

**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.)	

**NINTH 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 Ninth Report to the Court:

I. INTRODUCTION

On September 3, 2021, the CCCA filed the Eighth Report to the Court (“Eighth Report”). Doc. No. 7573. This Ninth Report is to update the Court as to the Clerk’s progress towards Substantial Compliance¹ with the SRO since the Eighth 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 political considerations in connection with employment with the CCCO. Doc. No. 6382 at 13 – 14. The

Clerk Martinez has been in office for approximately one year (since December 1, 2020).

Her achievements during that time include:

- Amending the Employment Plan
- Revising the Exempt List (multiple times)
- Revising all Exempt position descriptions, including a transparent Minimum Qualifications scheme
- Filling virtually all 90 Exempt positions in compliance with the Employment Plan
- Completing the first Lateral Transfer process under the Employment Plan (filling 22 vacancies)
- Undertaking the first Entry-Level Hiring process under the Employment Plan (filling 105 vacancies)
- Adding an Executive Assistant Hiring process to the Employment Plan and hiring Executive Assistants in compliance with the Employment Plan
- Hired a Director of Compliance in compliance with the Employment Plan
- Completed Shakman training for all employees (presented by the CCCA)
- Completed all employee Employment Plan training (presented by the DOC)
- Created several Shakman-related policies (Telework, Temporary Assignment, Transfer)
- Began providing notices of Employment Actions (“NEAs”) to the CCCA and DOC
- Improved the quality of the NEAs provided to the CCCA and DOC

The Clerk’s progress during this first year only can be considered significant – particularly when viewed against the backdrop of the COVID pandemic that has exacerbated the many

“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.

operational challenges faced by the new administration. The Clerk could not have achieved this progress without a Chief of Staff (COS), Chief Human Resources Officer (CHRO) and Human Resources (“HR”) team that have demonstrated their understanding of what Substantial Compliance entails and a willingness to do what is required to achieve it.

Going forward, the CCCO’s progress undoubtedly would be enhanced with a more robust HR team. The Exempt Director of Personnel Services position remains vacant and non-Exempt HR hiring is contingent on completion of Employment Plan-mandated Interviewer Training (that should be presented shortly).

Most importantly, the COS and the CHRO (and her team) 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 SEPTEMBER 3, 2021 EIGHTH 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 Eighth Report included:

- serving as Interim Director of Compliance (“DOC”) until October 18, 2021 when the DOC began employment;
- 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 deck for the CCCO’s Employment Plan-mandated all employee Employment Plan training; the training has been completed;
- provided significant input into the deck for the CCCO’s Employment Plan-mandated Supervisor Employment Plan training and Interviewer training that is nearly finalized; the training has not yet commenced.
- reviewed and will provide what is anticipated to be significant input into the deck for CCCO’s Employment Plan-mandated Human Resources Employment Plan training;

- provided significant input into the Probationary Performance Evaluation policy;
- provided significant input into revisions of the Telework policy based on the current COVID surge;
- provided the CCCO/HR with regular feedback regarding compliance with Shakman-related Employment Actions, policies and procedures;
- gave significant feedback to the CCCO/HR regarding the CCCO's first use of the Lateral Transfer process for bargaining unit positions under the Employment Plan that was completed;
- worked closely with the CCCO/HR regarding the CCCO's first use of the Entry-Level Bargaining Unit Hiring process under the Employment Plan that is nearly completed;
- provided significant input into revising the position descriptions for the entry-level bargaining unit positions for potential future hiring based on revisions to the CCCO's Collective Bargaining Agreement ("CBA");
- provided significant input into revising the position descriptions for the positions subject to the promotions under the Primary Posting process based on revisions to the CCCO's 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 other legal and HR personnel 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 September 3, 2021 Eighth Report

1. Exempt List

A prerequisite to Substantial Compliance under Section II(E) of the SRO is the creation of an agreed Exempt List, which 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 last was amended via the Court's September 7, 2021 order adding the position of Labor Counsel. This addition brought the number of CCCO Exempt positions to 90.

2. Exempt Hiring

Article XII of the Employment Plan governs the Exempt Hiring process. Since the Eighth Report, the CCCO has filled three Exempt positions: (1) Assistant Chief Deputy Clerk ("ACDC") Bridgeview; (2) ACDC – Law Division; and (3) Labor Liaison Officer. All positions were filled in accordance with Section XII of the Employment Plan.

Three Exempt positions currently are vacant: (1) Director of Personnel Services; (2) Chief Deputy Clerk – Web Services; and (3) ACDC Child Protection and Juvenile Justice.

