

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

MICHAEL L. SHAKMAN, PAUL M.)
LURIE, KENNETH AYERS, ANN M.)
KING, INDEPENDENT VOTERS OF)
ILLINOIS-INDEPENDENT PRECINCT)
ORGANIZATION, MICHAEL)
SULLIVAN, DARRYN JONES,)
STUART MAJERCZYK, RICHARD)
GRAMAROSSA and CONNIE)
GRAMAROSSA, et al.,)

Plaintiffs,)

v.)

DEMOCRATIC ORGANIZATION OF)
COOK, THE CITY OF CHICAGO,)
RICHARD M. DALEY,)
INDIVIDUALLY AND AS MAYOR)
OF THE CITY OF CHICAGO,)
REPUBLICAN STATE CENTRAL)
COMMITTEE OF ILLINOIS,)
REPUBLICAN COUNTY CENTRAL)
COMMITTEE OF COOK COUNTY, et)
al.,)

Defendants.)

Case No. 69 C 2145
Judge Wayne R. Andersen
Magistrate Judge Schenkier

SECOND SEMI-ANNUAL REPORT
OF THE COMPLIANCE ADMINISTRATOR

Julia M. Nowicki, *Shakman* Compliance Administrator, by and through her attorney, Peter Monahan submits her "Second Semi-Annual Report" pursuant to the order of the court entered November 30, 2006.

The Supplementary Relief Order (“SRO”), entered on November 30, 2006, mandates that the *Shakman* Compliance Administrator (“CA”) study existing employment practices, policies and procedures for non-political hiring, promotion, transfer, discipline and discharge. Further, the CA is to observe actual hiring sequences, assist in formulating a new hiring plan, aid in establishing a training program to educate and train supervisors and employees on non-political hiring practices, make recommendations to the Court as to how to resolve issues regarding *Shakman* exempt positions, monitor compliance, adjudicate pre-SRO violations, file periodic reports and various other duties. Moreover, the CA is to file a semi-annual report with the Court. This Second Semi-Annual Report is designed to give an overview of the activities of the Compliance Administrator (“CA”) over the last year.

I. INTRODUCTION

Section II. of the SRO provides that the CA will review the County’s hiring practices and shall define appropriate hiring practices. The CA has now had one year to study the County employment practices. The CA has collected information with the assistance of an HR consultant, a number of attorneys assigned to investigating claims, and monitors who observe the hiring process. Three primary issues have emerged in the last six months since the last report submitted by the CA.

First, the data collected over the last year demonstrates the need for a comprehensive overhaul of the HR process. This means that there must be a new HR Plan, and it must be successfully implemented. The CA has proposed a new plan to the County and the details of this plan are set forth in this report.

Second, the CA had anticipated that the adjudication of the 240 claims would be completed by this time. Regretfully, this has not occurred. The CA has discovered that while some allegations are easy to verify, others entail an investigation of complicated circumstances. Therefore, final adjudication will take more time than anticipated. The investigation of the claims has been a source of information as to how unlawful patronage practices have operated historically in the County. These will be summarized in this report.

Third, in the last six months there has been little change in the *status quo* since the last report submitted by the CA. There now exists less than a year before the County will be entitled to ask the Court to make a finding that it is in compliance with the SRO. In light of the progress made thus far, the County will have to work quickly to accomplish its goal of compliance.

II. CA RECOMMENDATIONS

1. The CA recommends that the County utilize its own resources to determine the nature and extent of current unlawful patronage practices occurring in the County at this time.
2. The CA recommends that the County designate one employee to be its liaison to the Office of the CA. This person should be dedicated solely to the work required under the SRO. This individual should have access to the President and his staff.
3. The CA recommends that the County select a new Human Resources Bureau Chief (“HR Bureau Chief”) who has the experience, education and political autonomy to

professionalize the Bureau of Human Resources (“Bureau of HR”) and ensure the County’s compliance with all laws including those prohibiting political discrimination.

4. The CA recommends that she be allowed to monitor the selection process of the HR Bureau Chief.

5. The CA recommends that the County cooperate with the joint search committee pursuant to ordinance formed by the Chicago Bar Association and the Cook County Bar Association to select the Independent Inspector General. The CA also recommends that the County commit to fund fully the Office of the Independent Inspector General on an annual basis.

6. The CA recommends that the County cooperate with the CA to create and implement a new plan incorporating the recommendations set forth in the body of this report as follows:

- a. Include the CA on a committee designated to recruit and select new HR Bureau Chief;
- b. Restructure and standardize Bureau of HR personnel processes and procedures;
- c. Conduct training of Bureau of HR staff and hiring department management on specific and critical human resources skills;
- d. Establish a separate, independent human resources function for the Bureau of Public Health;
- e. Apply hiring plan recommendations to transfers, promotions and reclassifications.

7. The CA recommends that the County create a document that sets out *Shakman* rights and responsibilities to be publicly posted in all departments.
8. The CA recommends that the County create a system for reporting and logging all political contacts regarding all employees.
9. The CA recommends that *Shakman*-exempt individuals be identified on the County website and the CA website by name, department and job title.
10. The CA recommends that the County should institute a targeted desk audit. This recommendation is in light of the fact that the previously intended desk audits (as set forth in the “Resolution Requiring and Independent Management Audit of all Positions as Grades 17 Through 24 Including Positions Exempt Under the Federal Court *Shakman* Consent Decree”) are no longer being undertaken by the County due to lack of funds.
11. The CA recommends that the County should hire an HR consultant with a specialty in healthcare to assist in the creation of a new Bureau of Health HR plan.
12. The CA recommends that the County create job descriptions for all *Shakman*-exempt employees.
13. The CA recommends that the job descriptions of *Shakman*-exempt employees should be publicly posted.
14. The CA recommends that the County should amend the anti-patronage ordinance, No. 06-O-52 (Appendix A) to require that the recommendations be made in writing. The CA has previously made this recommendation in the “First Semi-Annual Report.”

III. CLAIMS INVESTIGATIONS AND ADJUDICATION

A. Introduction

The Supplemental Relief Order allows class members to file claims alleging illegal political patronage with CA. Claims must have been filed within the prescribed time, allege wrong-doing by an entity under the CA's purview, and conform to the requirements as set out in the SRO. The claims attest to the many ways that illegal patronage functioned in the County in the past. Claims portray the negative affects of patronage in three major ways. First, illegal patronage has enabled the hiring and promotion of unqualified or lesser qualified people over more qualified candidates. Second, supervisors are often unable or unwilling to discipline politically-protected hires, causing a double standard of expected conduct within the ranks of County employees. Third, the claims allege workers who do not have political sponsorship are required to work outside their job title without fair compensation and are denied promotions.

Information gathered to date through the investigation process suggests illegal political consideration in employment decisions were common at Cook County. The CA recommends that the County acts to ensure that illegal patronage considerations in hiring no longer occur. To do so, the County should correct vestiges of patronage, chiefly by enforcing the fair discipline of politically-protected employees and through qualification-based hirings and promotions.

