issues with HR's validation of these Positions. For multiple Positions, HR's validation included evaluating Applicants on Minimum and Preferred Qualifications that were not included on the postings.¹¹ For another Position, HR validated seven Applicants as meeting the Minimum Qualification, but when questioned by the CCCA about the basis for six of those validation determinations, changed course and acknowledged that none of the six indeed met the Minimum Qualifications.

When evaluating the Clerk's performance regarding the AOD Hiring Process, the CCCA noted that the Clerk and its third-party vendor, the Institute of Compliance and Learning ("ICL"), encountered issues at each stage of the AOD Hiring Process and relied heavily on the CCCA to recognize and propose remedies to issues as they arose. *See* Second Report (Dkt. 7298) at 20-28; *see below* at 25-29. Now that HR has taken over primary hiring responsibilities, it is displaying similar difficulties and reliance on the CCCA in adhering to the policies governing its hiring sequences. It is important to note that the current Deputy Clerk of HR has only been on the job for a few months and was not involved in the initial postings for the Positions discussed above. Naturally, there will be a period of acclimation and ramping up on knowledge of all policy requirements. Nonetheless, the recency of tenure does not relieve the obligation on the Deputy Clerk of

¹⁰ After learning of these missteps, the CCCA raised her concerns with the Deputy Clerk of HR who promptly suspended the reposting and worked with the CCCA to ensure the correct steps were followed in the Policy.

¹¹ For two Positions, the Deputy Clerk of HR stated that her erroneous validation was due to the former Deputy Clerk of HR posting incorrect Job Descriptions (which had different sets of Minimum Qualifications). HR and the CCCA are working on updating the Job Descriptions and reposting these Positions.

HR, HR generally, and the Clerk's Office overall to effectively execute on its hiring policy. Given the above observations, the CCCA does not believe the Clerk has demonstrated consistent and effective compliance with its written Exempt and Non-Exempt hiring policies.

c. Performance Management

The Performance Management Policy in the Clerk's 2020 Manual requires the Clerk to conduct probationary performance evaluations for new hires and to conduct annual performance evaluations for all employees. *See* Manual § 4.9. From the CCCA's April 2020 appointment through February 2021, the CCCA was provided the opportunity to monitor 64 performance evaluations for new hires; no annual performance evaluations for existing employees were conducted. Based on her observations and as set forth below, the CCCA does not believe the Clerk has demonstrated consistent or effective implementation of the policy concerning probationary performance evaluations.

On February 25, 2021, after limited conferral with the CCCA, the Clerk's Office provided the CCCA with a "final" revised Performance Management Policy. One day prior, on February 24, 2021, and before notifying the CCCA that the Clerk had finalized its Policy, it conducted a cursory one-hour training on this new Performance Management Policy with certain Managers who supervised the Employees hired under the AOD hiring process. Subsequently, Managers issued 64 evaluations to Employees. On June 3, 2021, the CCCA sent the Clerk detailed feedback on these evaluations and meetings. That feedback raised the following (and other) concerns:

- The February 24 training did not adequately prepare Supervisors to conduct evaluations and provided scarce (and at time inaccurate) guidance on Supervisors' duties under the policy.

