

**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.	)	
	)	

**REPLY OF THE COMPLIANCE ADMINISTRATOR FOR THE CLERK OF  
COOK COUNTY TO THE CLERK’S RESPONSE TO THE COMPLIANCE  
ADMINISTRATOR’S FOURTH REPORT TO THE COURT**

On December 15, 2021, Cardelle B. Spangler, County Clerk Compliance Administrator (“CCCA”)<sup>1</sup>, by and through her attorney, Matthew D. Pryor, submitted her Fourth Report to the Court (“Fourth Report”) (Dkt. 7709) wherein she updated the Court on the Clerk’s progress toward complying with the Appointment Order. On January 10, 2022, the Clerk filed a Response to the CCCA’s Fourth Report (“Response”) (Dkt. 7756). The CCCA files this Reply to correct some of the factual errors and misstatements in the Clerk’s Response.

1. On pages 4-5 of her Response, the Clerk states that “on the one hand, the CCCA acknowledged improvement in communication based on the involvement of the Clerk’s Deputy Chief of Staff and Labor Counsel, James Gleffe; but on the other hand, she also suggests his role in the Clerk’s hiring efforts to be a negative. For example, the CCCA

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

interpreted Mr. Gleffe's actions solidifying the Human Resource functions of the Clerk's Office as a problem because, without any basis, she foresees issues once he stops assisting in this area." The CCCA did not state or suggest that the Deputy Chief of Staff and Labor Counsel's assistance of HR was a "negative," nor that she "foresees" issues once he ceases assisting HR. Presumably the Clerk knows this as she failed to include a citation to the CCCA's Fourth Report in support of the contention. The CCCA simply stated the obvious, "that the necessity of the Deputy Chief of Staff's oversight shows that the Clerk does not yet have an HR Staff capable of fulfilling its duties under the 2020 Manual (and Amended Manual)." *See* Fourth Report at 8. The statement is not CCCA conjecture, but rather reflective of the Deputy Chief of Staff's own assessment of HR's capabilities, as he articulated to the Court (and independently to the CCCA) that the purpose of his assistance was to help HR improve its responsiveness to CCCA inquiries, and to guide HR with becoming "more comfortable with the policies" it is charged with implementing, until such point that HR is "self-sufficient" in its ability to implement its policies. *Id* at 7-8.

2. The Clerk states that "[t]he CCCA contends that since May 4, 2020, the Clerk's Office has not provided it with an 'accurate and updated Organizational Chart.' This statement does not acknowledge the multiple occasions on which the Clerk's Office provided the CCCA with an organizational chart since May 4, 2020." Response at 5. The Clerk's assertion that the CCCA did not acknowledge the multiple Organizational Chart drafts the Clerk has provided is false. In her Fourth Report, the CCCA described the Clerk's earlier drafts (and the CCCA's feedback detailing myriad inaccuracies in the same) as support for the statement that an updated and accurate Organizational Chart remained outstanding. *See* Fourth Report at 9-10 ("By the time of her Third Report, the CCCA had

given the Clerk feedback on its most recent draft organizational chart...”) The CCCA then cited her Third Report (at 8-10) wherein she listed the dates of every draft Organizational Chart provided by the Clerk (and the CCCA’s feedback on the same). *Id.* at 10. Given the CCCA’s explicit references to the various drafts, it is unclear how the Clerk determined that the CCCA “did not acknowledge the multiple drafts” in her Fourth Report.

3. The Clerk also comments, apparently in explanation for why an accurate and updated Organizational Chart had yet to be produced, that “in an organization of approximately 300 full-time employees and over 1,000 seasonal employees, changes to the organizational chart are continuous.” Response at 6. To be clear, the CCCA has never suggested that seasonal employees be included on the Organizational Chart, nor has the Clerk included any seasonal employees on any of its drafts to date. The employment of “over 1,000 seasonal employees” is not why the Clerk has failed to generate an updated and accurate organizational chart in the 20 months since the CCCA first requested one. Regarding other organic organizational changes, the CCCA has only requested that the Clerk provide an Organizational Chart that is accurate as of the time of its production. As explained in the CCCA’s Fourth Report, the issues with the Clerk’s draft Organizational Charts to date are far beyond not keeping up with full-time employee attrition. *See* Fourth Report at 9-10.

4. Regarding the CCCA’s analysis of the Clerk’s vetting of resumes for prospective Exempt Hires to determine if the resumes supported a finding that the Candidates met the Minimum Qualifications, the Clerk protests, “[o]ne area of CCCA criticism was that the resumes did not indicate that previous experience had been full time.” Response at 7. The Clerk opines that the criticism was unreasonable because it is not

