

**Office of the Cook County
Compliance Administrator**

69 West Washington
Suite 1416
Chicago, Illinois 60602

Telephone: 312-603-8905
www.countyshakman.com

Julia M. Nowicki
Compliance Administrator
julianowicki@countyshakman.com

Peter A. Monahan
Counsel
pmonahan@countyshakman.com

March 2, 2009

██████████
118 N. Clark Street, Room 567
Chicago, Illinois 60602

Dear Commissioner ██████████

I am writing to you to announce my resignation after over two years as the Cook County Compliance Administrator. I am officially resigning in order to fulfill my commitment to other professional obligations. Thus, it is an appropriate time to report to you as to the status of substantial compliance under the Supplemental Relief Order (SRO). I am directing this correspondence to all of you, the Cook County Board of Commissioners, because I feel that you can and should be playing a role in the goal of achieving substantial compliance. Clearly the Board has fiscal responsibilities in all County matters, but I believe the current national and local economic climate make fiscal accountability a matter of particular concern.

As I am sure you recall, the SRO was entered by unanimous agreement of the entire Board on November 30, 2006. The underlying premise of the SRO was that there did, indeed, exist illegal patronage practices. To my knowledge, absolutely no one has disputed that fact. Additionally, the SRO is absolutely clear that it is the job of the County to eradicate illegal patronage practices. I bring this to your attention to ensure that there is no misconception on the part of the Board that it is the job of the CA to eradicate illegal patronage. Rather, it is your job and the job of the President and his Administration.

In accordance with this distinction, the SRO limited the powers of the CA. The CA cannot hire or fire, cannot promote or demote, cannot institute any disciplinary proceedings, cannot monitor Shakman-exempt employees directly, cannot unilaterally determine Shakman-exempt positions and cannot change any policy. All of those powers are your powers and the powers of the President.

Another factor that is important in regards to my limited authority pursuant to the SRO is that the CA is to focus prospectively on illegal patronage practices. In other words, my office is not authorized to look into past practices or do a wholesale investigation of each of the Departments under the Office of the President. However, there exist no such limitations on your powers. In other words, you can look for patronage wherever and whenever you find it.

Undoubtedly you recognize that most citizens of Cook County *believe* that the County is riddled with patronage workers. And when the citizenry and media talk about patronage workers, they are not referring to hard working individuals who happen to be politically related to a County official. Rightfully or wrongfully, the current perception of the “patronage” worker is someone who is unqualified and unproductive. That may be true or that may be false. But it is clear to me that you must change the perception of the media, the citizenry and your own County employees before you will ever achieve substantial compliance. The days of the patronage worker being accountable to his/her ward committeeman are over. In my opinion the Board should devise a method to make all employees accountable to you. You can and should play a critical role in the success of this endeavor.

Included in this letter are three attachments. The first is a letter from President Stroger’s office. It summarizes his view of the changes undertaken by his Office since the inception of the SRO. The second attachment was prepared by my office and is a list of ideas for action that can be taken by you as a member of the Board of Commissioners. None of the recommendations require any expenditure of funds. The third attachment is a copy of two budget amendments introduced by Commissioner Deborah Sims.

As to the letter from the President, I believe it does a good job of summarizing accomplishments attained in the two years since the inception of the SRO. I do have some small disagreements regarding some minor matters presented in the letter, however they are not worth discussing at this time. Nevertheless, I do have two comments worth noting. The first relates to the Health and Hospitals System (H and HS). I just want to note that the work of my office initially concentrated more on the offices under the President. For instance, we undertook the desk audit of the primary HR Bureau before we began the audit of the H and HS Human Resources Department.

I am very happy to announce that Ms. Sherrie Travis, our HR consultant, has now come on staff in the CA’s office and thus will be able to devote more time to the H and HS issues. Additionally, she will be able to work with the H and HS Board. Of course, progress had been slow because of the delayed passage of the independent board and the time necessary to find and select a new CEO. I expect that things will move more quickly once the CEO is installed.

The second comment I have regarding the President’s letter is two fold. First, while I believe that the single most important change that has occurred since the inception of the SRO is the appointment of the new HR Bureau Chief, I also believe the initial resistance to the concept caused an unnecessary delay in accomplishing this goal. It is my opinion that this type of conduct sends a message that the Office of the President will only go down the path mandated by the SRO unwillingly and at a slow pace. The second aspect is that while I think the enactment of the Ordinance and Executive Order is important, I have not observed that there exists any perception on the part of Cook County employees that the President is interested in proactive implementation of the two enactments.

That being said, a number of matters warrant some comment before I discuss the recommendations contained in the second attachment. Pursuant to the SRO, my office is obliged to monitor certain aspects of the HR practices. For example, my office monitors the

hiring process from the start to the finish. While I believe that this monitoring by my office has improved the process by which candidates have been selected and, thusly, the quality of the individuals hired, there are significant limitations to the lasting effects of this monitoring. It does not ensure in any way that political discrimination will not exist after the person is hired, for example, in terms of promotions, transfers and discipline. Significantly, this hiring monitoring does not solve the problems that unqualified and unproductive Shakman-exempt employees create throughout the system.

Additionally, the monitoring process is expensive and time consuming. Only substantial compliance will rid the County of this expense. In my study of the County, which has been recounted in my four reports to you, my office concluded that an overhaul of the HR Bureau was essential. My study further concluded that it was crucial that the HR Bureau needed a Chief who was free of any political connection to any elected official to be able to accomplish the goal of a realistic overhaul of HR. Although the CA initially encountered some resistance to this notion when it was originally brought to the attention of the President, the Administration finally relented and selected someone who has no political affiliation with the President or other elected officials.

However, the selection of a Bureau Chief is just the beginning of a long and arduous process. The newly selected HR Bureau Chief needs much assistance from you in terms of personnel and support. If you review the reports that my office has previously submitted to you and filed with the Court, you will notice the profound frustration that dedicated County workers have with the HR Bureau. Consequently, one important question that you need answered to your satisfaction is whether there is a need for any changes or additions in personnel in the HR Bureau.