B. Employment Plan Revisions Since the September 3, 2021 Eighth 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 Eighth 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 continue to work on additional Employment Plan amendments largely toward the bargaining unit hiring processes: Lateral Transfer, Entry Level Hiring Process and Primary Posting (Promotion). These amendments are based on the experience gained through the first use of the Lateral Transfer and Entry Level Hiring processes. In addition, amendments are required based on the CCCO's new CBA that included new provisions that affect bargaining unit entry-level hiring, transfers and promotions, as described below.

The parties and the CCCA are working cooperatively to bring this round of Employment Plan amendments to closure.

C. Employment Plan Mandated Training Since the September 3, 2021 Eighth Report

1. Employment Plan Training: All Employees

- Section IV(G) of the Employment Plan requires, *inter alia*, comprehensive annual Employment Plan training for all employees.

Employment Plan training for all employees is a foundational and fundamental piece of Substantial Compliance. This significant undertaking has been completed since the Eighth Report.

Under Section IV of the Employment Plan, HR and the DOC are responsible for training. For the all-employee Employment Plan training, the CCCA in that role and as Interim DOC, worked closely with HR and the DOC on the training deck. The DOC presented the training. The first session, presented live to Exempt employees, was videotaped and shown to Non-Exempt personnel with the DOC attending and available to answer questions. The CHRO has indicated that all employees have received the training except those on leave.

2. Supervisor Employment Plan and 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 Interviewer Training never have been done,² the CHRO reasonably has decided to combine the initial presentations. As with the all-employee

² The only Interviewer Training to date was the abbreviated Interviewer Training for the four DOC interviewer panelists, as indicated in the Eighth Report at 8.

Employment Plan training, the CCCA has been working closely with HR and the DOC on the training deck that has gone through multiple revisions and should be near completion. Since the CCCO cannot undertake the General Hiring or Actively Recruited Hiring processes until supervisors who will be involved in the interview process receive Interviewer Training, the CCCA expects the CCCO/HR to present this combined supervisor training in the near term.

3. Human Resources Training

- Section IV(E)(1) of the Employment Plan requires, *inter alia*, comprehensive annual Employment Plan training for HR 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 HR employees regarding proper validation and review protocols before they conduct such review and validation (“Validation Training”).

As indicated in the Seventh and Eighth 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 attendant to the Entry-Level Bargaining Unit Position Hiring process so the CCCO could address its stated operational need to fill entry-level bargaining unit positions.

The fulsome HR Employment Plan training required by Section IV(E)(1) of the Employment Plan has not been completed. On December 15, 2021, HR/DOC sent the CCCA its first cut at a deck for HR Employment Plan training. The CCCA has reviewed the deck and expects to meet with the HR/DOC in early January 2022 to discuss the deck and the CCCA’s initial recommendations for revisions.

As indicated in the Eighth Report, Validation training was accomplished in June 2021, to prepare the CCCO’s HR staff to validate application materials for the entry-level bargaining unit positions.

4. Employee Handbook Training

Section IV of the Employment Plan also requires all-employee (Section IV(G)) and supervisor (Section IV(F)) Employee Handbook Training to ensure they are aware of and knowledgeable about the Employee Handbook. Section IV(E) of the Employment Plan also requires HR Employee Handbook training to ensure that HR is aware of, knowledgeable about, able to administer and able to answer questions they receive about the Employee Handbook.

This training presumably will be addressed once the Employee Handbook is completed.

D. Matters Related to Non-Exempt, Bargaining Unit Hiring, Promotion and Transfers Under the Employment Plan Since the September 3, 2021 Eighth 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 transfers, and consistent with the CBA, the CCCO must offer certain Grade 10 entry-level bargaining unit vacancies to Grade 10 employees who hold those positions at another CCCO location (“Lateral Transfers”).

As indicated in the Eighth Report (at 5-6), the CCCO completed the first Lateral Transfer process under Section VIII(B) of the Employment Plan in March 2021. This first process filled 22 vacancies in four positions (Clerk IV, Sr - 9; Clerk Court I – 10; Financial Room Clerk II – 1; and Cashier II – 2). The CCCA gave the CCCO significant feedback on the Lateral Transfer process with suggestions for improvement in future hiring sequences. As part of this feedback, the CCCA and CCCO identified procedural and substantive deficiencies in the Employment Plan’s Lateral Transfer process that will be addressed through internal HR processes and Employment Plan amendments.

The CCCO/HR has indicated that it plans to engage in another Lateral Transfer Process as a (CBA-required) prelude to initiating bargaining unit promotions under the CBA and Employment Plan's Primary Posting process. Based on the experience with the first outing, the CCCA expects that the CCCO's next use of the Lateral Transfer process should be smoother and more efficient.