A substantial number of the claimants have expressed fear of retaliation. The CA commends these individuals for coming forward, despite their apparently reasonable

fears. The need to protect individuals who have brought claims now, and those who may bring claims in the future, is evident to the CA. Thus, the need for an adequately financed and staffed Office of the Independent Inspector General constitutes one of the single most important recommendations the CA hereby proposes.

B. Status of Claim Investigations

The CA received more than 220 claims. Several claims were dismissed, generally because the claims complained of actions by individuals or entities outside the CA's mandate. The CA is currently investigating 205 claims. The CA had anticipated reaching a final determination of all of the claims by the filing of this report. However, the CA's adjudication of claims was delayed by the complexity of the claims and the difficulty in obtaining necessary documents. The future pace of investigations and the timing of the final adjudications will depend in large part on cooperation from the County insofar as facilitating the CA's access to information and witnesses.

All allegations described in this Claims Investigation and Adjudication section are as alleged in claims brought before the CA. Allegations have been investigated by the CA's attorneys through site visits, document review, and interviews of claimants and witnesses. The CA believes there is reasonable evidence at this point in the investigation to support the validity of all allegations contained herein; however, no final determination has been made. The allegations presented are treated as true for purpose of discussion; a final determination of the truth of the allegations will be made after further investigation and the County's opportunity to address the allegations.

C. Record Keeping Practices and Claims Investigations

CA attorneys have observed a disparity in document management within the County from department to department. Record keeping at some departments should be updated and better inventory controls should be implemented. The County should consider this step as it contemplates a new HR plan. An illustration of this is provided by a claim arising from a Bureau of Health clinic in which the investigating attorney sought documents normally contained in an employee's personnel file. When the attorney requested access to a claimant's personnel file, the file could not be found either at Stroger HR or at the clinic. The CA's attorney was then directed to Provident Hospital. The file was eventually located at Oak Forest Hospital, which is where the clinic was once located. Unfortunately, the file is not current, having not been updated in four years. The location of current or more recent paperwork for the claimant is unknown.

The CA attorneys have also observed a multiplicity of personnel files for any single individual. Separate personnel files have been found at the individual's department, with the individual's supervisor, downtown and even locations the individual never worked at. Thus three or more personnel files can exist for a single employee. In addition, there appears to be no clear guidelines governing what document goes in what file. Because there are files in multiple locations with differing contents, there is no singular, comprehensive file for any employee.

The above conditions are current and constitute the status quo in some departments. Because record keeping as described above can be used to facilitate or "cover" illegal patronage, an overhaul of the County's record keeping practices must be part of any comprehensive plan to improve HR practices within the County.

D. Lack of Access to Documents and Claims Investigations

The investigations were further delayed by a lack of access to documents and files, including those confiscated by the FBI pursuant to the Department of Justice's investigation into the County's employment practices. The ease of access provided to CA attorneys to documents still possessed by the County varied from department to department. It must be noted, however, several departments responded to CA requests in a highly professional manner and with a high degree of cooperation.

A number of documents, such as personnel files and desk audits, which were requested as early as November 2007, have not been produced as of the date of this report. Similarly, CA attorneys experienced significant delays in accessing job postings. Job postings can be a critical document in the investigation of a claim because it indicates the date of posting and minimum qualifications. A comparison of job postings for the same position can demonstrate a change in qualifications and can substantiate a claim that the change "tailored" a position for a particular individual. It was not until February 2008 that the County confirmed that they maintain a master job postings list.

Lack of access to documents possessed by the County constitutes a significant cause of delay in the investigations and an impediment to determining the validity of the allegations raised in the claims. It is the CA's opinion that is not sufficient for the County to merely respond to the CA's requests for information. The County should take a more proactive role. Therefore, on a going-forward basis, the CA will look to the County to not only fully cooperate with her investigations, but also to actively assist in the investigations by suggesting areas of inquiry known only to the County.

E. Consequences of Illegal Patronage

As the following examples will demonstrate, the claims investigations have revealed a complex and ingrained picture of patronage at Cook County. Although the mechanics of patronage differ from claim to claim, the results of illegal patronage are consistent throughout the County. First, illegal patronage has enabled the hiring and promotion of unqualified or lesser qualified candidates. An often overlooked consequence of this is the impact on the workplace and the working conditions of those employees who must work along side these politically sponsored hires. A second consequence of patronage is supervisors' inability or unwillingness to discipline politically-protected employees. Third, claimants who do not have political sponsorship allege that they are required to work outside their job title without fair compensation. Claimants allege that upgrades or promotions are granted or denied based on illegal political considerations.

A representative sample of the claims is provided and discussed below.

F. Working Outside of Job Description

Perhaps the most common allegation raised by claimants involves an employee who is asked to perform job duties outside his or her Grade and Pay scale and may do so for many years. Several claimants allege that they have been told that they will not receive an upgrade until they perform political work or have a political sponsor intervene on their behalf. It is not unusual for a claimant to work for years without fair compensation, only

to see a politically connected individual placed in the job whose duties they had performed. Claimants are often then asked to train the politically connected employee for the promotions they were denied.

One County employee of a large department has worked outside of her job description for eight years. She no longer performs any of the duties listed in her job description. This employee has not received an upgrade commensurate with her current job duties despite having gone back to school while working full time and earning first her B.A. and then her Master's. Claimant has continually been given additional job responsibilities. Claimant is working several grades below the level of the person she replaced eight years ago. Claimant has been told on a number of occasions she will not receive an upgrade until she performs political work or has a political sponsor intervene on her behalf.

A claimant from another large department applied for promotion to a supervisory position. She was selected for the position and took on the additional job duties, but did not receive an increase in terms of title and pay increase. She has never received an increase in pay or official title change, and earns the same salary as the employees she supervises, although she has performed in the supervisory capacity for three years.

G. Qualified Applicants Passed Over in Favor of Politically Connected Candidate

Several claims allege that a qualified claimant was passed over for promotion in favor of a less qualified but politically connected individual. One variation of this claim involves claimants who were offered a position but before they start, were informed that

another individual had been given the job. When the claimant tries to verify their job status, Human Resources and/or the Department advises them that “someone sent from the ‘downtown’ was hired for that position.” Often the candidate from downtown does not appear to have either filed the necessary paperwork with the County in a timely fashion or was not as qualified as the claimant for the job.

An example of this type of claim involved an opening for a position at a large department within the Bureau of Health. The position was properly posted and claimant applied. Claimant and six other individuals interviewed for the position. Claimant states she was offered the position and provided the CA with supporting documentation to substantiate the offer. Four months later, a direction to void the paperwork for claimant appeared in the application file along with instructions to begin paperwork for another individual. As of the date of this report, the CA can find no evidence that the second individual applied during the designated application period. However, documentation does show that the hired individual submitted an application ten months after the job was posted, eight days after the *Request to Hire* her was submitted and 16 days after the *Decision to Hire* was signed. Claimant states this individual had well known political sponsorship.