Related to the issue of personnel, there is the question of how the HR Bureau implements the needed overhaul. There are some matters that need to be addressed on a one-time basis and other matters that will need constant attention. As to the one-time matters, the Board should insist that the Administration dedicate the appropriate number of individuals to those needs. I would expect either the Administration or the Board to retort that there are not sufficient funds to hire the required number of personnel to do this work. That response, if given, lacks imagination.

I submit to you that there are many ways to attain these necessary personnel at no cost to the County. I will suggest just one. By way of background, you are all aware that there are approximately 500 Shakman-exempt positions. As you are also surely aware, these positions are generally well paid positions. I am also guessing that you also know that while many of these positions are filled with highly qualified and hardworking staff, some are not. As the Board, you can and should demand there are available job descriptions for each and every Shakman-exempt job as well as the qualifications of each and every individual currently holding those positions. There should be an assessment of which individuals or what positions are expendable, what exempt positions are filled with persons without the matching qualifications for the position, and what positions could be consolidated. It would then be a simple matter to adjust the current staffing of exempt positions, eliminate unneeded positions, and create new Shakman-exempt positions designed to meet the current HR needs. Furthermore, you should require justification

regarding the need for budgeted yet unfilled positions, both Shakman-exempt positions and Shakman-covered positions. This information may lead you to a method to find the needed personnel.

As to the work necessary to achieve the required overhaul, there are three main arenas that need to be addressed. The first deals with a new HR plan. The new HR Bureau Chief has recently submitted a draft for such a plan. The next report from the CA will undoubtedly include a review of the Plan by Ms. Sherrie Travis, the CA's expert HR consultant. It is not a good use of space to go over specifics at this time. However, please review her critique of the Plan at the appropriate time.

Next, specifically, one aspect of the overhaul of the HR Bureau is to conduct a thorough evaluation of existing job descriptions. There are currently 7000 job descriptions for approximately 11,000 positions. All HR experts agree that this situation is not in accordance with HR best practices. But worse, and again, as my prior reports detail, the lack of proper job descriptions turns out to be one of the principal techniques to foster illegal patronage. In this regard, I am pleased to report that Commissioner Sims has introduced a budget amendment that addresses the issue. The Amendment asks for an in house evaluation of all budgeted positions. But again, the language of the legislation must be backed up with sufficient personnel to ensure that the goals enunciated therein are accomplished. Why conduct a review of job titles, if the person making the evaluation is going to rubber stamp existing titles? Why perform a review of job titles if there will not be any corrective action taken? Why bother with such a review if the Board does not afford the HR Bureau sufficient personnel to do the job correctly?

The last issue related to an overall HR Plan is the use of performance evaluations. Specifically, in my opinion, you should require that periodic, objective and Shakman certified evaluations are completed in a timely manner and consistently in order to assist with making the determination of the productivity of each employee. I am delighted again to report that Commissioner Sims has recently introduced a budget amendment to that effect. However, the amendment will be meaningless unless you provide the requisite number of employees to ensure that the process is being performed adequately and being done in a manner that you can be certain that the evaluations are fair and objective. Why undertake performance evaluations if they are simply going to rubber stamp what should be outdated patronage abuses?

The next area that needs to be addressed, outside of specific HR reforms, is employee productivity at all levels. In my opinion, this is the most significant area where you can make a contribution. By way of background, my office has asked the Administration to review each of its own departments to find patronage abuses and to take corrective action when it finds an infraction. In a number of reports submitted to the Court and the Board, I detailed the abuses that I had found. In my opinion you should request that your President scrutinize each department for its productivity and patronage infractions. Perhaps a monthly report from the President's Office detailing what each department has done regarding productivity, attendance, discipline, promotions, transfers, reclassifications and terminations would be a good start. I am certain that you as a legislative body can devise a method to exact this type of accountability.

In this regard, you can see that the letter attachment from the President references some limited number of changes. Giving the Administration the benefit of the doubt, this data could be construed as an excellent start. But the information is not helpful in any specific terms of whether the changes have affected patronage abuses

My comments thus far have been limited to the requirements of the law. However, irrespective of the law, our national and local leaders are demanding reform at this time. My next recommendation is one that flows from the spirit of the times and relates to issues surrounding Shakman-exempt employees.

First, in my view, you should encourage the Administration to complete the job of creating job descriptions for all Shakman-exempt positions. You should also insist on stringent minimum qualifications for these important and highly coveted jobs. Shakman-exempt employees should be subject to uniform discipline rules. All of these recommendations will assist you in evaluating those individuals in positions of authority and thus holding them accountable to you and the taxpayers.

Again, in my reports, I have cited to examples where Shakman covered employees have been required to do the work of a Shakman-exempt employee. (In fact, many of these individuals were compensated during the adjudication of claims aspect of the SRO.) My reports also detail how the conduct of the non productive Shakman-exempt employee is stressful for others in the workplace and causes low morale among the workforce. The Board could create an oversight committee to review the credentials of the exempt employees. Further, this committee could review their work performance. The committee could also make recommendations to the Administration as to instances where certain Shakman- exempt budgeted positions could be consolidated so as to attract the most highly qualified individuals in the country to work in Cook County.

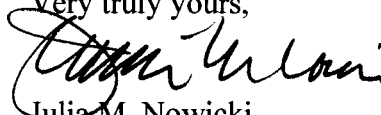
In conclusion, I hope this letter has painted a condensed picture of the past and will be a roadmap for the future. This letter is not intended to present a comprehensive depiction and critique of all the efforts of the last two years. For instance, I have refrained from outlining the wasteful delays caused by the conduct of certain employees. Likewise, I have refrained from summarizing certain projects that should have been completed by this time. Rather, I wanted to illustrate the major accomplishments achieved thus far. But I also do not want anyone to have the illusion that we do not have a long way to go. My successor, Mary Robinson, will undoubtedly view my list of recommendations as a fluid document and make modifications whenever appropriate. It will take a great deal of work on everyone's part to finish this project.

