

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

MICHAEL L. SHAKMAN, <i>et al.</i>,)	
)	Case No. 69 C 2145
Plaintiffs,)	
)	Hon. Edmond E. Chang
v.)	District Judge
)	
CLERK OF THE CIRCUIT COURT)	Hon. Gabriel A. Fuentes
OF COOK COUNTY, <i>et al.</i>,)	Magistrate Judge
)	
Defendants.)	

**TENTH REPORT OF SUSAN G. FEIBUS
AS COMPLIANCE ADMINISTRATOR FOR THE
CLERK OF THE CIRCUIT COURT OF COOK COUNTY**

Susan G. Feibus, Compliance Administrator for the Clerk of the Circuit Court of Cook County (“CCCA”), by her attorney, Sue Gombis, pursuant to Sections I(B) and III(C) of the August 10, 2018 Supplemental Relief Order, as amended June 19, 2019 (“SRO”) for Defendant Iris Martinez (“Clerk”), Clerk of the Circuit Court of Cook County (“CCCO”), Doc. No. 6382, submits her Tenth Report to the Court:

I. INTRODUCTION

On December 29, 2021, the CCCA filed the Ninth Report to the Court (“Ninth Report”). Doc. No. 7729. This Tenth Report is to update the Court as to the Clerk’s progress towards Substantial Compliance¹ with the SRO since the Ninth Report.

¹ All capitalized terms have the same meaning as in the SRO or Employment Plan, unless otherwise indicated. Under the SRO, Substantial Compliance requires: (1) the CCCO to implement a New Employment Plan, including procedures to ensure compliance with the New Employment Plan and identify instances of non-compliance; (2) the CCCO to act in good faith to remedy instances of non-compliance that have been identified and prevent a recurrence; (3) the CCCO to not have a policy, custom or practice of making employment decisions based on political factors except for Exempt Positions; (4) the absence of material noncompliance which frustrates the “Clerk of Court’s Decrees” and the SRO’s essential purpose; and the CCCO to implement procedures that will affect long-term prevention of the use of impermissible

Clerk Martinez and the CCCO continued to make progress since the December 29, 2021

Ninth Report. Achievements included:

- Finalizing amendments to the Employment Plan, largely directed towards the bargaining unit position hiring processes
- Revising the Exempt List, including expanding the Human Resources management team
- Exempt hiring in accordance with the Employment Plan
- Completing bargaining unit position Lateral Transfer process in accordance with the Employment Plan (Court Clerk Trainer; 18 vacancies, 0 filled)
- Initiated bargaining unit position Lateral Transfer process in accordance with the Employment Plan (Circuit Court Clerk; 94 vacancies, 38 valid bids)
- Completed first bargaining unit position Promotion process in accordance with the Employment Plan (Court Clerk Trainer; 18 vacancies filled)
- About to initiate second bargaining unit position Promotion process in accordance with the Employment Plan (Circuit Court Clerk; 94 vacancies to be filled)
- Completing additional bargaining unit position Entry-Level Hiring under the Employment Plan (approximately 30 vacancies filled)
- Revised bargaining unit position Entry-Level position descriptions in accordance with the CCCO's new Collective Bargaining Agreement ("CBA")
- Completed Employment Plan mandated Supervisor Employment Plan Training (presented by Human Resources and the DOC)
- Completed Employment Plan mandated supervisor Interviewer Training (presented by Human Resources and the DOC)
- Completed supervisory training on the CCCO's new Probationary Performance Evaluation policy (presented by DOC)

political considerations in connection with employment with the CCCO. Doc. No. 6382 at 13 – 14. The "Clerk of Court's Decrees" refer to: (1) the 1972 Consent Decree which, *inter alia*, prohibited the CCCO from taking any action regarding governmental employment against any governmental employee based on political reasons or factors; and (2) the 1983 Judgment Order which prohibited the CCCO from, *inter alia*, conditioning hiring practices on political reasons or factors, except for specified positions that are "*Shakman Exempt*." See Doc. No. 6382 at 1.