In another claim, claimant applied for a supervisory position in a small County department and received an offer. When he did not hear back from HR about his start date, he was told to resubmit his application. He reapplied for the same position was again given an offer. When he did not receive a start date for the second time, claimant called HR and was told “a personal lieutenant to President Stroger blocked (claimant’s)

application.” The position was subsequently filled by an allegedly politically connected individual.

Another claimant was hired by the County in the 1970s and worked his way up through every non-supervisory position within his expertise and was recommended for a vacant supervisory position on several occasions. This important supervisory position involves planning, formulating, executing and supervising the activities and operations of over 250 employees and oversees a budget in excess of several million dollars.

Despite his qualifications, claimant did not receive the promotion. The position was filled by an individual connected to an Alderman. The promoted individual does not have the required experience and does not appear to have the required B.S. degree in a related field. College courses appearing on the hired individual’s application were in the Fine Arts, a field unrelated to the position.

H. Irregular Job Posting and Hiring Procedures

The CA’s attorneys have uncovered evidence of irregular hiring procedures. One such incidence involves a department of fewer than 60 employees. According to claimant, he is the only employee in his department that was not a political appointee. Claimant states that promotions within his department are based on participation in the elections and activity in support of political candidates and parties. Claimant states that there are three employees in the department that work on political candidates and parties’ mailings on County time. Since the only significant difference between the five positions within his department is the salary, claimant believes that these position labels exist

simply for the purpose of rewarding workers for their political contributions and activities.

Claimant further alleges that promotions are not always posted. Claimant identifies five individuals who appeared in the department and/or were promoted within the department who did so without a job posting. Some available promotions are posted for just a few hours; one position was posted for only two days. After applying for a number of positions, claimant received harassing telephone calls asking if he was still expecting a promotion and if he had joined a political ward's organization yet.

Another allegedly common practice was to revise the minimum qualifications required for a job in order to tailor the job for politically connected individuals. Under this scenario, a job is posted but is later withdrawn or the position is not filled. The position is then reposted with different qualifications. These new qualifications appear to be tailored to fit a particular individual. In nearly every case brought before the CA, the subsequent qualifications are less stringent, allowing a candidate who would not have qualified under the first set of qualifications to qualify.

One claim provides a good example of this practice. This claim also provides an excellent illustration of how complex the machinations of patronage can be. The claim alleges a position was posted at a department within the Bureau of Health. Numerous applications, including applications from claimant and one from an allegedly politically connected applicant, were submitted. Documents show that twenty-eight individuals were interviewed, including the claimant. The allegedly politically sponsored applicant was not interviewed. A document found in the application file, dated after the conclusion

of the interviews, states the position is not to be filled by the current crop of applicants because “downtown” wished to fill the position.

Soon thereafter, a second position within the department was posted. According to claimant the job posting was removed within hours (as per County policy, a job opening is to be remain posted for two weeks). The claimant was told by HR personnel that the posting was removed under orders from “downtown.” Later, the allegedly politically connected applicant was given the second job but only after it was changed in the budget to the first position (a job the applicant was not qualified for and did not receive an interview). CA staff reviewed the documentation and noted that several hiring documents in the applicant’s file do not correspond to the application and several dates do not follow a standard hiring timeline. The applicant was granted the position days after she made a monetary donation to Citizens for Stroger.

A second example of this practice involves a claim arising from a medium sized department within the Bureau of Health in which a claimant was denied a promotion for which she was very well qualified. CA attorneys discovered two job postings for the position. The first version stated a preference of at least two years supervisory experience. The second version, which was found in the application file, is identical except the supervisory experience was no longer applicable. Documentation found in the application file indicates that “Downtown” changed the minimum qualifications for the position.

Ten individuals, including claimant and the politically connected applicant, applied for the position. A month later, a list of applicants was sent to the Office of the President, Intergovernmental Affairs, which is an unusual occurrence and is outside the regular

hiring process. The claimant's Department Head reviewed the applications and noted that only two applicants, claimant and a third candidate, met the minimum qualifications. The politically connected candidate did not possess the minimum qualifications. Several applicants, including the claimant and the politically connected applicant were then granted interviews. Although claimant had the highest combined interview score of all applicants, the politically connected candidate was offered the job.

A third example of this practice involves a self-proclaimed "Soldier for Stroger." It appears this employee received his starting position without having applied for it. The investigating attorney reviewed a print-out from the Bureau of HR which details every position the employee applied for and his first position does not appear on the list. It is unknown how the employee was hired without having applied.

On his first day in the department he told a number of his new co-workers he was a "Soldier for Stroger" and he was going to become their supervisor. These statements have been substantiated by claimants and non-claimants. One witness claims after working at the department for a total of five hours, the employee had already identified co-workers he intended to impose severe discipline upon when he became supervisor.

A Grade 17 position became available within the department. The employee applied for the position on the morning it was posted; in fact, he was the first applicant for the position. The employee was deemed ineligible for the position and was screened out, but two of his co-workers were determined to be qualified for the job. The posting was subsequently cancelled without anyone being interviewed.

The department's Executive Director then circulated a memo stating the employee was designated as "Lead Worker." Prior to this, the "Lead Worker" position had not

existed within the department. There is no evidence the position was posted. Claimants allege the position was made up to give the employee supervisory and disciplinary powers without having to go through the standard application process because the employee had previously been screened out of consideration for a supervisory position due to his lack of qualifications.

Allegations of the employee's political connectedness are supported by the evidence that the employee sold a political organization's paraphernalia from his office. The CA's attorneys have obtained several invoices received off the department's fax identifying the organization as "Customer" and the employee as the contact person. The employee sold sweaters, t-shirts, skull caps, baseball caps, and jackets with Cook County, the political organization and the department emblems out of his office.

After he was promoted, the department then enrolled the employee in supervisory training classes, funded by the County. During this time, the job the employee previously applied for was again posted but with less stringent qualifications. The employee again applied for the position and again did not possess the minimum qualifications and was screened out. Again, no interviews for this position took place despite applications from candidates who possessed the proper qualifications.

After this second failed bid for promotion, the employee was named an Administrative Assistant III and Supervisor of the department. This new position was not posted. In the course of his three year employment the employee jumped five grades, totaling \$475.68 more per pay period. The employee received two newly created positions, in both cases after he failed to meet the minimum qualifications of the regularly posted job. The investigating attorney has been unable to find a job description

for the newly created position. Furthermore, the attorney has been told that all departmental documentation relating to the creation of the new position has been destroyed. All of the above described events occurred prior to the appointment of the department's new administrator.