- “Milestone meetings” (meant to provide probationary Employees in the first 30 days of employment with clarity on their performance expectations and the evaluation process) were not conducted for 22 of the 64 probationary Employees.
- “Check-in meetings” (designed to provide probationary Employees with interim feedback on the quality of their performance before the 60th day of the probationary period) were not conducted for 62 of 64 probationary Employees.
- Only 5 of the 64 probationary evaluations were issued to Employees within the timeframe required by the Policy.
- Zero Managers appeared to follow the policy’s requirement to either meet, or engage in substantive correspondence, with the Supervisor who drafted the evaluation and provide feedback on the draft.
- Despite a recommendation from the CCCA that the Clerk create uniform time and attendance metrics, the Clerk allowed each Manager to create their own metrics. The result was widely inconsistent metrics as well as inconsistent application of the stated metrics within the same department and by the same Manager. Further, these metrics were not shared with Employees, thus leaving them in the dark about the standards on which they would be scored.
- Three employees were terminated because of their performance during their probationary periods. Several aspects of these terminations proved problematic including that the Deputy Clerk of HR did not issue the evaluations as required by the Policy; did not permit the CCCA to monitor a significant portion of one termination and did not give adequate notice for the terminations including one termination wherein the CCCA received less than one hours’ notice. Also, one of the three terminated employees did not receive a milestone or check-in meeting and therefore was not given an opportunity to improve the issues on which the Manager based the termination.
- Finally, the CCCA was not provided any notice about (and was therefore denied the opportunity to monitor) the issuance of probationary evaluations to three IT Employees. Only after several requests, did the CCCA receive copies of the evaluations which contained no written explanations of scores.

Based on these issues, the CCCA does not believe the Clerk has demonstrated consistent compliance with its Performance Management Policy. While the Clerk did not

respond to the CCCA's June 3, 2021 feedback, the Clerk since agreed to significant changes to its Performance Management Policy, the implementation of which the CCCA will monitor.

d. Discipline Monitoring

In her Second Report, the CCCA commented that the Clerk's Office was not abiding by certain requirements in its Discipline Policy, in particular the requirement to utilize and provide required documentation for Discipline sequences. Second Report at 13-16. Since then, we have closely monitored the Clerk's Discipline activity and noted advancement in the Clerk's compliance, particularly concerning how Hearing Officers conduct hearings and the Clerk providing the CCCA notice of the same. Issues remain concerning: the Clerk's consistent application of its Discipline Policy amongst similarly situated Employees, completion of disciplinary documentation as required by the policy, and the timeliness of disciplinary decision making.

The Clerk has shown improvement regarding Discipline investigations and the structure of hearings, consistently providing timely notice and executing hearings that have meaning and allow the Employee and management a fair opportunity to present information they deem relevant. Additionally, the Clerk has worked with the CCCA and Plaintiffs to develop a revised Discipline policy that includes more procedural safeguards to avoid political discrimination.

While the Clerk has shown improvement in some areas of Discipline compliance, areas of concern remain. Significantly, progress is still needed in the enforcement of Discipline to similarly situated Employees. Since the Second Report, the CCCA has observed the following issues:

- Managers issued Discipline disparately amongst similarly situated Employees whose Cook County Time records showed them all to be in serious violation of the Clerk’s Time and Attendance Policy (e.g., *see below* at 23-24).
- Hearing Officers issued Discipline disparately to Employees accused of committing the same policy infractions without any justification for the different results. Specifically, multiple Employees faced Discipline for not completing online training and cited technical difficulties and/or significant workload as reasons for not completing the training. Some of these Employees received Verbal Reprimands (the first step of Progressive Discipline), while others were instead provided a “verbal warning” from the Director of HR, who explained that such a warning (which is not a part of the Discipline Policy) would not count as a Verbal Reprimand on the Progressive Discipline sequence. No factors were communicated that would justify these different outcomes.
- Hearing Officers did not “sustain (approve) or overrule (invalidate) *each* allegation of violation.” *See* Manual § 2.3(f) (emphasis added).¹² Instead, Hearing Officers would simply issue Discipline without specifying which of the underlying allegations were sustained. As the Policy states the Clerk “prefers” progressive Discipline, clarity on what charges a Hearing Officer sustains is vital to ensuring an Employee’s Discipline record is accurately captured for purposes of potential future progressive disciplinary steps.
- The Second Report detailed deficiencies in the Clerk’s utilization of required documentation, namely incident reports and docket sheets. While the Clerk addressed the Incident Report issue by formally using the Disciplinary Action Form in its stead, issues persisted concerning executing and/or producing to the CCCA the docket sheets.
- Hearing Officers took months to issue decisions after Hearings – an arguable violation of the Policy’s requirement that Discipline be documented and processed in a “timely” manner. *See* Manual § 2.3.