The Clerk's hiring and training efforts and continued collaboration/cooperation with Plaintiffs and the CCCA deserve special note:

- **Hiring**

Since the Ninth Report, the CCCO/HR expects to fill over 140 bargaining unit vacancies through entry-level hiring, Lateral Transfers or Promotions by the end of April 2022. This is an extraordinary number made more so because this includes the first use of the Employment Plan's bargaining unit position Promotion process that will fill 94 Circuit Court Clerk vacancies. These are the CCCO employees who staff the courtrooms. The CCCA understands that the extent of the Circuit Court Clerk vacancies has been a longstanding operational issue (pre-dating Clerk Martinez's tenure) for the Circuit Court of Cook County that these promotions presumably will ameliorate.

- **Training**

While discussed more fully below, that the CCCO/Human Resources completed the supervisor Employment Plan training and the supervisor Interviewer training (that were consolidated) are significant milestones on the path to Substantial Compliance.

- **Collaboration/Cooperation**

The Chief of Staff (COS), Chief Human Resources Officer (CHRO), Human Resources ("HR") team and the Director of Compliance continue to work collaboratively and cooperatively with the CCCA and Plaintiffs towards the Substantial Compliance goal. The CCCA appreciates the effort and looks forward to further progress.

II. OVERVIEW OF THE CCCA'S ACTIONS SINCE THE DECEMBER 29, 2021 NINTH REPORT

The CCCA and her staff are actively engaged with the CCCO and its efforts to achieve Substantial Compliance. The CCCA's activities since the Ninth Report included:

- provided significant input into additional amendments to the Employment Plan;
- provided significant input into reviewing and approving Exempt Candidates proposed by Clerk Martinez;
- provided significant input into the training deck and two practice sessions for the CCCO's Employment Plan-mandated consolidated Supervisor and Interviewer Employment Plan training (training completed);
- provided significant input into the Probationary Performance Evaluation policy;
- provided significant input into the training deck and one practice session for the CCCO's training of supervisors on the Probationary Performance Evaluation Policy (training completed);
- reviewed and will provide what is anticipated to be significant input into the training deck and presentation for CCCO's Employment Plan-mandated Human Resources Employment Plan training;
- provided the CCCO/HR with regular feedback regarding compliance with Shakman-related Employment Actions, policies and procedures;
- worked closely with the CCCO/HR regarding the CCCO's use of the Lateral Transfer process under the Employment Plan for the bargaining unit position of Court Clerk Trainer (process completed)
- worked closely with the CCCO/HR regarding the CCCO's use of the Lateral Transfer process under the Employment Plan for the bargaining unit position of Circuit Court Clerk (process ongoing);
- worked closely with the CCCO/HR regarding the CCCO's first use of the Promotion process under the Employment Plan for the bargaining unit position of Court Clerk Trainer (process completed);
- worked closely with the CCCO/HR regarding the CCCO's continued use of the Entry-Level Bargaining Unit Hiring process under the Employment Plan;
- provided significant input into revising position descriptions for the new/revised entry-level bargaining unit positions based on the CCCO's new CBA for future hiring under the Entry-Level Bargaining Unit Hiring process under the Employment Plan;
- provided significant input into revising position descriptions for bargaining unit positions subject to the Promotion process under the Employment Plan based on the CCCO's new CBA;
- conducted exit interviews of departing CCCO employees;

- monitored bi-monthly CCCO grievance hearings;
- conferred with the COS on a regular basis;
- conferred with the CHRO/Shakman Liaison and HR personnel on a regular basis;
- conferred with the DOC on a regular basis;
- conferred with counsel for Plaintiffs on a regular basis; and
- conferred with the CCCO's outside counsel on a regular basis.

III. THE CLERK'S PROGRESS TOWARDS SUBSTANTIAL COMPLIANCE

A. Matters Relating to Exempt Positions Since the December 29, 2021 Ninth Report

1. Exempt List

A prerequisite to Substantial Compliance under Section II(E) of the SRO is the creation of an agreed Exempt List that identifies positions that involve policymaking to an extent or are confidential in such a way that political party affiliation is an appropriate requirement for the effective performance of the job.

The CCCO's Exempt List was amended via the Court's April 1, 2022 order to add four positions in the HR Department: (1) Associate Clerk – Deputy Chief Human Resources Officer for Human Resources Administration; (2) Associate Clerk – Deputy Chief Human Resources Officer for Labor and Legal Affairs; (3) Deputy Director of Labor Relations; and (4) Senior Labor Relations Manager.