I. Impact of Patronage Upon Co-Workers

A consequence of illegal patronage is the impact upon co-workers. One such consequence is the pressure exerted on employees to "play along" in ways contrary to their principles. One claimant, who previously served in a supervisory position and who was awaiting an upgrade with increase in pay, was designated as an interviewer for an open position within his department. The claimant reports that he was advised that if he wanted the promotion he was awaiting, he had to recommend a politically connected individual for the position for which he served as an interviewer. The claimant reports that the politically connected individual did not have the required skills, which were vital to the position and that her lack of skills were noted on her *Decision to Hire/Justification to Hire* form.

Another way co-workers are affected is by the pressure to perform political work in exchange for job advancement. For example, a claimant contends that she had been contacted at work for the County to report to a political organization's office the following Saturday. When she arrived, she discovered that she was expected to do political work. She quickly approached the person in charge and advised him that she was unwilling to participate. Claimant was later told by an individual in her Human Resources department that she was "blackballed" since she refused to do political work.

Since refusing to perform political work, she has not received an upgrade despite working outside her Job Title and Grade.

Another claimant reported that his supervisor had strong political ties and twice pressured claimant into buying tickets for dinners honoring John Stroger. According to claimant, he applied for promotions both before and after he was pressured to buy tickets. The first time he applied, the politically connected supervisor was selected for the job. The second time he applied, a politically connected individual was selected.

A subtle result of political hiring is its long term effect on the careers of other employees. One claimant has been employed with a medium sized department since the 1990's and received her first and last promotion ten years ago. After claimant's last promotion, a politically connected individual was hired for a position above the claimant. The individual was hired despite a notation on the last page of her resume indicating she "does not have relative work experience." Claimant alleges that the individual remains in the job and performs her job so poorly, that the consequence is that there is no chance she will be promoted based on merit. Claimant contends that as long as this unqualified, politically connected individual remains on the job, claimant has virtually no chance of advancement.

Many claimants describe how illegal patronage has affected their morale. One claimant at a large department has been working in the capacity as an Administrative Assistant for several years. She currently works alongside an Administrative Assistant who is widely reported as being politically connected. Claimant performs greater duties than her co-worker despite the fact her co-worker makes more money. In fact, claimant alleges her co-worker refuses assignments that would normally fall within her job

description. It falls on claimant to perform her co-worker's duties. Claimant describes how discouraged and cynical she has become and how she struggles to perform her job well.

J. Union Involvement and Issues

Several claims describe how the unions are affected by patronage issues. One claimant sought a promotion that was given to the claimant's co-worker. The co-worker was alleged to be backed by political sponsorship. Claimant states that pursuant to union rules, he should have gotten the promotion since he had two years of seniority over his co-worker. According to the Collective Bargaining Agreement, the position should have been filled by seniority. Claimant informed his union steward and business agent that he wanted to file a grievance but they informed him the union would not pursue his grievance because they did not want to get involved in claims involving politics.

Another claim was brought by a 20-year employee of the County. For approximately 2 ½ years of his tenure, he performed duties outside of his Job and Grade without being promoted to the position and without receiving any additional compensation. Ultimately, another person who was said to be politically connected was given the position permanently over claimant. Documentation shows claimant was harassed during this change-over and that his then -supervisor was aware of the harassment. Claimant stated that he did not feel he could complain to his union because his supervisor was also his union representative and had allowed the politically tinged harassment to continue.

K. The Politically Protected Supervisor

One claim illustrates how a politically protected supervisor can misuse his position and how employees have very little recourse. Claimant received a 3-day suspension from her supervisor. Claimant believed the imposition of the suspension was unjust and believed the complaint in question should actually have been directed at her supervisor. She provided documentation in support of this claim. She appealed the suspension with the Human Resources Labor Relations Division. The appeal hearing was conducted before a Hearing Officer.

The claimant states that her supervisor is politically connected. Claimant believes very few employees, including the department's Hearing Officers, would cross him for fear of retaliation. Claimants and several other witnesses state that the supervisor brags that there is no one his employees can complain to because he is protected.

In reviewing the claim, the CA's attorney notes the hearing was conducted with significant irregularities and the opinion issued by the Hearing Officer appears to be substantially biased. For instance, the supervisor was allowed to have representation at the hearing, but the rules state that it is the Grievant who is allowed to have a representative. The Hearing Officer's "Findings" consisted mostly of prior unrelated discipline claimant received and did not address the merits of the case. Without addressing the merits of the case, claimant's suspension was upheld.

This example illustrates the danger of the politically protected supervisor. The claimant alleges that it was actually the supervisor's error for which she was written up. Claimant provides documentation in support of this contention. Thus, the supervisor is able to avoid consequences for his own failings by blaming his subordinate. Claimant alleges the supervisor is able to do this because he is outside the normal course of

discipline by virtue of his political connections and because the grievance procedure is not free from political influence.

At another large department, politically protected people are transferred when they become problematic rather than receiving normal discipline. Other times, employees who complain of their mistreatment by politically protected employees were transferred instead. Claimants allege that supervisors have complained that their hands are tied when it came to disciplining politically protected employees.

L. Conclusion of Claims Adjudication and Investigation Section

This report has detailed the many historical accounts of long standing illegal patronage practices. The CA notes that there is no information or event that has been presented to the CA that would indicate that illegal political patronage has been eliminated.

IV. HUMAN RESOURCES NEW HIRING PLAN

A. Introduction

Pursuant to the SRO entered November 30, 2006, this report enumerates steps that the CA has concluded must be instituted as part of the “New Plan” mandated under Section II.B. of the SRO in order to eliminate prohibited political influences in Cook County’s hiring process.

Individual recommendations described below incorporate generally accepted best practices in human resources management. They are aimed at addressing the specific

mandates of the SRO and the Cook County Plan of Compliance (“CCPC”).¹ The recommendations are also targeted to address specific problems identified in various employment-related documents provided by the County, and to interviews by CA monitors and key managers with staff of the Bureau of HR who are involved in the hiring process.

The CA is also in the process of conducting a desk audit of the Bureau of HR, and a number of the recommendations are the result of preliminary findings related to that audit. We envision that the CA's recommendations be will incorporated into the Hiring Procedures Guide (the “Hiring Guide”) given to the CA by the County dated October 22, 2007, which the Acting Bureau Chief and the Deputy Chief of the Bureau of HR have confirmed is the County’s initial proposal for the New Plan that is required under the SRO. Based on a review of that document and based on her interviews and review of other related documents, the CA notes that the Hiring Plan contains a description of current hiring practices of the Bureau of HR, and it does not include any suggestions for revising those practices in light of the SRO.

Pursuant to the Supplementary Relief Order (“SRO”), entered November 30, 2006, this memorandum lists steps that the Compliance Administrator (the “CA”) has concluded must be instituted as part of the “New Plan” mandated under Section II.B. of the SRO in order to eliminate prohibited political influences in Cook County’s hiring process. The CA advocates the implementation of these initiatives and is prepared to assist the County in any way.