The CCCA provided feedback to the Clerk on the above concerns on May 18 but did not receive a response.

¹² Employees often have faced multiple violations and received discipline without detail as to which infraction(s) the discipline was related. This has significantly improved as of late, particularly when the Chief Ethics Officer serves as Hearing Officer.

Despite the above issues, the CCCA is encouraged by the Clerk's efforts to improve its Discipline compliance. While the Clerk still needs to display it can apply Discipline consistently and in strict adherence with its procedures, we are optimistic that the implementation and training on a new Discipline Policy, one that has a more robust procedural structure, will provide the Clerk the opportunity to fill in its gaps in Discipline compliance. At present, though, the Clerk has not yet demonstrated consistent compliance with its Discipline Policy such that a durable remedy has been achieved.

e. Training

As discussed in the Second Report, the Clerk's Office is not complying with the various trainings required in its Manual. In her Second Report, the CCCA detailed noncompliance with the Manual's requirements for HR Personnel Training, all Employee Training on the Manual, and Supervisor Training on the Manual. Second Report at 17. She also discussed concerns with the quality of the Clerk's one Supervisor Training and Interviewer Training the Clerk had conducted. *Id.* at 17-18. Since then, the Clerk's Office conducted one training of HR personnel on the Interim Hiring Policy which was not an improvement on prior trainings. In fact, the CCCA observed that the trainer largely read from the PowerPoint training deck, did not seem to have a firm grasp of the content and, at times, misguided attendees on policy details.

We recognize the Clerk has significant upcoming training responsibilities with the finalization of the revised Manual. The Clerk recently proposed adding the Deputy Chief of Staff, Chief Ethics Officer and Chief Legal Counsel as trainers considering the recent departure of the Director of Training. We did not have any concerns with the proposal and will continue to provide feedback on the training decks and work with the Clerk on

trying to make the presentations as effective as possible. At present, the Clerk's Office has significant ground to cover to demonstrate compliance with this aspect of its Manual.

f. Temporary Assignment

The CCCA detailed in the Second Report how the Clerk, amid the lack of a formal Temporary Assignment ("TA") policy, executed separate TAs by following different processes. *See* Second Report at 18. Since the Second Report, the Clerk has worked with the CCCA and Plaintiffs to develop a formal TA Policy that is near completion. In the interim, the Clerk has initiated TAs for nine Employees. As the requests occurred during advanced discussion on the TA policy, the CCCA provided the Clerk feedback on the activity in relation to draft policy elements likely to remain in the final policy.

Among other issues, the CCCA noted that written explanation to support why Employees were selected over others was lacking, and that the paperwork only noted the Department into which the Employee was being temporarily assigned – not the specific Position Title as the draft Policy requires. The CCCA also highlighted errors in the anticipated timeframes for the TAs and questioned whether Employees received the proper notice of the TA as the draft policy requires. The Clerk has not responded to the feedback. As the finalization of the TA Policy is imminent, the CCCA encourages the Clerk to close the loop on these gaps in compliance on elements likely to be in the policy and highlight these issues in future training on this policy.

g. Time and Attendance

Since her Second Report, the CCCA conducted a partial time and attendance audit of the Clerk's Office. Specifically, the CCCA reviewed Cook County Time ("CCT") to

determine the Clerk's compliance with its policies concerning schedule changes, excessive tardiness, overtime and compensatory time and benefit time usage. The review showed widespread noncompliance with the Clerk's written policies.