Based on the HR reorganization that added two Associate Clerks reporting directly to the CHRO, the parties and CCCA agreed that three HR positions previously on the Exempt List, Deputy Director of Personnel Services (two positions) and Deputy Director of Training and Development, no longer met the *Branti* standard² and would be removed. It also was agreed that

² See *Branti v. Finkel*, 445 U.S. 507 (1980).

two other HR positions, Director of Personnel Services and Director of Training, would remain on the Exempt List provisionally, subject to periodic CCCO reports demonstrating job performance that satisfies *Branti*. The first of these CCCO reports is due on May 2, 2022 and will apply to the Director of Training as the Director of Personnel Services position, as indicated below, remains vacant.

The April 1, 2022 order also added the Exempt Court Operations position of Facilities Management – Project Manager. With these Exempt List amendments, the total number of CCCO Exempt positions is 92.

1. Exempt Hiring

Article XII of the Employment Plan governs the Exempt Hiring process. Since the Ninth Report, the CCCO has filled 15 Exempt positions as a result of the addition of new positions to the Exempt List, new hires in existing Exempt positions, resignations and transfers: (1) Deputy Chief Human Resources Officer – Human Resources Administration; (2) Deputy Chief Human Resources Officer – Labor and Legal Affairs; (3) Facilities Management – Project Manager; (4) Senior Labor Relations Manager; (5) Associate Clerk Criminal/Juvenile; (6) Chief Deputy Clerk Criminal Division; (7) Assistant Chief Deputy Clerk Criminal Division; (8) Chief Deputy Clerk Civil Appeals; (9) Deputy General Counsel Labor and Employment; (10) Deputy Director of Labor Relations; (11) Assistant Chief Deputy Clerk District 5 - Bridgeview; (12) Assistant Chief Deputy Clerk Probate; (13) Assistant Chief Deputy Clerk Domestic Relations; (14) Deputy General Counsel; and (15) Director of Labor Relations. All positions were filled in accordance with Section XII of the Employment Plan.

Three Exempt positions are vacant: (1) Director of Personnel Services; (2) Chief Deputy Clerk – Web Services; and (3) Labor Counsel.

B. Employment Plan Revisions Since the December 29, 2021 Ninth Report

A prerequisite to Substantial Compliance under Section II(C) of the SRO is the creation of a full Employment Plan. As indicated in the Ninth Report, the Court approved the Clerk's original full Employment Plan on November 24, 2020, and amendments to the Employment Plan on March 19, 2021.

The parties and the CCCA continued to work on additional Employment Plan amendments since the March 19, 2021 amendments and have reached agreement. If Plaintiffs have not filed a motion to amend by the April 22, 2022 status, the CCCA expects a motion will be filed shortly thereafter.

The new Employment Plan amendments largely are directed toward the bargaining unit Lateral Transfer, Entry-Level and Promotion processes:

- Lateral Transfer process - Amendments based on the experience gained through use.
- Entry Level Hiring process - Amendments based on the experience gained through use.
- Promotion process - Amendments based on the CCCO's new CBA that simplified how promotions are awarded, including eliminating applicants' written interviews. Promotions will be based on three factors: employee's seniority, time and attendance compliance and history of conduct discipline.

Consistent with the Court's direction, the parties and CCCA conducted the bargaining unit hiring processes (described below) in accordance with agreed revisions, understanding that the Employment Plan amendments are subject to the Court's validation.

C. Employment Plan Mandated Training Since the December 29, 2021 Ninth Report

1. Supervisor Employment Plan and Supervisor Interviewer Training

- Section IV(F) of the Employment Plan requires, *inter alia*, comprehensive annual Employment Plan training for Supervisors.
- Section IV(I) of the Employment Plan requires comprehensive training of all (supervisory) employees who are eligible to interview candidates for any position regarding proper

interviewing conduct, techniques and requirements, as well as the prohibition of Unlawful Political Contacts and Unlawful Political Discrimination. Employees may not participate in an Interview Panel unless they have received Interviewer Training.