¹ The CA is aware that the CCPA has expired. She has been advised, however, that the Bureau of HR considers its obligations under that document to be ongoing and continues to follow the procedures outlined in it.

B. Specific Recommendations

1. Enlist CA to Participate in Recruitment and Selection of Human Resources Bureau Chief

The CA is aware that the County is currently recruiting a new HR Bureau Chief. The individual selected may have specific ideas on how s/he would like to reorganize the Bureau of HR, as well as the hiring process and other functions of the Bureau of HR. She feels the selection process for a new HR Bureau Chief should not delay or otherwise interfere with the implementation of other necessary changes in the hiring process. The CA has previously requested that she be involved in the HR Bureau Chief recruitment and selection process because the individual selected for this position will be instrumental in determining the success of her efforts and the reforms that must be achieved under the SRO. That request is hereby repeated.

2. Restructure and Standardize Bureau of HR Personnel Processes and Procedures

As a result of the desk audit and her staff's monitoring activities, the CA has noted significant inconsistencies in standards for both the acceptance and evaluation of applications within the Bureau of HR. Such inconsistencies create an environment where the skill and ability of the applicant is not the determining factor and allows for employment decisions to be made on other bases, including prohibited political connections. The CA recommends that the Bureau of HR restructure and standardize its

processes as described in detail below in order to create an environment where hiring decisions are made free of prohibited political considerations.

a. **Establish a merit-based applicant evaluation and interview procedure that will comply with the CCPC and eliminate the opportunity that political**

influence in hiring decisions. Certain of the Bureau of HR's hiring policies and practices do not appropriately implement requirements of the CCPC and in fact may create the opportunity for prohibited political influence in the hiring process.

Specifically, the CCPC requires the Bureau of HR to post positions for a period of 14 days and to "prescreen all job applicants to determine eligibility based on bona fide job-related qualifications." It also requires the County to "select a sub pool of eligible candidates to interview *based upon bona fide job-related qualifications as stated in the Notice of Job Availability and in the position's job descriptions.*" [Emphasis added]

Finally, the CCPC requires that "[a] minimum of seven candidates, or all applicants if less than seven apply, must be interviewed for each vacant position," and that the list of "all eligible candidates" and "all eligible candidates in the sub pool" be provided to the hiring department.

The CA has been advised (and the Hiring Guide confirms) that it is current practice for the Bureau of HR screeners to review applications for each posted position, and, after the fourteen-day posting period has expired, develop a list of "eligible" applicants based on whether their applications indicate they possess specific "minimum requirements" designated on the posting and in the job description. Except in the case of requiring documentation regarding college and high school credentials and licenses, no

action is taken to verify whether information on the application is accurate; previous employers are not contacted, addresses are not verified.

Furthermore, the Bureau of HR does not conduct tests to determine whether an applicant meets minimum requirements for skills such as typing and familiarity with word processing equipment, which is frequently listed as a "minimum qualification." Once this "eligibility" list is prepared, the screeners select the first seven candidates who submitted applications (based on date and time of application) and send those seven applications (and only those seven applications) to the hiring department. Managers in the hiring department are instructed to interview the seven designated applicants and chose from those candidates. If none of them is considered appropriate for employment by the hiring department, the job is, in most instances, reposted, and the applications of all other candidates who were identified by the screeners as "eligible" for that position in the initial posting are not considered.

Various aspects of this process create the opportunity for prohibited political influence to occur in the hiring process: (a) The procedure for determining the designated "minimum requirements" for individual postings is subject to "customization" based on input from hiring department management and Bureau of HR staff, and significantly different qualifications may be posted under the same job title. This provides the opportunity for tailoring individual postings to the specific skills of a favored applicant. (b) Because the Bureau of HR does not check references, conduct job skills tests or otherwise verify any information contained on the application, applicants can misrepresent their skills and experience without detection until after they are employed. (c) Advance notice of when a specific job will be posted, as well as

information about the specific "minimum qualifications" that are designated for the position, is available to department heads and others prior to posting.

Furthermore, in the vast majority of circumstances, all applications must be submitted in person at the Bureau of HR's downtown office. As a result of these practices, potential candidates who are told of a posting in advance gain an unfair advantage because they can arrive at the Bureau of HR's offices early on the first day of posting and assure they will be among the first applicants to apply. If their applications indicate they possess the minimum eligibility requirements, they will be more likely to be among the first seven eligible applicants to be placed on the interview list. Furthermore, this procedure renders the fourteen-day posting period required by the CCPC irrelevant because it is highly unlikely that anyone applying toward the end of the period will be among the first seven eligible candidates.

The best candidates for any position are those who possess, through experience and education, qualifications that meet or exceed the actual requirements of the job. A job posting and job description that accurately and fully describe the knowledge, skills and abilities and define the essential and marginal functions of the position are vital to assure the selection a qualified, rather than a connected, candidate. The receipt of accurate and verified information about applicant credentials and skills is also critical to assuring that truly qualified applicants are identified for further consideration and are eventually selected.

The CA believes that except for purposes of determining if an application has been submitted within the deadline, the date/time stamp serves no purpose except to provide strategic advantage to those that understand that the process is less about merit

and more about beating-the-clock. The process of interviewing the first seven candidates provides the opportunity for prohibited political influence to those who have been “tipped off” informally to the availability of a position.

For these reasons, the CA recommends the following steps be taken by the Bureau of HR:

i. **Conduct comprehensive job analysis and revision of job descriptions and communicate results.** Written job descriptions are a critical part of the hiring process because they are the cornerstone for determining the minimum qualifications that a candidate must have and determining who is eligible and who is not. Job descriptions must be based on the work that is to be done, and not on the individual skills of the incumbent or the applicant. The accuracy of a job description is critical to the County’s hiring process because the job description is the primary document used to create job postings, and it is the document screeners rely on to determine whether applicants meet minimum qualifications for the jobs for which they have applied.

The Deputy Bureau Chief estimates that there are currently over 7,000 job descriptions on file at the Bureau of HR. This is an extraordinarily large number of descriptions, even for an organization the size of Cook County. The Deputy Bureau Chief and others in the Bureau of HR also confirm that they regularly create new job descriptions and revise existing descriptions based on the requests of various department heads who claim that current job descriptions are not adequate or that jobs have changed and existing job descriptions are obsolete. A review of select job descriptions provided by the Bureau of HR also reveals that there are inconsistencies in format and substance from one job description for the same job title to another. For example, one job

description for a specific title listed a college degree as a “minimum qualification,” while another listed a degree as a “necessary skill” for the same job title.

This system causes duplication and inconsistency in the development of job descriptions, and it creates a selection process that is ripe for confusion, if not abuse. More importantly, it provides the opportunity for the creation of positions that are designed to favor specific identified candidates, and the CA has found evidence that this inappropriate “tailoring” of a job description may have been attempted.