While I am discouraged by what I perceive to be a slow pace towards reaching substantial compliance, I would like to thank the Laura Lechowicz Felicione of the President's staff for her cooperation and leadership for the progress that has been made. Lastly, I want to thank those brave employees who called and provided information to me and members of my staff that helped me to understand the profound and devastating effects that illegal patronage practices are responsible for.

The Cook County employees need to know that the Board and the Administration are firmly behind the eradication of illegal patronage practices. In my travels inside the County, one of your many dedicated physicians reported to me that he was afraid to report patronage protected employees for fear that there would be retribution in the form of being denied supplies needed by his patients. (I do not know if it is true, but it is what the doctor *believed*.) You should be outraged that such a statement could be made to me. Until you change the perception that this is how the County works, your job is not done. You may recall that one of the claimants received a large award for the patronage discrimination suffered by her. The claimant was an RN who devoted her career to the patients of Cook County and Stroger Hospital. When she came to a Cook County Board meeting to complain of the "patronage practices" (her words) employed at the Hospital, she was fired by the then Cook County Board President. This was shameful act. We need to create the exact opposite situation. When an employee complains about illegal patronage practices or a non productive Shakman-exempt employee, that individual should be supported.

You are in the position to make all of this happen.

Very truly yours,



Julia M. Nowicki

cc: Cook County Board President Todd Stroger
Cook County Board of Commissioners
Laura Lechowicz Felicione
Patrick Driscoll



OFFICE OF THE PRESIDENT
BOARD OF COMMISSIONERS OF COOK COUNTY
118 NORTH CLARK STREET
CHICAGO, ILLINOIS 60602
(312) 603-6400
TDD (312) 603-5255

TODD H. STROGER
PRESIDENT

February 20, 2009

Via: Personal Delivery

Ms. Julia M. Nowicki
Compliance Administrator
69 W. Washington, Suite 1416
Chicago, Illinois 60602

Re: Cook County Accomplishments

Dear Ms. Nowicki:

As a result of your recent correspondence and our meeting on February 17, 2009, Cook County Board President Todd Stroger asked that I communicate to you the changes implemented by him and the County during your tenure as Compliance Administrator and the procedures and practices in place to aid in the prevention of unlawful political discrimination.

The County has implemented a number of procedures to help eradicate unlawful political discrimination, improve the hiring process and prohibit unlawful political discrimination. With that being said, we recognize that more can and will be done to ensure the long term prevention of unlawful political discrimination. The County continues to work on improving efficiency and transparency in order to improve the hiring process and implement policies and practices that help prevent the consideration of illegal political reasons or factors in the employment process.

Over the past two years, the County has taken a number of steps to eradicate unlawful political discrimination and has embraced a number of your recommendations in order to achieve substantial compliance and prevent unlawful political discrimination. Below please find some of the steps taken by the County to achieve substantial compliance.

1. Shakman Certification

One of the first steps completed by the County and one its most important efforts to eradicate unlawful political discrimination was the implementation of the County Personnel Shakman Certification Form and the Applicant Shakman Certification Form. These forms require applicants applying for employment within Cook County to certify under oath that they are aware that political factors are not to be considered in their application for employment and that such consideration is illegal. The Personnel Certification Form requires every employee engaged in the process of hiring a Shakman covered position to certify that they are aware that illegal political factors are not to be considered in the employment process and that they had not engaged in unlawful political



discrimination. These certifications are executed under oath and failure to execute truthfully would subject the employee to discipline.

2. Selection and Appointment of Cook County Health and Hospitals System Board

In June of 2008, the Cook County Health and Hospitals System Board ("System Board") conducted its inaugural meeting following the creation of the Cook County Health and Hospital System and appointment of the eleven member independent System Board which includes, Warren Batts, Chairman; Jorge Ramirez, Vice Chairman; David Ansell, MD, MPH; Jerry Butler; David Carvalho, JD; Quinn Golden; Ben Greenspan; Sister Sheila Lyne, RSM; Luis Munoz, MD, MPH; Heather O'Donnell, JD, LL.M; Andrea Zopp, JD. The System Board meets biweekly and has established Committees which include, Finance, Human Resources, Quality and Patient Safety and Audit and Compliance. The System Board has been working diligently to bring forward additional efficiencies and transparencies and has been supportive of efforts to establish practices that prohibit unlawful political discrimination in the employment process.

3. Selection and Appointment of Independent Inspector General

On September 17, 2008, Mr. Patrick Blanchard was confirmed as the Cook County Independent Inspector General.

Pursuant to the Independent Inspector General Ordinance introduced by President Todd Stroger and passed by the Cook County Board of Commissioners, President Stroger was required to request the Chicago Bar Association and the Cook County Bar Association ("Bar Associations") to submit a Candidate List setting forth three (3) duly qualified candidates for the position of Independent Inspector General.

With respect to the details of the Search Process, the Bar Associations conducted a national search for the recruitment of the Independent Inspector General and recommended the utilization of a national executive search firm. In addition to engaging a national executive search firm the Bar Associations further agreed to empanel a group of highly recognized and respected legal professionals and community activists, i.e., the Joint Search Committee.

After interviewing three (3) executive search firms, the Bar Associations and their Joint Search Committee selected Hudson Recruitment and Talent Management ("Hudson"). The Joint Search Committee was co-chaired by the presidents of the bar associations and included Victor P. Henderson, Holland & Knight LLP; Carl K. Turpin, Greene and Letts; James B. Burns, Inspector General, Illinois Secretary of State's Office; Hon. Bernetta D. Bush, Circuit Court of Cook County, Chancery Division (retired); William F. Conlon, Sidley Austin, LLP; Hon. Susan E. Cox, U.S. District Court, Northern District of Illinois; Ellen E. Douglass, Law Offices of Ellen E. Douglass; James D. Montgomery, Cochran & Montgomery; Jessica Arong O'Brien, Illinois Department of Revenue; Rev. Dr. Michael L. Pflieger, Saint Sabina Catholic Church; and Larry R. Rogers, Sr., Power Rogers & Smith P.C.