Since supervisor Employment Plan and supervisor Interviewer Training never have been done,³ the CHRO reasonably decided to combine the initial presentations. The CCCA and her counsel worked closely with HR and DOC on the training deck that went through multiple iterations, largely based on the CCCA/counsel's comments. The CCCA/counsel also participated in two practice sessions with the Director of Training and DOC, who presented the training.

The consolidated training will be completed by the April 22, 2022 status. It was presented via Teams twice on April 14, 2022 and once on April 15, 2022. Additional sessions will be held on April 18, 2022 and April 19, 2022.

The CCCA's counsel monitored the first session on April 14, 2022, that lasted over two hours. When that first session was done, the CCCA's counsel, gave the DOC and Director of Training initial comments and suggestions. The CCCA's team will monitor additional sessions and provide additional comments and suggestions to the CCCO/HR, as needed.

2. Human Resources Employment Plan Training

- Section IV(E)(1) of the Employment Plan requires, *inter alia*, comprehensive annual Employment Plan training for Human Resources employees "to ensure that they are aware of, knowledgeable about, able to administer and able to answer questions they receive" about the Employment Plan.
- Section IV(E)(3) of the Employment Plan requires comprehensive training of all Human Resources employees regarding proper validation and review protocols before they conduct such review and validation.

As indicated in prior reports, the CCCA's counsel presented abbreviated HR Employment Plan training to the CCCO's HR staff on June 16, 2021 regarding the processes and procedures

³ The only prior Interviewer Training since Clerk Martinez took office was the abbreviated training for the four DOC interview panelists, as indicated in the Eighth Report at 8.

attendant to the Entry-Level Bargaining Unit Position Hiring process so the CCCO could address its stated immediate operational need to fill entry-level bargaining unit positions.

The fulsome Human Resources Employment Plan training required by Section IV(E)(1) of the Employment Plan has not occurred. On April 1, 2022, HR /DOC sent the CCCA its second cut at a deck for HR Employment Plan training. The CCCA will review the deck, provide comments and meet with HR/DOC, as appropriate, to finalize the deck and presentation. With the Supervisor Employment Plan and Interviewer Training accomplished, HR/DOC and the CCCA can (and presumably will) focus on completing the Human Resources Employment Plan training before the next status.

D. Matters Related to Non-Exempt, Bargaining Unit Entry-Level Hiring, Lateral Transfers and Promotions Under the Employment Plan Since the December 29, 2021 Ninth Report

1. Bargaining Unit Position Lateral Transfer Process

Under Section VIII(B) of the Employment Plan, governing the bidding and selection processes for bargaining unit Lateral Transfers, and consistent with the CBA, the CCCO must first offer certain Grade 12 entry-level bargaining unit vacancies to Grade 12 employees who hold those positions at another CCCO location (“Lateral Transfers”) before filling the vacancies with external applicants.

The CCCO has completed two Lateral Transfer processes and a third is ongoing:

a. *Entry-level and Court Clerk I (First Lateral Transfer Process: Completed)*

As indicated in prior reports, the CCCO initiated the first Lateral Transfer process in April 2021, involving both entry-level and non-entry-level bargaining unit positions:

- Entry-level - Directed to three entry-level bargaining unit positions, Clerk IV, Sr., Financial Room Clerk II and Cashier II, for which there were over 100 vacancies. Twelve employees accepted the Lateral Transfer.

- Non-entry-level – Directed to one non-entry-level bargaining unit position, Clerk Court I, for which there were 57 vacancies. Ten employees accepted the Lateral Transfer.

Following this initial Lateral Transfer process, the CCCA provided the CCCO/HR with a summary of changes, based on the experience with the first Lateral Transfer process and amendments to Section VIII of the Employment Plan, for the CCCO/HR to implement in future outings. Those changes were made in the second Lateral Transfer process, described below.

b. *Court Clerk Trainer (Second Lateral Transfer Process: Completed)*

The CCCO engaged in the second Lateral Transfer Process in February 2022 directed to the Court Clerk Trainer position for which there were 18 vacancies. No Court Clerk Trainers submitted bids. Based on the experience with the first outing, the second effort was smoother and more efficient.

c. *Circuit Court Clerk (Third Lateral Transfer Process: Ongoing)*

The CCCO is engaged in a third Lateral Transfer Process directed at the Circuit Court Clerk position for which there are 94 vacancies. The CCCO/HR has reported that there are 38 valid bids. Offers are scheduled to be made on April 19, 2022 and April 20, 2022.