Based on these findings, the CA recommends that the County initiate a review and revision of all existing job descriptions to eliminate duplications and inconsistencies, and publicize the job descriptions on its Website. Such a project will undoubtedly take a considerable period of time, but it is critical that it begin as soon as possible. The CA and her staff will be available to assist the Bureau of HR in getting this project up and running.

ii. **Establish new procedures that will reduce the opportunity for political considerations to influence the recruitment process.** Job openings are currently posted on the County’s Website, at its downtown office, and at various work locations. While this complies with CCPC requirements, the limited posting sites do not bring in a pool of applicants that adequately reflects the diversity and depth of experience that exists in the County. As a result, the County is not able to expand its workforce to include those who may not be familiar with the culture of the County or to take advantage of the talents and capabilities of its citizens. Furthermore, additional outreach in hiring by the County will help to dispel the view that County jobs are available only to those who have political connections. The CA also believes the limited recruitment activity

may be a contributor to unlawful political influence in hiring because it limits knowledge about job opportunities to those who are familiar with the few sources of job information.

The CA recommends that the Bureau of HR significantly expand its recruitment efforts, in order to solicit and hire the best available talent. The CA will assist the County to identify other sources of job recruitment, including job fairs, universities, technical schools and the other sources of viable, qualified candidates.

iii. Revise the initial application and other forms used by the Bureau of HR to comply with legal requirements and assure consistency. The CA reviewed a number of personnel forms used by the Bureau of HR and noted there were instances of inappropriate statements and/or questions. As a result, she recommends that all forms currently being used by the Bureau of HR be reviewed and revised as needed. Examples include inappropriate questions on the application form regarding disability, the inappropriate inclusion of the EEO voluntary identification request on the application form, and interview sheets and other forms that are not sex-neutral and refer to “he.”

iv. Implement new procedures for processing applications. As described above, the CA's monitors have noted significant inconsistencies in the manner in which the hiring forms are used and accepted. These issues should be addressed as follows:

(i) Aggressively pursue the institution of an electronic application process. The CA has been advised that the County is taking steps to investigate the possibility of instituting an electronic application process, most likely through an outside vendor, and she is in full support of such a transition if it results in eliminating prohibited political influence and favoritism in the hiring process. Because of the likely delays that will be encountered by the County in completing

such a transition, however, the CA is reluctant to rely solely on this future conversion as a specific remedy for any of the issues discussed in this report. Nevertheless, because a number of the issues raised in this document could be effectively addressed and resolved through the installation of an on-line, electronic application process, it is critical that the CA and her staff be involved in the vendor selection process, as well as in the establishment of specific services to be provided by the selected vendor, to assure that the contracted services include sufficient safeguards with respect to political hiring. She therefore requests that she and/or her designated representative be advised of the current status of this project and be invited to actively participate the vendor selection and service development process. While the CA applauds the technological initiatives in the department, she recognizes the dangers of exclusive reliance on them as a panacea to the issues that will be addressed through her mandate. The CA sees significant value in current in-person administrative functions and paper and pencil processes, if refined in the manner described herein. These processes are a critical factor to the inclusion of all segments of the community, including those who may not have internet access, may be unfamiliar with internet usage, and may require the aid and assistance of staff in conforming to County application requirements, particularly with the introduction of new processes. The implementation of an online process is an excellent supplement, but not replacement for the recommendations outlined herein.

(ii) Expand methods for accepting applications. The current practice of accepting applications only at the Bureau of HR downtown offices seriously

limits the diversity and skills of applicants for County employment. It is difficult, if not impossible, for people who are currently working to take time from work to submit an application. Because of the distance, it is also likely that many people residing outside the Chicago metropolitan area are unable to come downtown to submit an application. This issue may be addressed if and when an on-line application process is established. Because financial and other considerations may prevent an electronic process from being instituted in the near term, however, the CA recommends that the County develop a new policy with respect to the submission of applications. She will assist the County by suggesting viable alternatives, such as setting up application deposit boxes at various County offices and accepting applications by mail and email.

(iii) Apply consistent standards for accepting and reviewing of application forms. The CA's monitoring staff has noted that incomplete applications submitted by current County employees are frequently accepted while incomplete application forms of non-employee applicants are used as the basis for eliminating them from consideration. This is contrary to the caveat that appears at the top of the application form stating that "Omissions will result in disqualification of application." It also gives current or former employees, who are more likely to have political influence, an inappropriate advantage. The CA monitoring staff also noted that numerous errors occur with respect to documentation submission, i.e., transcripts are attached to the wrong application, or an application is marked "documents missing" when the documents are in the file. The CA recommends that steps be taken to assure that all applicants are held

to the same standards, that all applicants are required to submit applications that are complete in all respects, and that individuals who may be personally known to the screeners and receptionists at the Bureau of HR are not given preferential treatment in the application process. Furthermore, while some errors are understandable, especially given the high volume of paper applications processed by the Bureau, the CA believes that the relatively high rate of errors noted by her monitors may be due to a lack of attention and to a lack of training, and she recommends that steps be taken to resolve this apparent problem.

(iv) Establish a standardized process for documentation collection.

Bureau of HR currently requires applicants to submit original or certified copies of high school diplomas, college diplomas and licenses, etc., for each posting for which they apply. While the CA recognizes the confirmation of education is necessary to determine whether an applicant possesses the minimum qualifications, she is also aware that it is expensive and often difficult for applicants to obtain these documents, especially in light of the fact that applicants frequently submit multiple applications, often on the same day. This requirement also unnecessarily disadvantages applicants who have attended school in foreign countries and would have difficulty in obtaining such documents. As a result, the County may be limiting its ability to draw from the larger diverse population of Cook County and take advantage of the full range of its population's talents. She therefore suggests that a revised policy and practice regarding educational verification be examined.

(v) **Establish rules for accepting only complete applications.** Perhaps in response to the stringent requirements regarding submission of certified documentation, applicants are currently allowed to submit an application form even though they do not have all required documentation, and they are allowed to submit the documentation and complete the application process any time during the fourteen-day posting period. This creates extra work for Bureau of HR staff, and it increases the chances that the wrong documents will be attached to an application. The CA recommends that the Bureau of HR adopt a policy requiring candidates to submit all required documentation at the time of application, and refuse to accept any application if it does not include the required certifications. Adoptions of such a policy would reduce the work load of already overburdened staff who must not spend time matching transcripts to applications and fielding calls from applicants. It would also undoubtedly reduce the incidence of clerical errors noted above.

v. **Conduct bona fide employment background verification of all applicants prior to interview.** The CA has noted that there is currently no established practice of conducting employment verification of candidates, except for criminal background checks which are completed on new hires. Because the Bureau of HR does not check personnel files of current or former employees of the County, the problem of lack of verification applies to all applicants, regardless of whether they have ever worked for the County. The CA has received significant feedback from managers that the lack of verification is problematic because it is less likely they are unable to make an accurate assessment and evaluation of any candidate's ability to perform required functions of the

job. For example, the CA's monitors received anecdotal evidence that an individual who was terminated for "cause" was later hired by another departments, even though the previous department manager advised in documentation against rehire.