Hudson at the direction of the Bar Associations and Joint Search Committee marketed the position of Independent Inspector General and gathered more than three hundred twenty-eight (328) applications and résumés, from which Hudson created a subgroup of one hundred sixteen (116) highly qualified candidates. Hudson conducted additional screening and interviews of the highly qualified subgroup and created a slate of thirteen (13) extremely qualified candidates; the Bar Associations and the Joint Search Committee interviewed eleven (11) candidates from the extremely qualified list of candidates and selected the members of the Candidate List.

Upon the Bar Associations and the Joint Search Committee's submission of the Candidate List to President Stroger, one of the finalists withdrew his candidacy. Thereafter, the Bar Associations and the Joint Search Committee reconvened to supplement the Candidate List with a third duly qualified candidate from the slate of extremely qualified candidates.

Prior to the Bar Associations and the Joint Search Committee's interviews of the members of the subgroup of candidates, the Bar Associations and the Joint Search Committee invited the Inspector General for the City of Chicago and yourself to address the Bar Associations and the Joint Search Committee.

On July 17, 2008, President Todd Stroger received the Cook County Bar Association/Chicago Bar Association Joint Search Committee's Candidate List which set forth the Bar Associations' three (3) recommendations for the position of Independent Inspector General.

The President tendered the Candidate List to the Selection Committee on July 22, 2008. The Selection Committee included Commissioner Jerry Butler; Commissioner John Daley; Commissioner Peter Silvestri; Commissioner Gregg Goslin; Richard A. Devine, Cook County State's Attorney; and Marynic Foster, Acting Director of the Cook County Board of Ethics. The Selection Committee interviewed the three (3) candidates, set forth in the Candidate List, on Wednesday, July 30, 2008 and selected Mr. Patrick Blanchard by a majority vote of the Selection Committee. State's Attorney Richard A. Devine abstained from participating in the voting process.

On September 3, 2008, President Stroger communicated the Selection Committee's nomination to the Cook County Board of Commissioners for the full Board's advice and consent; the matter was referred to the Committee on Legislation, Intergovernmental and Veterans Relations ("Committee").

On September 16, 2008, the Committee met and heard testimony from Patrick Blanchard and the public. After considering all testimony, the Committee approved the appointment of Patrick Blanchard as the Independent Inspector General with a vote of ten (10) yeas, three nays, one present and three absent. Commissioners Suffredin, Silvestri, Butler, Claypool, Daley, Goslin, Maldonado, Moreno, Murphy and Sims voted in favor of Patrick Blanchard; Commissioners Gorman, Quigley and Schneider voted in opposition; Commissioner Collins voted present and Commissioners Beavers, Peraica and Steele were absent.

The Cook County Board of Commissioners affirmed Patrick Blanchard's appointment as the Independent Inspector General at the September 17, 2008 Board Meeting through the passage of the Legislation, Intergovernmental and Veteran Relations Committee Minutes.

The appointment of Patrick Blanchard, through this independent and thorough process aids in providing confidence to both the employees and public at large that any claims regarding wrongdoing in Cook County including unlawful political discrimination, will be thoroughly investigated by the Office of the Independent Inspector General.

4. Appointment of Mark Vogel

While the County strongly believes in the independence of the Inspector General and his ability to independently and thoroughly review all complaints filed before him, the County has authorized and agreed to the appointment of Mark Vogel as the Shakman Complaint Administrator and the execution of a Memorandum of Understanding which allows Mr. Vogel to:

- (a) To receive complaints and information ("post-SRO Complaints") in whole or part concerning alleged unlawful political discrimination in connection with hiring for or any term, condition or aspect of employment.
- (b) To investigate any such post-SRO Complaints.
- (c) To request information from and to conduct interviews under oath with County employees, officials, agents, contractors, subcontractors, licensees, grantees or persons or businesses seeking County contracts, grants, licenses, or certification of eligibility for County contracts and any other persons having knowledge with respect to post-SRO complaints. This includes the power to review past, present, and proposed County programs, accounts, records, contracts and transactions as they relate to post-SRO complaints.
- (d) To report to the court in the Shakman case, Shakman Compliance Administrator, plaintiffs' counsel, the OIIG, the President of the Cook County Board, and the States Attorney's Office the results of his investigation of post-SRO Complaints alleging unlawful political discrimination. When such reports include findings of violations of law or court orders based upon unlawful political factors, the report shall include the names of persons and individuals responsible.
- (e) To notify law enforcement agencies of information deemed relevant to their enforcement responsibilities and to cooperate with such agency or agencies.
- (f) To provide quarterly reports as outlined in the SRO.
- (g) To reasonably cooperate with the OIIG in processing the allegations of such Complaints and establishing a protocol to facilitate concurrent investigations by the OIIG and Complaint Administrator.

The County is looking forward to working with Mr. Vogel and providing him with the tools necessary to perform his role. Furthermore, the County will continue to implement practices to move the County into substantial compliance and further reduce claims of unlawful political discrimination.

5. Selection of Permanent Chief for the Bureau of Human Resources

On September 29, 2008, Mr. Joseph Sova accepted the position of Chief of the Bureau of Human Resources for Cook County. Joe Sova has over 28 years of progressive human resources experience within diverse multi-site complex organizations and over 10 years of experience leading human resource functions at the Vice President level.

President Stroger selected Joe Sova following a national search for a Human Resource Chief ("HR Chief") candidate. In April of 2008, President Stroger established a Human Resource Committee ("Committee") to interview prospective candidates for the position of HR Chief. This Committee included Maya Bordeaux, Vice President of Human Resources, North Shore University Health System, Evanston Hospital; Demetrius Carney, Partner, Perkins Coie; Laura Lechowicz Felicione, Special Counsel, Cook County; Mary Anne Kelly, Vice President of Human Resources, Chicago Metropolitan Health Care Council and Burt Odelson, Partner, Odelson and Sterk.