2. Bargaining Unit Position Entry-Level Hiring Process

Under Section VII of the Employment Plan, governing entry-level bargaining unit hiring, and consistent with the CCCO's CBA, the CCCO may post vacant entry-level bargaining unit vacancies for external applicants following the Lateral Transfer process. Because the positions are entry-level, the Entry-Level Bargaining Unit Position Hiring process is abbreviated and does not require interviews.

The CCCO completed one round of entry-level bargaining unit hiring and is prepared for future hiring based on the CCCO's new CBA:

a. *Initial entry-level bargaining unit hiring*

As indicated in prior reports, the CCCO initiated its first Entry-Level Bargaining Unit Position Hiring process in the Summer of 2021. Since that time, the CCCO has filled 136 bargaining unit entry-level vacancies in six position titles: (1) Appeals Clerk -10 vacancies filled; (2) Cashier II - 9 vacancies filled; (3) Clerk IV Sr. - 50 vacancies filled; (4) Expungement Clerk - 28 vacancies filled; (5) Financial Room Clerk - 13 vacancies filled; and (6) Warehouse Clerk - 16 vacancies filled. The CCCO filled approximately 30 additional positions since the Ninth Report.

The CCCA worked closely with the CCCO/HR in all aspects of the process, identifying issues with missing contacts and the content of some Contact Log entries along the way and suggesting methods of correction and improvement for future entry-level hiring sequences. The CCCO/HR's handling of Contact Logs has been an ongoing CCCA concern. On January 31, 2022, the CCCA gave the CCCO/HR a detailed analysis of issues identified that hopefully will result in Employment Plan compliant Contact Logs going forward. The CCCA will continue to monitor the CCCO/HR's progress with the Contact Logs.

b. *Anticipated entry-level bargaining unit hiring based on CCCO's new CBA*

Under the CCCO's new CBA, seven bargaining unit entry-level titles have been collapsed into three: (1) Office Clerk (comprised of former Appeals Clerk, Expungement Clerk, Clerk IV Sr. and Warehouse Records Clerk titles); (2) Financial Clerk (comprised of former Cashier II and Financial Room Clerk titles); and (3) Motor Vehicle Driver.⁴ The CCCO has indicated that these bargaining unit entry-level titles have been collapsed for operational flexibility as employees may be required (after appropriate training) to perform job duties in a wider range of CCCO departments, divisions, districts or bureaus.

⁴ Collapsing the entry-level position titles required the CCCO to reclassify approximately 900 existing entry-level bargaining unit positions. This was accomplished.

To effectuate the change, the CCCO and CCCA agreed to new position descriptions for Office Clerk and Financial Clerk and a revised position description for Motor Vehicle Driver. (None materially altered the Minimum Qualifications of the prior positions.).

3. Promotions

Under Section VIII(C) of the Employment Plan, governing bargaining unit promotions, and consistent with the CBA, promotions for certain bargaining unit positions must be offered to CCCO employees before the positions can be filled externally. Section VI of the Employment Plan, governing the General Hiring process, applies to bargaining unit promotions that cannot be filled internally.

The amended bargaining unit promotion process under the new CBA also involved revisions to the position descriptions of the affected positions that was accomplished. The CCCO has completed one bargaining unit Promotion process and one is about to commence:

a. *Court Clerk Trainer (process completed)*

The CCCO had 18 vacancies and awarded 18 promotions for the Clerk Court Trainer position on March 29, 2022. The actual move dates have not been announced. These promotions occurred after the Lateral Transfer process was completed that, as indicated above, did not result in the Lateral Transfer of any Court Clerk Trainer.

The CCCA monitored the CCCO/HR's offer of Clerk Court Trainer promotions to employees who submitted applications and is reviewing the Promotion process documentation. The CCCA expects to provide feedback to the CCCO/HR and will address this Promotion process in more detail in the next report to the Court.

b. *Circuit Court Clerk (process about to commence)*

The CCCO has 94 vacancies for the Circuit Court Clerk position. After the Lateral Transfer process is completed, the vacancies will be filled through the Promotion process. HR has indicated that the promotions are expected to be awarded by the end of April 2022.

