

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

MICHAEL L. SHAKMAN, et al.,)	
)	
Plaintiffs,)	
)	
v.)	Case No. 69 C 2145
)	Magistrate Judge Sidney Schenkier
COUNTY OF COOK, et al.,)	
)	
Defendants.)	

**NINETEENTH REPORT OF THE SHAKMAN COMPLIANCE ADMINISTRATOR
FOR COOK COUNTY**

Mary Robinson, *Shakman* Compliance Administrator for Cook County (the “Compliance Administrator” or the “CA”¹), by and through her attorney, Matthew Pryor, submits this Nineteenth Report pursuant to the terms of the Supplemental Relief Order entered on November 30, 2006 (the “SRO”). The SRO requires the CA to study the existing employment practices of Cook County Government (the “County”)², monitor the County’s compliance with the provisions of the SRO, assist in formulating a new hiring plan, assist in establishing training programs on non-political hiring practices, adjudicate claims based upon violations that preceded entry of the SRO, make recommendations to the Court as to

¹ “CA” shall refer to the Compliance Administrator and/or her staff.

² For the purposes of this and future reports, “Cook County” and “the County” shall refer to the defendant, Cook County and, in particular, to those departments and functions that operate under the direct control of the President. There are three units of County government which, due to developments since entry of the SRO, operate independently of the President for hiring and other purposes relevant to the dictates of the SRO, and separate practices are being implemented for each. Those units will be designated as follows: the Office of the Cook County Public Defender (the “Public Defender”), the Office of the Independent Inspector General for Cook County (“OIIG”) and the Cook County Health and Hospitals System (“CCHHS” or the “System”). Within the first year after entry of the SRO, the Juvenile Temporary Detention Center (“JTDC”) began operating under the authority of a court-appointed monitor and then was recently transferred to the authority of the Chief Judge of the Circuit Court of Cook County. The CA has engaged in no oversight of JTDC since August 2007.

how to resolve issues regarding *Shakman* Exempt positions, and file reports describing the activities of the CA and the County's progress toward achieving Substantial Compliance with the requirements of the SRO.

On July 6, 2017, the CA submitted her Eighteenth Report to the Court wherein she provided updates on the County's progress in addressing the list of outstanding compliance-related matters that the CA believed the County, Public Defender, CCHHS, and OIIG needed to address prior to achieving Substantial Compliance with the SRO. The CA submits this report as a further update on progress made by those offices on those outstanding items in the past two months.

PROGRESS ON OUTSTANDING ITEMS SINCE EIGHTEENTH REPORT

COUNTY

The CA has continued to monitor the County's disciplinary processes and does not have any concerns regarding the same.

PUBLIC DEFENDER

The CA has continued to monitor the Public Defender's intern policy and disciplinary processes and does not have any concerns regarding implementation of either.

CCHHS

In her Eighteenth Report, the CA identified four issues that she believed CCHHS needed to address pursuant to the SRO and the CCHHS Employment Plan (the "CCHHS Plan"). Updates on CCHHS' progress on those issues are below.

1. Implement employment verification procedures for non-credentialed positions

Based on OIG reports wherein selected candidates for non-credentialed CCHHS positions were found to have provided false and/or misleading information concerning their qualifications, CCHHS agreed to implement more robust employment verification procedures to ensure selected candidates are accurately representing their qualifications and experience. Shortly after the CA's Sixteenth Report, the external vendor that CCHHS hired to conduct these employment verifications began the verification process. The CA has been able to monitor the vendor's process and does not have any concerns with the same. The CA will only include this issue in further reports if significant issues arise.

2. Implement process to disqualify candidates because of discipline

The CCHHS Plan requires DHR to review the personnel files of internal candidates (and recent former employees) for open positions and to disqualify any such candidates from consideration if they have been suspended in the 12-month period prior to their applications. Plan § V.J.3.a-b. DHR now electronically tracks all discipline for current employees so that anyone with disqualifying discipline would not be permitted to be considered for any open position. For this process to work effectively, managers and supervisors must report discipline to DHR so it can be properly tracked.

To determine whether departments were complying with this policy, the CA has conducted three audits this year (February, June and September). The first two audits identified that some departments were deficient with adhering to the recordkeeping and reporting requirements in the policy. The EPO – and the CEO himself – then discussed the findings with leaders of the problematic departments. Since her Eighteenth Report, the CA conducted her third audit of those previously non-compliant departments to gauge any

level of compliance improvement. Several of the previously non-compliant (and non-cooperative) departments improved on both measures; however, there remains a small handful of departments with compliance and cooperation issues. The CA shared her audit with DHR and will continue to monitor these four departments' disciplinary processes and will discuss the same in her next report.