On May 24, 2021, the CCCA provided the Clerk with written feedback and substantial questions stemming from its limited attendance audit. Some of the issues noted concerned the following:

- Deputies Clerk were not abiding by the Policy's requirement to memorialize decisions to alter work schedules for employees and notify HR of the same.
- Many employees were consistently arriving at a time that was later than their stated start time in CCT apparently without authorization to do so. Further, these Employees (some with over 20 instances of tardiness in a month) were not disciplined for excessive tardiness despite the Policy requiring discipline for "3 or more tardies in a calendar month." Manual at Section 2.2(b)(4).
- Clerk employees worked over 7,400 hours of Overtime from January 1, 2021 through May 11, 2021 seemingly without Deputies authorizing such work in writing in advance of the work, as required by the Policy Manual at Section 3.3.(e).
- Some employees were permitted to utilize benefit time outside of the parameters and restrictions included in the Manual. For example, Section 3.6 of the Manual permits Employees to utilize Vacation Time only in 4-hour increments; however, the CCCA noted Employees who were approved to use Vacation Time in 2-hour, 3-hour, and even quarter-hour increments.
- Finally, the CCCA noted two employees who, for one or more months in a row, violated the Clerk's Policy requiring all Employees to swipe in/out at the beginning/end of the workday – all without any apparent consequence.

The CCCA requested the Clerk provide responses to the document and information requests by June 8, 2021. No response has been provided. Based on the above, the CCCA does not believe the Clerk has demonstrated effective compliance with this Policy.

C. Recommend Policies Concerning Solicitation of Political Donations

The third task assigned to the CCCA in the Appointment Order is to “recommend policies to govern the solicitation of political donations or support and the reporting of any such solicitations.” Appointment Order at 42. In her Initial Report to the Court, the CCCA expressed concerns that the Clerk’s existing policy on solicitation of political donations *required* Clerk employees to report ethical rule or policy violations internally – to the employee’s Deputy Clerk and Deputy Clerk of HR – and *permitted* the employee to report the same to the Board of Ethics and OIIG. Initial Report at 21. On December 4, the CCCA proposed edits to the policy governing solicitation of political donations that made reporting of alleged violations of this policy to the OIIG mandatory while reporting the same allegation internally at the Clerk’s Office permissive. Since then, the Clerk’s Office decided: (1) to adopt Cook County’s policy on political solicitations as found in the County’s Ethics Ordinance; (2) to require Employees to report violations of the same only to the OIIG or County Ethics Board (consistent with the Ethics Ordinance) and (3) to allow Employees (at their discretion) to report such allegations to the Clerk’s Chief Ethics Officer. The CCCA will monitor training and implementation of this same.

D. Review Hiring-Related Aspects of the Assumption of the Recorder’s Duties into the Clerk’s Office

The fourth task assigned to the CCCA is to “review the incorporation of the Recorder’s Office into the County Clerk, to determine, among other things, whether political considerations are improperly used in deciding which Recorder’s Office non-exempt employees are retained by the County Clerk.” Appointment Order at 42. A stand-alone process was developed to govern this hiring (the “AOD Plan”). The CCCA previously reported concerns with the Clerk’s implementation of the AOD Plan – namely

that the Clerk (and outside vendor) needed to rely heavily on the CCCA for issue spotting, guidance and recommended course corrections. Second Report at 19-27. The CCCA also noted in her Second Report that, despite the AOD hiring process concluding in January 2021, the AOD Plan requiring the Clerk to provide the CCCA with all hiring related documentation (the “Posting File”) for each hire “at the conclusion of a hiring process,” and the CCCA first requesting the complete Posting Files on January 28, 2021, the Clerk had not yet provided significant portions of the Posting Files. Second Report at 27. The CCCA also commented in her Second Report that after the AOD hires began employment, the Clerk’s organizational structure and use of some of these Employees differed significantly from representations on the posted Job Descriptions and Clerk’s organizational charts. *Id.* at 27-28. Updates on the Clerk’s (still ongoing) efforts to cure Posting File deficiencies as well as the Clerk’s responses to concerns raised by the CCCA about AOD-related Job Descriptions are below.