E. Non-Exempt, Non-Bargaining Unit Hiring Under the Employment Plan Since the December 29, 2021 Ninth Report: General/Actively Recruited Hiring Processes

The CCCO has not hired under the General Hiring and Actively Recruited Hiring processes since the Ninth Report. As indicated by the CCCO, the positions to be filled under these processes primarily involve the Human Resources, finance and information technology functions.

Hiring under the General Hiring or Actively Recruited Hiring processes effectively could not proceed until the supervisors involved in the process received the Employment Plan mandated Interviewer Training. Now that Interviewer Training nearly is done, as indicated above, the CCCO has a clear path towards filling positions under the General Hiring and Actively Recruited Hiring processes, when it is operationally feasible for the CCCO to do so.

F. Employee Handbook/Shakman-Related Policies Since the December 29, 2021 Ninth Report

1. Policy Drafting

Section IV(B) of the Employment Plan requires the CCCO “to maintain an up-to-date Employee Handbook” that “shall be consistent, in compliance with, and effectuate” the Employment Plan. The Shakman-related policies required to effectuate the Employment Plan include: training; layoffs/recall; reclassifications; temporary assignments; interim assignments; transfers; overtime/compensatory time; time and attendance; discipline; performance evaluations; and telework.

Since the Ninth Report, the parties and CCCA completed the Probationary Performance Evaluation policy and CCCO supervisory staff was trained on the policy implementation. The

parties and the CCCA previously completed the Temporary Assignment, Transfer and Telework policies and CCCO supervisory staff was trained on policy implementation for each of them.

The parties and the CCCA will continue to work together on additional Shakman-related policies.

2. Policy Implementation

As indicated in the prior reports, there have been issues regarding the CCCO/HR providing timely and adequate notice of Employment Actions⁵ to the CCCA/DOC in accordance with Section I(G) of the SRO and Section I of the Employment Plan. As has been her practice, the CCCA sent the CCCO/HR feedback detailing where Notices of Employment Action (“NEAs”) did not comply with finalized Shakman-related policies (Temporary Assignments, Transfers, Telework), CCCO written policies or the CCCO’s CBA, since the Ninth Report:

- January 21, 2022 – for NEAs sent in November 2021
- April 6, 2022 – for NEAs sent in December 2021 and January 2022

This feedback, as well as prior pieces, included requests for clarification, additional information and documentation.

Since the Ninth Report, the CCCO/HR has provided the requested information for the period July 20, 2021 through September 13, 2021. The CCCO/HR has not provided the requested information for the period September 14, 2021 through November 2021 (requests dating back to December 10, 2021). The CCCO/HR also has not provided the requested information for

⁵ The Employment Plan’s definition of “Employment Action” is broad: “Any action (positive or negative) related to any aspect of employment, including, but not limited to, hiring, Promotion, Training, Interim Assignment, Temporary Assignment, Transfer, Reclassification, Compassionate Transfer, Layoff, assignment of Overtime (and other benefits of employment), Discipline and Termination.” The CCCA’s monitoring authority goes beyond Employment Actions as, per the SRO and Employment Plan, it extends to all aspects of the CCCO’s hiring.

December 2021 and January 2022 but that was not expected as the CCCA's feedback was given on April 6, 2022.

While the timeliness and content of the CCCO/HR's NEAs continue to improve, material, often recurring, compliance issues continue to be identified. For November 2021 through January 2022, these included:

a. *Temporary Assignments (Shakman-related policy)*

- Temporary Assignment Request Forms (Section D)⁶ – failure to identify operational need.
- Extensions (Section E) – failure to provide CCCA and DOC with extension documents; failure to request extension before Temporary Assignment expired.
- Expedited Temporary Assignments of Two Weeks or Less (Section F) - failure to identify action as expedited temporary assignment; failure to timely notify HR and timely obtain CHRO approval; failure to timely notify CCCA and DOC; failure to make request to and/or timely request and/or notify Executive Clerk.
- NPCCs (Section H) - failure to provide NPCC signed by employee; failure to provide NPCC signed by participating supervisor;
- Failure to provide notice to CCCA/DOC.