In addition to hearing from you at the Committee's first meeting, the Committee requested that the County engage an executive recruitment firm to aid in the search for a permanent HR Chief. At the Committee's request and upon the Committee's approval, the County engaged David Gomez and Associates ("DGA") to perform the executive recruitment for the County HR Chief position.

Additional meetings occurred with members of the Committee, yourself, members of your staff and DGA to finalize the desired qualifications of a HR candidate as well as the matrix that would be used to review prospective candidates.

Following these meetings, the job description was completed with desirable qualifications and DGA initiated the executive recruitment process. DGA's executive search process was completed on a national basis, attracted 410 candidates and had representation from a diverse group of highly qualified candidates from 24 states.

DGA conducted interviews and then presented a slate of ten (10) highly qualified candidates to the Committee for review; seven candidates were selected by the Committee to be further interviewed. The Committee conducted interviews of the seven prospective candidates over two days and addressed the candidates past accomplishments, knowledge of position, experience, management style, ability to develop staff, interpersonal skills, direction and long range goals.

From the final slate of seven candidates interviewed, the Committee recommended three finalist candidates for the President's review. Following additional interviews, President Stroger selected Joe Sova from the Committee's list of three finalist candidates to serve as the County's Chief of Human Resources.

Joe Sova's extensive leadership experience in human resources will be an asset to the current HR team and aid in the County's achievement of substantial compliance. Mr. Sova has been steadily working to initiate improvements and transparency in the Cook County Bureau of Human Resources. Mr. Sova has reviewed and revised the County's draft hiring plan which has been submitted to you for review and is pursuing an on-line application system.

6. Executive Order 2008-1

On September 2, 2008, President Todd Stroger signed Executive Order 2008-1. This Executive Order ("Order") expressly prohibits retaliation against individuals complaining to, cooperating with, or assisting the Compliance Administrator in an investigation conducted by you in the performance of your court-appointed duties. The Order further prohibits retaliation against individuals who have received a notice of finding and/or award pursuant to the SRO as a result of your adjudication of complaints of unlawful political discrimination.

The Order also prohibits retaliation against individuals for complaining to, cooperating with, or assisting the Independent Inspector General (IIG) in investigating allegations of unlawful political discrimination.

The Order confirms that anyone engaging in retaliation is subject to disciplinary action up to and including termination of their employment. Furthermore, the Order further reminds County employees of their duty should they become aware of such retaliation to report such to the IIG without undue delay.

Copies of the Executive Order were distributed to employees under the jurisdiction of the President and System and were posted in common areas within departments under the control of the President and System Board. A copy of the Executive Order can be found on-line at www.cookcountygov.com.

7. Amendment to Cook County Ordinance Prohibiting Unlawful Political Discrimination

On September 3, 2008, President Todd Stroger introduced amendments to the Ordinance prohibiting unlawful political discrimination. This Ordinance Amendment sponsored by President Stroger and

passed by the Cook County Board of Commissioners further defined political reasons and factors and strengthened the protections afforded to employees. The Ordinance Amendment prohibits the consideration of political factors in employee performance evaluations and prohibits retaliation against an employee or County official for making complaints or reports of unlawful political discrimination or for cooperating with the Office of the Independent Inspector General.

8. Training and Monitoring

In addition to the ongoing training regarding Shakman and unlawful political discrimination provided to employees under the jurisdiction of the President and the System, all Bureau Chiefs and Department Heads under the jurisdiction of the President as well as the Chief Operating Officers System underwent training regarding the prohibition of retaliation as well as their continued duty to report claims of unlawful political discrimination to the Office of the Independent Inspector General.

In addition to the training provided to employees, all aspects of the employment process continue to be monitored by your office to help ensure that unlawful political discrimination is not occurring. While the monitoring has at times resulted in questions and comments, we are pleased to report that your monitors have provided positive feedback to many of the departments under the jurisdiction of the President and System regarding the interview process and the County's efforts and training to prevent unlawful political discrimination.

9. Cook County Bureau of Human Resources Accomplishments

The Cook County Bureau of Human Resources, under the direction of then Acting Chief of the Bureau of Human Resources Jonathan Rothstein, implemented a number of changes and started various projects to aid in the prohibition of unlawful political discrimination as well as increasing efficiency and transparency.

- a. Revised hiring forms and converted all of the hiring forms to a computer usable format which helps reduce the amount of time needed to fill positions.
- b. Ended the practice of referring candidates for interview by time of application. The Bureau of Human Resources is either referring all eligible candidates for interview or where the list of eligible candidates is numerous, Human Resources has instituted randomization software to randomly select qualified applicants for interview.
- c. Reviewed and revised the employment application to meet the concerns expressed by your human resources consultant. Questions regarding disability were eliminated from the application and the request for EEO information has been moved to a separate form.
- d. Shakman principles were added to the Bureau of Human Resources mission statement to further support President Stroger's and the Human Resources Bureau commitment that all aspects of employment are free from illegal political discrimination.
- e. Referred claims to the Inspector General where there was a basis for a belief that illegal political reasons or factors may have played a part in an employment decision and have advised employees who have expressed a belief that wrongdoing is occurring but are unwilling to provide evidence to support a belief that they have an obligation to make such a referral to the Inspector General.
- f. Requested the creation of recruiter positions in the 2009 budget to enhance Human Resources ability to attract qualified candidates, engage in pre-screening of candidates and monitor the interview process to ensure that hiring is based on merit.
- g. Met with a software vendor and secured a price quote on the creation of an on-line application system.
- h. Revised the employee performance evaluation process and conducted training on this process to

ensure that more accurate evaluations are produced.

- i. Drafted hiring plan.
- j. Implemented testing for clerical positions.
- k. Strengthened the requirements for the justification of hiring decisions and have implemented a New Shakman compliance form for personnel that follows the hiring process from creation of the posting to executing the grant of authority.
- l. Implemented a new Shakman compliance form for job applicants.
- m. Reinstated the practice of conducting desk audits on all management requests for reclassification of employees and have introduced comparative benchmarking of other County positions as the criteria for decision making.