1. Posting File Production Issues

The Clerk is required to “provide the CCCA with a copy of all documents included in the Posting File at the conclusion of a hiring process.” AOD Plan § IV.X. This requirement importantly includes documentation from the selected Candidate that must be provided prior to their start date establishing “proof of the most advanced educational credential and certifications relied upon to qualify for the Minimum and Preferred Qualifications...” *Id.* § IV.W. If the Candidate does not provide the documentation, they are to be “deemed disqualified for the position.” *Id.* To date, the Clerk has not provided complete Posting Files for any of the 23 AOD hiring processes – this includes proof that 16 of the AOD hires meet the minimum education requirements

of their Positions.

Out of the 23 AOD hiring processes, 16 of the sequences were completed by the first week of December 2020, five were completed by the first week of January 2021 and the remaining two were completed the first week of February 2021. On January 28, 2021, the CCCA emailed the former Deputy Clerk of HR and the Clerk's external vendor (the Institute of Compliance and Learning ("ICL")) with a list of outstanding documents and requests for clarification regarding the AOD process, including a reminder of the requirement to provide the Posting Files. On February 26, 2021, ICL produced portions of some Posting Files.

On March 25, 2021, the CCCA sent the Clerk a memo outlining the documentation that remained missing from the Posting Files, including an itemization of the missing credentials required by the AOD Plan. The CCCA also highlighted that the Posting Files lacked signed No Unlawful Conduct Certifications ("NUCCs") from Clerk Employees involved in the hiring sequences. The CCCA also asked whether the Clerk or ICL had access and control of the Posting Files. The Clerk did not respond.

On April 19, 2021, the CCCA followed up with the Clerk on the outstanding requests and questions. On April 30, 2021, the Clerk provided negligible updates to the Posting Files - leaving proof of the required credentials outstanding for 16 AOD hires as well as signed NUCCs for all AOD hiring sequences. On May 14, 2021, the Clerk informed that it was not in possession of, nor had access to, the Posting Files. The Clerk stated that ICL solely was maintaining the files, "but once the Clerk receives custody of the Posting Files, the Clerk intends to take over the role of updating and maintaining the Posting Files." The lack of required documentation in the Posting Files constituted

significant and continual violations of the AOD Hiring Plan.

On May 18, 2021, the CCCA alerted the Clerk it planned to issue a subpoena compelling the Clerk to produce the NUCCs and missing education credential documentation, as well as detailing when the credentials were received from the hires to determine compliance with the AOD Plan. Clerk's Counsel requested (and the CCCA granted) the opportunity to produce the documentation prior to the issuance of a subpoena. On May 21, 2021, the Clerk provided some of the missing NUCCs (some remain outstanding) and acknowledged that for many of the AOD hires, it did not possess the education documentation proving the Employees met the qualifications for their positions. The Clerk stated it would reach out to the hires to obtain the documentation, cementing that proof of credential was not obtained prior to the commencement of employment for those individuals as required by the AOD Plan. This circumstance is particularly noteworthy as the Clerk terminated one of its AOD hires on March 12, 2021 after discovering the hire did not possess the bachelor's degree listed on their resume. Even this development, along with several reminders from the CCCA, has not prompted the Clerk to ensure that all required documentation was procured from its AOD hires as such documentation remains outstanding eight months after many of the Employees began employment and six months after the CCCA issued her first request for the documentation.¹³

¹³ The Clerk also is in violation of Section IV.X of the AOD Plan as it confirmed that ICL – not the Deputy Clerk of HR or Designee (as the Plan requires) – is presently maintaining the Posting Files.