b. *Transfers (Shakman-related policy)*

- Transfers not authorized by policy – e.g., “compassionate transfer;” “Management Rights Section of CBA.”
- Inadequate employee Transfer requests (Section C) – failure to notify Executive Clerk; failure of Executive Clerk to approve request; improper denial by CDC, not Executive Clerk; inadequate documentation of purported need for transfer; no NEA to CCCA/Interim DOC.
- Inadequate notice of Transfer (Section D) – failure to notify HR; failure to provide Transfer form; failure to provide written notice to employee; failure to identify specific verified operational need; failure to include Executive Clerk approval/signature on Transfer form; failure to provide timely notice to CCCA/DOC.
- NPCCs (Section E) – failure to provide NPCC signed by participating supervisor; failure to provide NPCC signed by employee

⁶ Section references are to the specific policy.

c. Time and Attendance (CCCO Comprehensive Time policy)

The CCCA's ability to monitor the CCCO's compliance with its Comprehensive Time and Attendance policy has been limited because of technological challenges. The CCCO has been working with Cook County's Bureau of Technology ("BOT") - since shortly after the Clerk assumed office - to modify and enhance the CCCO's electronic timekeeping system to allow for more accurate and efficient tracking of employees' time and attendance. The CCCA has been kept apprised of the CCCO's dealings with BOT. It appears that the CCCO and BOT have identified the necessary fixes for the CCCO's timekeeping system and anticipate that the fixes will be completed by April 18, 2022.

Shakman-related policy compliance is a work in progress that should be enhanced when the Employee Handbook is completed. In the interim, the CCCO/HR has been accepting of feedback and, as evidenced by the improvement, appears to be working towards substantial Shakman-related policy compliance.

IV. THE DOC

The DOC's employment with the CCCO began six months ago on October 18, 2021. As the DOC was not a stranger to the Shakman environment (having served as the DOC for the Forest Preserve from August 2011 through October 2014), this six-month juncture seems an appropriate time for initial comment.

It appears that the DOC has been integrating herself into the CCCO/HR's operations, particularly in the past few months (as would be expected as it takes some time to learn the lay of the land of any new job). Consistent with the DOC's duties under Section V of the Employment Plan, the DOC was integrally involved with preparing the training deck and presenting the Supervisor/Interviewer Employment Plan training. The DOC also prepared the training deck and

presented the separate supervisor training on the CCCO's Probationary Performance Evaluation policy.

Besides training, the CCCA has observed that the DOC has:

- given input to the Employment Plan amendments
- given input to Shakman-related policy revisions
- provided real-time feedback to HR regarding NEAs
- issued one investigation report
- reported one Political Contact

While her tenure is young, it appears that the DOC is fulfilling her duties and responsibilities under the Employment Plan and becoming an asset to the CCCO/HR.

V. **RECOMMENDATIONS**

It has been the CCCA's experience that close oversight by the Court, including imposing deadlines as appropriate, has been effective in creating movement towards Substantial Compliance. In this case, as the Court indicated at the September 8, 2021 status: "I don't need to set rigid deadlines...given the commitment and everyone is aware and properly motivated. So I will just offer my trust in the parties and the compliance administrator to just keep rolling along with in sequence as appropriate." 9/8/21 Tr. at 25.

The parties and CCCA's continued cooperation, collaboration and progress would support the Court's approach of not imposing rigid deadlines. That being said, as the parties and the CCCA are aware, there is considerable work to do. This includes:

- A. **Recommendation No. 1** – The CCCO, in conjunction with the DOC and CCCA input, should present Human Resources Employment Plan training to CCCO HR staff as soon as practicable.
- B. **Recommendation No. 2** – The parties and the CCCA should use their best efforts to finalize an Employee Handbook as soon as practicable.

Dated: April 18, 2022

Respectfully submitted,

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CERTIFICATE OF ELECTRONIC FILING

I, Sue Gombis, the undersigned, do hereby certify that on April 18, 2022, I electronically filed a true and correct copy of the foregoing **Tenth Report of Susan G. Feibus as Compliance Administrator for the Clerk of the Circuit Court of Cook County** using the CM/ECF system, which sends notification of such filing to all registered users.

/s/ Sue Gombis
Counsel to the CCCA