customary practice for Applicants to state experience is “full-time” on a resume. *Id.* The Clerk’s characterization of the basis of the CCCA’s concerns is incomplete. The CCCA stated that the “Candidates’ resumes did not clearly show their qualifying work experience was ‘full-time’ as the Job Description required.” Fourth Report at 16. As the Clerk well knows, the CCCA did not reach these conclusions because the Candidates did not explicitly state that the qualifying experience was “full-time” on their resume. (The CCCA agrees it is not customary for a Candidate to include that designation on a resume and has not applied that standard to the resumes of other Exempt hires.) Rather, as communicated to the Clerk in real time, the CCCA questioned whether the experience was full-time because the Candidates’ resumes contained non-qualifying experience that overlapped with the timeframe of the qualifying experience, suggesting the qualifying experience may have been part-time. This type of inquiry is important as it has resulted in the Clerk withdrawing the candidacy of at least one Candidate for an Exempt Position after the CCCA raised questions about qualifying full-time experience. *See id.* at 11, n. 9. Once the Clerk confirmed with the Candidates that the qualifying experience was “full-time,” the CCCA withdrew her concerns with the Candidate’s qualifications. Because the Clerk would not have inspected this element but for the CCCA, it is one of the reasons the CCCA stated that “HR’s scrutiny of [prospective Exempt hires’] credentials remains lacking.” *Id.* at 12.

5. In reference to the CCCA’s statement that three disciplinary sequences had been pending for over five months, the Clerk objects that the CCCA did not identify the specific cases and notes that the Clerk “asked for clarification on this matter on December 15, 2021, before the CCCA filed the report, but it has never received a response.” Response at 10. The Clerk’s characterization of the CCCA as purportedly not responsive is false.

Per the Appointment Order, the CCCA must provide the parties with a draft of her regular status reports one week before filing so they can provide feedback (if any). Dkt. 6829 at 43. The Appointment Order does not mention any requirement that the CCCA respond (in writing or otherwise) to the parties' comments. The CCCA's Fourth Report was due for filing on December 15, 2021. *See* Dkt. 7695. Accordingly, the CCCA provided the parties with a copy of her draft report on December 8 at 3:38 p.m. The Clerk provided her (eleven) comments to the draft report on December 15 at 3:37 p.m. – exactly one minute shy of a full week. While the CCCA reviewed the comments and made a few minor adjustments to her report before filing that night, it is hardly surprising that she did not also provide a detailed response to the Clerk's eleven comments before filing. To expect otherwise would be absurd.

To read the Clerk's Response, one would think the CCCA simply ignored the Clerk's comments entirely; however, that also is not true. On December 16, 2021 at 8:49 a.m. – less than 18 hours after receiving the Clerk's eleven comments – the CCCA's Counsel left a voice message with, and sent an email to, the Deputy Chief of Staff and Labor Counsel offering to discuss the comments. Rather than accept the invitation, the Clerk's outside counsel requested the CCCA provide her feedback in writing. The CCCA is under no obligation to provide written responses to the Clerk's comments on her draft reports. The CCCA offered again to discuss the feedback but the Clerk did not accept the invitation. It is the Clerk's prerogative if she does not want to take the CCCA up on her offer to discuss feedback to draft reports; however, to suggest the CCCA ignored the Clerk's feedback is false.

Finally, the CCCA notes that on January 14, 2022, at the end of a conversation on

other matters, her Counsel informed the Deputy Chief of Staff and Labor Counsel of the three outstanding disciplinary sequences referred to in the Fourth Report. The Deputy Chief of Staff said he would investigate and follow up with the CCCA. The follow-up remains pending.

6. On page 13 of her Response, the Clerk argues that despite the roll out of the Amended Manual rendering the Assumption of Duties (“AOD”) Hiring Plan no longer effective, the CCCA “oddly suggested that her continued review of the AOD policy implementation was needed to avoid any future unlawful political discrimination.” This is yet another false representation of the CCCA’s Fourth Report. The CCCA stated that even though the AOD Hiring Plan was no longer in effect, “the Clerk should still correct certain outstanding deficiencies that impact current employees’ eligibility and job scope and/or directly implicate whether the AOD hiring processes were impacted by Unlawful Political Discrimination.” Fourth Report at 30. The expiration of a stop-gap policy does not absolve the Clerk from remedying ongoing noncompliance with that policy. Further, a plain reading of the CCCA’s statement displays it was backward looking, not relating to “future unlawful political discrimination.” The CCCA recommended the Clerk “secure the missing [No Unlawful Conduct Certifications] from those involved in the AOD hiring process” to certify that these employees did not take Political Reasons or Factors into consideration during the AOD process. *Id* at 31. To require Clerk employees to complete these certifications is neither “odd[]” nor concerns “future unlawful political discrimination,” as the Clerk argues. What is odd (and concerning) is the Clerk’s failure to secure these attestations for nearly a year and reluctance to do so still.

7. Lastly, the Clerk states that it “has *implemented* the Amended Policy

Manual with substantial input from the CCCA and Plaintiffs...” Response at 13-14 (emphasis added). As training on the Manual was completed on December 13, 2021, and Manual-required trainings for (1) Human Resources; (2) Supervisors; and (3) Interviewers still outstanding, the Clerk has clearly not “implemented” the Manual. Rather, the Clerk has finalized an Amended Manual and begun the process of implementing the same. Proof of implementation will come as the Clerk begins using the various employment policies contained in the Amended Manual.

The CCCA files this Reply for the sole purpose of correcting the above factual errors and does not respond at this time to other contentions in the Clerk’s Response with which she might disagree.

Respectfully Submitted,

Cardelle B. Spangler  
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Administrator

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