10. Authorized Desk Audit of Cook County Human Resources Bureau and System Human Resources Positions

Pursuant to your recommendation, President Todd Stroger authorized the desk audit of all employees working in the Cook County Bureau of Human Resources as well as a desk audit of the persons performing human resources functions at the System. The desk audit has been completed for the positions under the Cook County Bureau of Human Resources; Mr. Sova has reviewed the results and is providing appropriate training for Bureau employees that will enable them to perform work commensurate with their positions and pay.

11. Cook County Health and Hospitals System Human Resources Accomplishments

The Cook County Health and Hospitals System ("System") Human Resources Committee, chaired by System Board Member Andrea Zopp, meet biweekly to address employment related matters, human resource policies and procedures and other human resources related matters. This Committee has requested and received training regarding the Supplemental Relief Order, Shakman principles and the County's prohibitions regarding unlawful political discrimination. As you are aware, the Committee has heard from you, the State's Attorney's Office and myself regarding the status of the County's achievements and has requested updates on the System's compliance with both the SRO and County Ordinances.

The Human Resource Committee of the System Board meets regularly and has put a major focus toward improving the System's hiring processes and the importance of hiring the most qualified candidate in every position. The System's Human Resource Committee has also evaluated the need for separate human resource functions. The Human Resource Committee has streamlined the hiring process and is currently looking to expand its internal human resource capabilities and centralize hiring at System locations.

The Human Resource Committee is seeking to engage the service of selecting a recruitment firm in an effort to secure a highly qualified candidate for the position of System Human Resources Chief as well as for other key positions at the System. In addition to focusing on improving the hiring process at the System, the Human Resource Committee is undergoing a review of the personnel policies at the System, seeking uniformity in its rules for all employees at the System.

The System Board and System Human Resource Committee remain supportive of the requirements of the SRO and are working with the County and your Office in order to ensure that illegal political reasons and factors are not a part of the Systems employment process.

12. Departmental Review

The County investigates and reviews concerns submitted by your office in terms of illegal patronage, retaliation, exempt work product, etc.... As we receive reports of concern, said concerns are addressed with the Department Head and Bureau Chief and review commences. The County seeks to eradicate an unlawful political discrimination and it is expected that the President's Bureau Chiefs and Department Heads follow through on that which is required to achieve substantial compliance and improve the County.

In addition to reviewing on-going issues and concerns, President Stroger expects his senior management to scrutinize the performance of all personnel and do what is required to eliminate any patronage practice within their departments. Employees including Shakman-exempt employees have been disciplined, demoted and terminated where warranted.

In addition to the accomplishments achieved and steps taken by the County, we would like to take this opportunity to review your requirements and recommendations for substantial compliance and show where the County has achieved substantial compliance or is working towards completion.

**Summary of Requirements and Recommendations for Substantial Compliance
Appendix 1 – Fourth Report of the Compliance Administrator**

1. Submit a New Hiring Plan

The Bureau of Human Resources submitted its draft hiring plan to your office on February 17, 2009. The County would have liked the draft hiring plan submitted to your office earlier, however, the County felt it important to provide its new Human Resource Chief with ample opportunity to review and revise the draft hiring plan prior to submission for your review and input. The County did seek to have outside assistance from your previous pro bono human resource advisor, however due to conflicts, conflicts the County was willing to waive; an arrangement for the County to seek her assistance could not be arranged. The County looks forward to reviewing the draft hiring plan with your office and your human resource advisor to revise as necessary and implement a new hiring plan for the County.

2. Organize the Bureau of Human Resources to assure its operates in an efficient and business-like manner

HR Chief, Joe Sovo has evaluated the results of the Desk Audit authorized by the County and completed by your staff. Mr. Sovo has reviewed the results and continues to see that the HR Bureau operates in an efficient manner. Furthermore, with the passage of the 2009 budget, appropriation was sought to implement an on-line application system and with that appropriation being afforded, HR will move forward seeking authorization for an on-line application system before the County Board and upon approval shall negotiate a contract with your input.

3. Provide appropriate training for Bureau employees that will enable them to perform work commensurate with their positions and pay

The Bureau of Human Resources affords training for Bureau employees as needed and necessary.

4. Fill key vacant positions of responsibility with the Bureau

The County Board approved the 2009 Budget, today, February 20, 2009. With passage of the budget, the Human Resource Bureau will seek to fill vacant positions as authorized in its appropriation.

5. Hold all Bureau employees accountable for performing their jobs

The Human Resource Bureau Chief holds all HR employees accountable for their job performance. Training is mandated where necessary and progressive discipline is instituted as needed.

6. Reorganization of the Health and Hospitals System with an independent Human Resources

As addressed above, the System Human Resource Committee recognizes and agrees with the recommendation of a System Human Resource Department. The System Human Resource Committee has drafted the job description for the System Human Resource Chief and is in the process of selecting a recruitment firm in an effort to secure a highly qualified candidate for the position of System Human Resources Chief as well as for other key positions in the System. The System is seeking to centralize HR functions at the System locations and is currently looking into a pilot program at Oak Forest Hospital.

7. Review information provided by the CA to determine whether historical unlawful patronage practices currently exist

Information received from the CA to review whether historical unlawful patronage practices currently exist and upon receipt of said information a thorough review is undertaken and appropriate response is taken.

8. If the County finds that any such practices exist, act in good faith to prevent a recurrence

The County commits to act in good faith to prevent recurrences if the County finds that any such practices exist. For example, the County was notified that its previous Rule of Seven (first seven applicants in the door and on the eligibility list are the first seven to be interviewed) allowed for the possibility of unlawful patronage. As a result, the County eliminated this practice and either forwards the opportunity for all eligible candidates to be interviewed or where there is a large number of eligible candidates, has implemented randomization software to determine which eligible candidates are forwarded for interview.