The CA recommends the Bureau of HR establish written procedures and documents that requires some form of documented employment verification be conducted, at least for those individuals who are referred to hiring departments for interviews. The results of those verifications should accompany interview materials. Furthermore, the CA recommends that the Bureau of HR review the employment files of current and former County employees who are sent for interviews to assure that information submitted on their applications is accurate and that their employment history does not indicate any significant problem.

vi. **Institute basic candidate testing.** The CA is fully aware of the budget constraints faced by the County. She also believes, however, that the need to confirm that candidates possess minimum skills required by the job is key to its ability to run and efficient and effective organization and to prevent the employment of totally unqualified people based on their political connections. At present, the County does not conduct any testing, and there is not way to confirm, for example whether an applicant is proficient in a particular computer program or can type at a required speed. As a result, the possibility for hiring someone who does not have minimum qualifications is significantly increased, especially when combined with the additional gaps in the process that are noted in this report.

The CA recommends that the Bureau of HR institute testing of applicants where appropriate. The selection of tests should be related to the nature and frequency of

certain postings. For example, a typing test should be given to each applicant for a clerical position that requires typing skills. While this may seem like a tremendous burden on an already overburdened staff, the negative impact could be reduced by, for example, offering a standard typing test on a specific day of the week, testing multiple applicants at the same time, and providing those who pass a "certificate" that would be good for a period of six months which they could submit with their applications for positions. The CA is confident there are other similar steps that would reduce the work involved, and she will be happy to work with the County in coming up with a workable solution to this critical problem.

vii. **Establish a neutral selection process for determining which applicants will be referred for interview.** The current practice of determining which seven eligible candidates will be referred for interview provides an unfair advantage to those individuals who may receive advance notice of postings, and it eliminates from consideration the vast majority of applicants who apply later in the fourteen-day posting period. Although the CCPC requires that a minimum of seven eligible candidates be referred to the hiring department for interviews, it does not require that those seven candidates be limited to the first to apply.

The CA recommends that a neutral selection process be instituted. For example, once the list of candidates possessing the minimum requirements is complete, each application could be assigned a number, and a lottery or some other random selection method could be used to select which of the eligible candidates would be in the first group to be referred for interviews. Additionally, if the hiring department were to reject the initial group, it could be sent a second group of candidates from the same posting.

The CA will be happy to assist in developing a new procedure that will eliminate the potential for favored treatment and allow all applicants an equal opportunity for consideration.

viii. Standardize interview documents and format. A variety of interview formats and scoring tools are used during the interview process. Through its monitoring activities, the CA's office also has noted a high level of inconsistency in the conduct of interviews. Some departments ask behavior-based questions, others ask questions requiring only a "yes" or "no" response. Monitors have also noted a great deal of disparity in the amount of documentation regarding the interview process. Some interviewers take copious notes, others take scant notes,, and occasionally no notes are taken. Some interviewers have also recorded inappropriate items which may indicate a personal biases, i.e., a candidate's manner of dress, nationality, command of the English language, ethnicity, gender, etc.

The CA recommends a standardization of the interview process and documentation, and the use of a generally well-recognized process, such as behavior-based interviewing. A properly formatted behavior-based interview requires a candidate to provide evidentiary, job-specific examples of actual performance in a range of situations. Full documentation also allows the interviewers to justify specific hires in the future, if necessary (to a lawyer or an outside auditor, for example) through a review of their interview notes, which if they are verbatim, allow anyone reviewing them to know exactly what occurred at that interview, regardless of whether they were present. The CA also recommends a review and revision of the current scoring tool used by the

County, and training of interviewers on the proper procedures for interviewing and scoring applicants.

If executed properly, behavioral interviewing can eliminate not only natural biases, but the solicitation of inappropriate political information which may have a bearing on interview performance or hiring decisions. The CA is prepared to assist the County in development of these tools and processes.

ix. **Standardize, document and publicize Bureau of HR hiring processes.**

As stated previously, there are reports of confusion and lack of communication regarding the Bureau of HR's activities, procedures and requirements. In order to address this problem, the CA recommends that the Bureau of HR revise its policies and procedures guide to incorporate all elements of the final New Plan, and post them on its website as well as provide them to County managers. This will increase transparency and serve to educate the public as well as County staff about the workings of the Bureau of HR.

3. **Conduct training of Bureau of HR staff on specific and critical human resources skills.**

Preliminary findings from the desk audit suggest that a significant number of Bureau of HR staff lack human resources experience and credentials, and some are performing critical functions such as applicant screening even though they have no previous experience or education in human resources. Many have been employed at the Bureau of HR for significant period of time and are self-trained. A number of staff members, however, have been employed in the Bureau of HR for a short period of time and, therefore, have limited on-the-job training in HR practices.

The CA recommends that all Bureau of HR staff who are performing critical duties such as drafting of job descriptions and position evaluation, applicant screening, compensation analysis and employee training, regardless of tenure, be required to undergo formal training to ensure they are able to perform these critical functions.

4. Conduct training of hiring department management on appropriate human resources skills.

Part of the CA's mission under Section I.G. of the SRO is to assist the County "in establishing a 'train the trainer' program empowering supervisors to educate and train employees on appropriate politics-free hiring practices." The CA recommends that this training include specific courses on how the Bureau of HR works, the appropriate criteria for requesting that a position be filled, the appropriate method for conducting interviews of applicants, etc. The CA and her staff are available and eager to begin this project once the New Plan is finalized, and procedures are revised and documented.

5. Establish a Separate, Independent Human Resources Function for the Bureau of Public Health

The CA is aware that there have been recent changes related to the human resources function of the Bureau of Health and there appears to be a transitioning of those functions back to the Bureau of Health and away from the Bureau of HR. The CA and her staff have spent time discussing the current significant difficulties encountered by the Bureau of Health in the areas of recruiting and hiring, and it is her opinion that it would be more efficient and effective for the Bureau of Health to establish an independent

hiring process, one that is specifically designed to meet its specialized employment needs. Nevertheless, the Bureau of Health's hiring practices and policies are covered under the SRO and the CCPC, and the CA would intend to work closely with the Bureau of Health in such a project. Furthermore, although the Bureau of Health has special needs, the majority, if not all, of the recommendations contained in this document would apply to it as well as other entities covered by the SRO and the CCPC. The CA recommends further in depth study of the unique and complex issues confronting the Bureau of Health, but she expects that many of the recommendations contained in this document will also apply to it.

a. Apply Hiring Plan Recommendations to Transfers, Promotions and Reclassifications

Although this document has focused on the hiring process, the CA's role under Section I.A. of the SRO includes studying "the County's existing employment practices, policies and procedures for nonpolitical hiring, promotion, transfer, discipline and discharge." In that regard, the CA feels that the County should include promotions and transfers as part of the New Plan, and that the procedures and recommendations listed above should apply to those employment activities as well. In fact, the CA feels that the issue of non-politically motivated promotions is so critical, that steps should be taken immediately to align this type of activity with the hiring process. In this way, the County can assure that the full range of its human resources practices complies with its obligations under the SRO and CCPC. To assist in this initiative, the CA requests that the Bureau of HR provide her with a detailed description of current promotion procedures.