3. Implement an Ineligible for Rehire List

The CCHHS Plan requires DHR to create and maintain a list of former employees who are ineligible for employment with CCHHS based on violating one of several specified CCHHS Personnel Rules or Sections 44-54 or 44-56 of the County Code of Ordinances. CCHHS Plan § IV.P. This week, the CA received DHR's responses to several appeals filed by former employees placed on the List. The CA will review these responses and will only include this issue in future reports if she has material concerns with the same.

4. Finalize, train relevant staff, and implement policies and procedures for non-hiring employment actions such as discipline, transfer, overtime and compensatory time, and others

In June 2016, the parties and CA agreed to supplemental policies that would cover the following non-hiring employment actions: reclassification, transfer, training, overtime, discipline, interim assignment/interim pay, layoff/recall, third-party provider, desk audit, and demotion. Since the Eighteenth Report, the CA and EPO conducted audits concerning departmental compliance with the training and overtime/compensatory time policies. The CA was encouraged by the audit findings and believes the recordkeeping issues discovered can and will be easily corrected through some one-on-one training conducted by the EPO with certain department heads. The CA will only include this topic in future reports if any material concerns arise.

5. Resolve issues identified in EPO Incident Report 15-035 concerning Grade 24 salary schedules

On October 18, 2016, the EPO issued an incident report finding that CCHHS was in violation of the CCHHS Personnel Rule 1.04 by not having a set salary schedule for certain non-exempted Grade 24 positions. *See* Eighteenth Report at 6-7. On June 27, 2017, CCHHS proposed two new policies that would cover how Grade 24 salaries are classified and how those salaries could be adjusted. On July 27th, Plaintiffs' Counsel, the OIIG and CA met with DHR and CCHHS Counsel to discuss CCHHS' proposals. At the meeting's conclusion, CCHHS agreed to provide Plaintiffs, the OIIG and CA with additional documentation concerning the proposals. Nearly two months have elapsed since the meeting and CCHHS has not yet provided any of the promised information. The CA encourages CCHHS to reengage on this issue as it is one of only two outstanding issues covered in this report where no active progress is apparent. *See infra* at 6 (for discussion on the County's failure to timely respond to OIIG Summary Report 16-0313).

OIIG

The OIIG does not have any outstanding obligations under the SRO other than continued adherence to its Plan and Manual.

OTHER UPDATES SINCE EIGHTEENTH REPORT

In addition to working with the County, Public Defender, CCHHS and the OIIG on the above issues, the CA has continued to monitor discipline in the County and Public Defender, the Public Defender's volunteer program, compliance with the Plan and Supplemental Policies in CCHHS, and the performance of the Compliance Officer, EPO and OIIG Compliance Officer concerning *Shakman* compliance-related duties. Below are updates on

other issues discussed in prior Reports or otherwise still outstanding.

OIIG Summary Report 14-0080

The CA previously identified concerns with the County's handling of a matter concerning a successful Post-SRO complainant that was detailed in OIIG Summary Report 14-0080. *See, e.g.*, Eleventh Report at 20-21; Seventeenth Report at 6-9. This matter remains unresolved and the CA believes it needs resolution and soon.

OIIG Post-SRO Complaint Summary Report 16-0313

On June 29th, 2017, the OIIG issued a report finding that impermissible political factors were considered in the December 2017 layoffs of two non-exempt Cook County Bureau of Human Resources ("BHR") employees while the Chief of BHR reassigned and permitted a Shakman-exempt employee who is related to a Cook County Commissioner to assume some duties of the laid off employees. *See* Eighteenth Report at 8-9. The OIIG also found that the County did not abide by the Plan's requirements regarding amending the exempt list and found that the revised exempt position description failed to meet the legal standard for exempt positions. On July 31st, 2017, the County requested a 30-day extension to respond to the OIIG's findings. Yesterday, the County issued a response to the OIIG Report that the CA is in the process of considering. The CA will include further updates on this unresolved issue in her next report.

CONCLUSION

The CA believes progress is being made by the various offices and will report on further progress in her next report. The CA thanks the parties for their sincere efforts and this Court for its continued guidance on this matter.

Respectfully Submitted,

Mary Robinson
Cook County *Shakman* Compliance
Administrator

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