9. Act in good faith to remedy instance of current unlawful patronage practices that have been and will be identified and act in good faith to prevent a recurrence

The County commits to act in good faith to remedy instances of current unlawful patronage practices if in existence and will act in good faith to prevent a recurrence. The County has recently received a question from the CA regarding an alleged transfer of an employee within the Health System. The County has immediately begun to look into this matter and will recommend necessary action should the matter be related to illegal patronage.

10. Devise a comprehensive training program regarding lawful and unlawful patronage practices

The County had developed a power point presentation previously approved by the CA and is currently using said power point presentation in its training regarding lawful and unlawful patronage practices. The County has invited the CA and her staff to training sessions and has invited the Independent Inspector General who attends the training to discuss his role in the County and the prohibitions of illegal patronage. The County remains open to revising this training and working with the CA regarding any recommended changes.

11. Create and provide job descriptions for Shakman-exempt positions

The County is in the process of creating job descriptions for the Shakman-exempt positions. While this process has taken longer than expected, the County is moving forward in this process and expects to be done shortly. The Shakman-exempt job descriptions include, job description, key duties and desirable qualifications.

**Recommendations for Substantial Compliance
Appendix 1 – Fourth Report of the Compliance Administrator**

1. Post job descriptions for Shakman-exempt employees in their respective county departments

The County is in the process of completing the job descriptions for the Shakman-exempt positions. The County desires to maintain its job description with the Bureau of Human Resources. Should employees desire to review a job description for an exempt position, said job descriptions will be available for review at the Bureau of Human Resources or a copy will be made available via mail upon request.

2. Publicly post additional lists identifying the individuals holding Shakman-exempt positions in additional locations besides the HR Bureaus at the County and Health System.

The County as acknowledged by Judge Wayne Andersen agreed to post the Shakman-exempt positions at the Health System and in the main office of the Bureau of Human Resources. In addition, upon agreement of the final exempt list, the Shakman-exempt positions will be posted on the County's web-site.

3. Formulate a written policy regarding discipline and minimum qualifications for employees holding exempt positions.

The Cook County Human Resource Rules and Regulations indicate that Shakman-exempt employees are not subject to the progressive discipline rules of the County. Please note, while these employees are at will and exempt from the disciplinary action procedures that apply towards career service employees, this language does not prohibit Department Heads and Bureau Chiefs from instituting discipline as warranted. President Stroger has initiated performance evaluations of employees including Shakman-exempt employees and has authorized discipline for Shakman-exempt employees whose conduct warrants discipline. The majority of the Shakman-exempt employees remain at-will employees and are subject to discipline by the President and their Department Head or Bureau Chief.

While some Shakman-exempt positions warrant minimum qualifications, i.e., licensed attorney, CPA, licensed engineer, etc., the majority of the Shakman-exempt positions warrant desirable qualifications. The County is in the process of completing the Shakman-exempt job descriptions including desirable qualifications.

4. Create a verifiable system of holding each department head accountable for the operation of his/her department to the Office of the President

The County believes it has created a verifiable system of holding each department head and bureau chief accountable for the operation of his/her department. The President meets with various department heads and bureau chief bi-monthly to discuss the Board Agenda and address other matters of concern. Furthermore, the President meets with department heads and bureau chiefs regarding the performance of their departments as warranted. The President's Chief of Staff holds bi-monthly meetings with the bureau chiefs and department heads under the jurisdiction of the President.

Moreover, the Chief of Staff holds other regular meetings with department heads and bureau chiefs to discuss policy, employee, disciplinary, performance, matters, etc... as warranted. Bureau Chiefs hold regular meetings with department heads under their bureaus to ascertain ongoing performance.

Since President Stroger has taken office, he has made significant leadership changes to ensure accountability and President Stroger and his Chief of Staff continue to monitor senior staff to ensure they are providing effective and appropriate leadership. Since taking office President Stroger has made several key senior management changes, below listed are some of the key changes:

POET: President Stroger placed Karen Crawford as Director of POET following issues of mismanagement. Ms. Crawford has brought POET into good standing with the State of Illinois; has reorganized the Department for efficiency and has brought forward key leadership, including improving staff performance and instituting discipline where warranted. Under Ms. Crawford's leadership, POET has increased its placement of unemployed residents in employment.

Planning and Development: President Stroger changed key management in the Department of Planning and Development following HUD grant issues and a need in change of management. President Stroger brought in Maurice Jones from Louisville, Kentucky to focus on Economic Development for the County. In addition to Mr. Jones, President Stroger has made several key changes in Planning and Development.

Ethics, Human Rights, Commission on Women's Issues: President Stroger appointed MaryNic Foster as the Director of this Department. Ms. Foster had served as the legal counsel to the Human Rights office and sits on the State's Board of Ethics.

Revenue: Nathan Paige was appointed to the position of Revenue Director; his appointment was confirmed by the Board of Commissioners.

Budget: Takashi Reinbold was appointed to the position of Budget Director; his appointment was confirmed by the Board of Commissioners.

Information Technology: Antonio Hylton was appointed as the Chief Information Officer for Cook County. Mr. Hylton has an impressive background in technology and has been asset to Cook County and reorganizing the departments under his Bureau.

Medical Examiner: Following a nation-wide search and independent interview committee, President Stroger appointed and the Board of Commissioners approved the appointment of Dr. Nancy Jones as Medical Examiner. Dr. Jones has focused intently on improving the Office of the Medical Examiner and the performance of staff.

Human Resources: Following a nation-wide search and independent interview committee, President Stroger appointed Joseph Sova to the position of Human Resource Chief. Mr. Sova has been focusing on reorganizing his Bureau and has provided training countywide to employees under the jurisdiction of the President on performance evaluations, progressive discipline, interviewing, hiring and illegal patronage.

Comptroller: Following the appointment of the former Comptroller as Chief of Staff, President Stroger appointed and the Board of Commissioners confirmed John Morales as Comptroller. Mr. Morales brings an extensive background in finance to the position.