2. IT Hires

On November 5, 2020, the Clerk requested to fill three AOD Information Technology (IT) Positions with the three existing IT Personnel at the ROD (foregoing public postings). The Clerk cited the need for maintenance of the niche and outdated nature of the technology used for recording, and the three individuals' in-depth knowledge of the same, rendering them "uniquely qualified to provide the continuing maintenance that the office will require." The CCCA and Plaintiffs' Counsel reviewed the request and informed the Clerk on November 18, 2020 that there were no objections to bringing over the entirety of the ROD's IT department in this manner, pending updates to the Job Descriptions for accuracy and the Deputy Clerk of HR provide, "the hiring paperwork and make sure that it includes the NPCCs (or NUCCs) signed by all Clerk employees involved in these hires." The three Job Descriptions were finalized on November 27, 2020 and the Employees began working in early December 2020, but the hiring documentation was not provided until February 3, 2021.

On February 11, 2021, the CCCA alerted the Clerk that signed NUCCs and verification of certain minimally required educational and certification credentials were not provided for all three hires. Subsequently, the Clerk provided the credentials for two of the hires, but not the third, and did not provide any NUCCs.

After multiple follow-up requests, the Clerk responded on April 30 that "there were no NUCCs for these positions because they were not hired using the formal AOD Hiring Process." The Clerk also acknowledged that the Employee did not possess the required bachelor's degree but explained the discrepancy was the result of the Employee's ROD Job Description having been updated to require a bachelor's degree,

and that the Job Description the Employee was hired into at the Clerk “mirrored” its Recorder of Deeds counterpart. The Clerk proposed that it would “consider” updating the Job Description in the future to account for the Employee’s experience in lieu of a bachelor’s degree.

The CCCA explained to the Clerk that the IT hires occurring “outside of the formal AOD Hiring Process” had no bearing on the Clerk’s obligation to provide the NUCCs. The CCCA also explained that the Clerk had the opportunity (and obligation) to update the IT Job Descriptions for accuracy and did not propose any necessary adjustments to the Minimum Qualifications prior to making the hire, as opposed to doing so in response to the qualifications of a particular hire. As such, the Clerk violated the Manual by hiring someone into a Position who did not meet the Minimum Qualifications on the Job Description. The parties and CCCA discussed this matter during the May 27, 2021 status hearing at which the Deputy Chief of Staff acknowledged the above issue and noted that, given the Deputy Clerk of HR who executed the hire was no longer with the Clerk’s Office, the Clerk would have to “evaluate what other possible remedies are available to us.” *See* May 27, 2021 Hr’g Tr. (Dkt. 7456) at 26:3-27:2. The Clerk has not proposed any other remedies since the May 27, 2021 status.

3. Clerk Organizational Structure

The CCCA noted in the Second Report that the organizational structure at the Clerk’s Office remained unclear to the point that some recently hired AOD Assistant Managers, weeks into their employment, remained unsure which Employees were reporting to them. Second Report at 28. In particular, the CCCA observed that one Assistant Manager appeared to be operating in a title different from the one she was hired

into and inquired multiple times with the Clerk to clarify this Employee's title and reporting structure. These issues remain outstanding.

In an April 19, 2021 letter to Clerk's outside Counsel, the CCCA asked that the Clerk provide organizational information such as (a) which Positions and Employees were reporting to which of the three Assistant Managers in Recording Operations, and (b) whether the reporting structure had changed since these AOD Positions were filled. In response, the Clerk advised that "when the Recording employees started on December 1, 2020, there was no real structure in place regarding which employees would report to which Assistant Managers." The Clerk continued that amid that confusion, it was determined that the Recorders would report to the Assistant Manager of Bulk Recording – not the Assistant Manager of Recording Operations – on account of the former's experience with recording operations being superior to that of the other two Assistant Managers. The Clerk acknowledged, "the titles for these Assistant Manager Positions are not really accurate, but as it currently stands, the reporting structure has worked well."