The CA feels that immediate implementation of the above recommendations is crucial. The CA also feels that all of this work will assist the new HR Bureau Chief in his/her work once s/he is appointed.

D. Human Resources Bureau Chief

A key development since the CA's last report to the Court has been the resignation of the HR Bureau Chief, the naming of an interim HR Bureau Chief and the search for a permanent HR Bureau Chief.

In December of 2008 or sometime thereafter the County will, under the SRO, move to terminate the 1994 Consent Decree on the ground that it is in substantial compliance with the consent decree and the law prohibiting political discrimination.

The indicia of substantial compliance set forth in the SRO include the requirement that,

“the County implement procedures that will effect long-term prevention of the use of impermissible political consideration in connection with employment with the County”

and that:

“the County has implemented the New Plan, including procedures to ensure compliance with the New Plan and identify instances of non-compliance.”

Except for the President, it is the CA's opinion that no individual in the County will be more instrumental to ensuring the County's substantial compliance than the HR Bureau Chief. For this reason, the CA has requested the opportunity to monitor the

selection of the new HR Bureau Chief.

The CA acknowledges that her request is extraordinary in that this position is a *Shakman*-exempt position and therefore one in which it is lawful for the President to take into account political considerations in selecting the individual who is to fill the position. The CA further acknowledges that and commends the President has opened the selection process by posting the position on *Monster.com* and on the online job board of the Society of Human Resources Professionals (SHRP). The CA has been advised that the President plans to appoint a committee to review the resumes received, to interview the candidates and to recommend a candidate to the President. The CA has been advised that the committee will be comprised of individuals from the community as well as at least one person from the President's staff.

While the CA has been invited to address the committee once it is formed, her request to review the materials submitted by all applicants has been refused as has been her request to observe the committees interviews of the applicants. Because of the HR Bureau Chief's role in the County's achieving substantial compliance with the SRO and because of the CA's ultimate responsibility to evaluate the County's compliance she requests the opportunity to observe and monitor the selection process of the new HR Bureau Chief.

The CA emphasizes that she is making this request for this position only and for this appointment only. The CA notes that several Commissioners have introduced a resolution recommending that the President accede to the CA's request. (Appendix B).

V. MONITORING

Monitoring the County's employment practices continues to be the Compliance Administrator's chief day-to-day activity. The CA continues to monitor the HR activities that occur in the Bureau of HR office located on the eighth floor of the County building. These include all of the activities enumerated in the CA's "First Semi-Annual Report" from the posting of open positions to the preparation of the eligibility list, which is sent to the pertinent department.

In addition, the CA monitors all interviews for new hires or promotions and also monitors the impression conference at which the interviewers discuss the candidates and make their recommendations known to the department head.

As of the writing of the "First Semi-Annual Report" the CA had monitored 41 positions. Since then, the CA has monitored 174 positions. The CA has monitored a total of 215 positions (Appendix C). The majority of these postings has not yet resulted in a hire and are still pending at various stages of the hiring process.

VI. NEED FOR COUNTY INITIATIVES

Since the inception of the SRO, the CA has hoped that the County would institute its own plan to determine the nature and extent of unlawful patronage existing in the County. At the time of the CA's "First Semi-Annual Report," it appeared that the Board of Commissioners was going to be successful in implementing a desk audit of all high level County employees. In that report, the CA commended the County on this course of action. Unquestionably, this action was a good start on determining whether patronage practices still existed. Unfortunately, the Board later determined that the project was too costly.

It has now been over one year since the entry of the SRO. Thus, this administration has accumulated one year's time to study and review its current employment practices. It has also had the opportunity during its review to make a determination as to whether unlawful patronage practices still exist. It is the CA's opinion that the County is in the best position to identify unlawful patronage practices due to its inherent powers and institutional knowledge. Significantly, the County is also in a position to take corrective action, if necessary.

While the County-wide upper level desk audit was scrapped, it is the CA's opinion that useful information could be gleaned from a less comprehensive project. For example, the Board could authorize a targeted desk audit of one department. Findings made pursuant to a limited audit could be the basis for further study. Additionally, the CA anticipates completing the adjudication phase of her duties shortly. Her final findings will be available to the County. Again, hopefully these findings could be the basis for further study. Accordingly, it is also the CA's recommendation that the County take initiative in this project.

VII. NEED FOR SRO DEDICATED LIAISON

Discharging the duties of the CA under the SRO is a multi-faceted task. It requires work and cooperation from the County at many levels. There are a multitude of issues that arise on a daily basis including document retrieval issues, policy decision issues, scheduling issues, legal issues, issues related to the adjudication process and other issues. It is self-evident that the CA could achieve greater efficiency in reaching her goals if there were just one person to whom the CA could look to coordinate these matters.

For this employee to be effective, s/he would have to have access and accountability to the President. This employee would also have to have sufficient time to deal with all the various matters that arise, on a daily basis. Lastly, this employee would also have to have the appropriate qualifications and required knowledge to resolve these issues. Such a person would benefit both the CA and the County.

Accordingly, the CA recommends that designate an appropriately qualified and knowledgeable person to be dedicated to the work required by the SRO. The CA looks forward to discussing this idea with the County.

VIII. SPECIAL ACKNOWLEDGEMENTS

The CA notes the exceptional public service of the law firm of Wildman, Harrold, Allen & Dixon and their partner Sherrie Travis who have donated their time and expertise consulting with all members of the CA's staff in employment law and Human Resources issues and working with the County on the CA's behalf to prepare a New Plan.

IX. CONCLUSION

In the first twelve months of the CA's tenure she has studied the County's processes extensively and submitted a draft of a New Human Resources Plan. The creation and implementation of the Human Resources Plan that incorporates the principles set out in the Human Resources Section of this report will decrease the potential for unlawful patronage practices in the County.

The selection of a highly credentialed and politically autonomous Chief of the Bureau of Human Resources is essential for the effective implementation of the plan and to establish the County's substantial compliance with the consent decree and the SRO.

If the County wishes to meet the deadline of December 31, 2008 for compliance, it will have to move more quickly than it has thus far. Its implementation of the recommendations in this report will move the County substantially in the right direction. Lastly, the CA wishes to thank each member of her staff for their work in the last year. Everyone has been diligent and dedicated.

Respectfully submitted,

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