Letter to Julia Nowicki
February 20, 2009
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Purchasing: Carmen Triche-Colvin was appointed and confirmed by the Board of Commissioners as the Cook County Purchasing Agent. Ms. Triche-Colvin has an extensive background in procurement and serves on the State's Procurement and Policy Board.

Risk Management: Lisa Walik was appointed as the Director of Risk Management.

Other key management changes include changes in the department of Finance, Facilities Management, Health System, Inspector General, Real Estate, Bureau of Administration, Highway, Secretary of the Board and Office of the President, i.e., Chief of Staff, Deputy Chief of Staff and Intergovernmental and Legislative Relations.

Department Heads and Bureau Chiefs are to conduct employee performance evaluations on all employees, including employees that are Shakman-exempt. President Stroger expects his senior management to scrutinize the performance of all personnel and do what is required to eliminate any patronage practice in their departments. Department Heads and Bureau Chiefs are reviewing performance and employees have been disciplined, promoted, demoted and terminated where warranted.

5. Create a document suitable for public posting that sets out patronage rights, responsibilities and prohibitions

The Cook County Code of Ordinances as well as President Stroger's Executive Order 2008-1 set out an employees right to be free from illegal patronage, the employees' responsibilities and prohibitions of patronage. The Ordinance and Executive Order are publicly posted on the County's web-site. In addition, the Shakman training document is posted on the County's web-site and in common areas of County departments.

As listed throughout this correspondence, the County has provided its accomplishments over the past two years and the County's position as to where it stands on your requirements for substantial compliance and recommendations for further compliance. The County has instituted a number of steps to eradicate unlawful political discrimination; however there is room for improvement. While improvements are ongoing, we are confident that the County has taken significant steps towards substantial compliance and maintains its commitment to achieving substantial compliance in the near future.

Very truly yours,



Laura Lechowicz Felicione
Special Counsel

cc: President Todd H. Stroger
Joseph Fratto
Peter Monahan
Patrick Driscoll

COMPLIANCE ADMINISTRATOR'S RECOMMENDATIONS

1. REQUIRE MEANINGFUL JOB DESCRIPTIONS. Require that the department personnel or new HR personnel assist the current HR team with the work required. Find and hire qualified personnel to do the work.
2. REQUIRE JOB DESCRIPTIONS FOR ALL SHAKMAN-EXEMPT POSITIONS. The CA expected this work to be completed two years ago. The delay in this regard is unfathomable.
3. REQUIRE PERFORMANCE EVALUATIONS TO ROOT OUT ILLEGAL PATRONAGE AND MISMANAGEMENT. Obtain an objective method to evaluate employees and commence discipline where required.
4. REQUIRE ACCOUNTABILITY FROM YOUR PRESIDENT AND EACH DEPARTMENT HEAD AS TO PRODUCTIVITY. Require a monthly report from the President which is compiled from each Department that details the attendance, productivity, and need for all employees in each department.
5. REQUIRE THAT ALL EMPLOYEES PERFORM THE WORK THAT IS DEFINED BY THEIR JOB DESCRIPTION. As a related matter, if the job is no longer required to be done in that department, remove the position.
6. REQUIRE THE PRESIDENT TO DEDICATE PERSONNEL TO THE TASK OF SUBSTANTIAL COMPLIANCE. There exist several avenues by which to attain this goal without further expenditure of funds.
7. ARTICULATE A COOK COUNTY POLICY THAT SHAKMAN-EXEMPT POSITIONS REQUIRE MINIMUM QUALIFICATIONS.
8. ARTICULATE A COOK COUNTY POLICY THAT STATES THAT EMPLOYEES HOLDING SHAKMAN EXEMPT POSITIONS ARE SUBJECT TO UNIFORM DISCIPLINE.
9. PUBLICALLY ARTICULATE YOUR SUPPORT OF ERADICATING ILLEGAL PATRONAGE.
10. REQUIRE THAT THE HR BUREAU HIRE THE REQUIRED NUMBER OF QUALIFIED INDIVIDUALS TO WORK TOWARDS SUBSTANTIAL COMPLIANCE.
11. REQUIRE THE STAFF OF THE ADMINISTRATION TO EXAMINE EACH DEPARTMENT TO SEARCH FOR AND REMEDY PATRONAGE VIOLATIONS. The reports submitted by the CA offer an excellent starting point. The reports detail various illegal practices in a number of departments.

HOW SHOULD THE COMMISSIONERS ACCOMPLISH THESE GOALS?

Commissioner Sims has already demonstrated that a budget amendment can be the first move in achieving these goals. There are a number of legislative options open to you. I am certain you can envision other methods to accomplish these goals.

SPONSORS:	Deborah Sims	
SOURCE OF FUNDING:	N/A	NEW: <input checked="" type="checkbox"/>
IMPACT OF AMENDMENT:	\$0	APPROVED: <input checked="" type="checkbox"/>
EXPLANATION OF AMENDMENT:	Revise Resolution Section 5 and Appendix A XIII Job Title Adjustments.	DENIED: <input type="checkbox"/>
BUDGETARY UNIT:	Various Departments	WITHDRAWN: <input type="checkbox"/>
		NO SECOND: <input type="checkbox"/>
		VETO: <input type="checkbox"/>

COMMENTS:
See Attached.

Section 5. Each County Department shall be responsible for conducting an on-going in-house evaluation of all budgeted positions to determine whether existing job titles are correct and accurate with respect to duties being performed and whether employees in such titles are placed accordingly. The Bureau of Human Resources shall provide guidance and direction with regards to union and non-union job classifications where necessary. Any and all changes in classification shall be subject to the approval of the Chief, Bureau of Human resources.

XIII Job Title Adjustments. Each County Department shall be responsible for conducting an on-going in-house evaluation of all budgeted positions to determine whether existing job titles are correct and accurate with respect to duties being performed and whether employees in such titles are placed accordingly. The Bureau of Human Resources shall provide guidance and direction with regards to union and non-union job classifications where necessary. Any and all changes in classification shall be subject to the approval of the Chief, Bureau of Human Resources.