The CCCA informed the Clerk that the acknowledged disparity between the duties the Assistant Managers were performing against the duties in the Job Descriptions they were hired into rendered the Job Descriptions inaccurate.¹⁴ In so doing, the CCCA advised the Clerk it was in noncompliance with Section 4.4(g) of the Manual, which

¹⁴ In early July 2021, the CCCA learned this same issue of AOD hires working in positions that do not comport with the Job Descriptions into which they were hired also affected two Employees in the IT Department. During a call regarding the reporting structure and Job Descriptions in the IT Department, the Deputy Clerk of IT informed the CCCA that the Job Descriptions for the Systems Analysts V and IV (both hired directly from the Recorder's Office during the AOD transition) were not accurate and that the Employees in these Positions are really operating as the Senior Network Infrastructure Engineer and Network Infrastructure Engineer, respectively. The CCCA is working with HR and the Deputy Clerk of IT to revise these Job Descriptions but note that these issues were only identified after questioning by the CCCA.

requires the Deputy Clerk of HR “to update and revise” any Job Descriptions that are not accurate and provide the same to the Chief Legal Counsel and Chief Deputy Clerk for comment. The Clerk has not yet updated these Job Descriptions and thus remains in noncompliance.

Overall, the Clerk had great difficulty adhering to its AOD Hiring Plan. Further, the Clerk remains in noncompliance given the outstanding education qualifications, Posting File documents, and NUCCs as well as the implementation of the AOD hires in manners that rendered the underlying Job Descriptions inaccurate. While the CCCA has not concluded that Political Reasons or Factors were at play with any of the AOD-related hires, the breadth, seriousness, and ongoing nature of the non-compliance does not yet permit a conclusion that such factors were not at play. At a minimum, the CCCA does not believe the Clerk executed the AOD process with the procedural integrity necessary to prevent Unlawful Political Discrimination; the Clerk has operated (and continues to operate) in the breach of the AOD Hiring Plan, rather than in the observance.

E. Recommendations for Remedies of Discovered Violations of the Consent Orders

The final task assigned to the CCCA in the Appointment Order is to “make recommendations as to how to remedy any violations of the Consent Orders that she might find in conducting the foregoing activities.” As described above, since the Second Report, the CCCA has engaged with the Clerk on revisions to its Policy Manual and provided the Clerk with significant feedback on its compliance with various policies such as Hiring, Discipline, Performance Management, Temporary Assignments, Time and Attendance and Training. The primary aims of the feedback are to help the Clerk identify noncompliance with its policies and assist the Clerk with understanding ways to both

rectify that noncompliance and take steps to prevent further recurrence of the same. While the Clerk has been receptive to much of the CCCA's (and Plaintiffs' Counsel) feedback on updates to the Manual, the Clerk has not responded to most of the CCCA's written feedback on current policy noncompliance. The CCCA will continue to provide feedback on policy implementation, training decks, Job Descriptions and related matters and encourages the Clerk to be more engaged with the CCCA on the feedback. Given the recent changes in HR leadership as well as a reengagement on Shakman issues by the Deputy Chief of Staff and the Chief Ethics Officer gives the CCCA some hope that future feedback will find a receptive audience and result in meaningful changes within the Clerk's Office.

III. Conclusion

The Clerk still has substantial work ahead to finalize its Manual, effectively train employees and then implement the same. The CCCA encourages the Clerk to work with laser focus on the outstanding compliance issues raised in this report so that it can demonstrate substantial compliance with the Appointment Order as soon as possible. Given the breadth of outstanding issues and need to monitor the Clerk's implementation of the overhauled Manual for a meaningful period of time, the timing of the Clerk's demonstrate of a durable remedy remains unclear. Nevertheless, the CCCA will continue to attempt to work collaboratively with both parties and will report on progress in her next report.

Respectfully Submitted,

Cardelle B. Spangler
County Clerk Compliance
Administrator

By: /s/ Matthew D. Pryor
Matthew D. Pryor
Her Attorney
Matthew D. Pryor
(m Pryor@shakmancompliance.com)
Counsel to the CCCA
69 West Washington, Suite 830
Chicago, IL 60602
Telephone: (312) 603-8911
Fax: (312) 603-9505