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 CBA, once the Lateral Transfer process is completed, the CCCO may offer the remaining entry-level bargaining unit vacancies to external applicants. Because the positions are entry-level, the Entry-Level Bargaining Unit Position Hiring process is abbreviated and does not require interviews.

a. *Initial entry-level bargaining unit hiring*

The CCCO initiated its Entry-Level Bargaining Unit Position Hiring process on June 11, 2021 by posting 100 entry-level bargaining unit vacancies in six entry-level positions. Eleven more vacancies subsequently were identified - bringing the total to 111 vacancies. Over 4000 individuals applied for these six entry-level bargaining unit positions. Filling them required HR and the CCCA/Interim DOC to validate over 2600 applications and create six separate Validated Eligibility Lists (one for each position posted) pursuant to Section IV.M. of the Employment Plan.

As of December 27, 2021, 105 of the 111 vacancies have been filled - with 92 persons employed and 13 scheduled to begin on January 3, 2021:

- *Financial Room Clerk* (10 vacancies; 486 applicants; 486 applicants validated) – 9 vacancies filled.
- *Cashier II* (10 vacancies; 801 applicants; 409 applicants validated) – 10 vacancies filled.

- *Warehouse I Records Clerk Senior* (10 vacancies; 530 applicants; 464 applicants validated) – 10 vacancies filled.
- *Expungement Clerk* (14 vacancies; 639 applicants; 265 applicants validated) – 12 vacancies filled.
- *Appeals Clerk I* (11 vacancies; 893 applicants; 302 applicants validated) – 10 vacancies filled.
- *Clerk IV, Sr* (56 vacancies; 737 applicants; 737 applicants validated) – 54 vacancies filled; 1 conditional offer³ made.

Since the six entry-level hiring processes are not complete, the CCCA has been unable to fully review the processes' compliance with the Employment Plan. The CCCA however did review significant parts of the processes. Based on this review, the CCCA identified two material compliance issues: (1) the CCCO's failure to make offers to candidates in their randomized order when candidates were on more than one of the six Validated Eligibility Lists; and (2) inadequate CCCO/HR Contact Log documentation for each of the six entry-level positions. The CCCA identified these compliance issues sufficiently early in the hiring processes to allow resolution without compromising the hiring processes' integrity under Section VII of the Employment Plan.

b. *Anticipated entry-level bargaining unit hiring/CBA changes*

The CHRO has identified 65 more entry-level bargaining unit vacancies to be filled as a result of employee attrition. Additional entry-level bargaining unit positions will become vacant after the bargaining unit promotions under the Primary Posting process, as discussed below, are completed.

The CCCO has indicated that a new CBA has been negotiated and is expected to go into effect in the next several weeks. Given the stated operational need to continue to fill entry-level

³ Under Section VII(B) of the Employment Plan, offers are made conditionally as they are subject to employment verification, a background check and, for the Warehouse I Senior, a drug screen.

bargaining unit positions, the CCCO/HR reasonably has decided to continue to use the six existing Validated Eligibility Lists to fill vacancies until the new CBA goes into effect.

The new CBA will result in material changes to entry-level bargaining unit hiring as the seven⁴ current entry-level position titles will be combined into three more general entry-level positions: Office Clerk, Financial Clerk and Motor Vehicle Driver. Reducing the number of entry-level position titles from seven to three will require the CCCO to reclassify the apparently hundreds of existing entry-level bargaining unit positions with different position titles and job grades into the three new entry-level bargaining unit titles with the same job grades. The CCCO has not indicated a time frame for completing the reclassifications after the new CBA goes into effect.

The CCCO and CCCA have agreed to the position descriptions for the Office Clerk and Financial Clerk. A revised position description for the Motor Vehicle Driver is under discussion. Based on the revised position descriptions which did not materially alter the Minimum Qualifications, candidates who were minimally qualified for the existing positions but not offered a job should be minimally qualified for the combined positions. Given the effort that went into creating the six Validated Eligibility Lists and the remaining large pool of candidates, the CCCO/HR reasonably has indicated a desire to merge the lists to fill entry-level vacancies once the new CBA goes into effect. The CCCA expects that a transparent process can be developed by which candidates on the six existing Validated Eligibility Lists can be offered the three entry-level positions under the new CBA.

⁴ The CCCO posted six entry-level bargaining unit positions in June 2021. A seventh entry-level bargaining unit position, Motor Vehicle Driver, was not posted.

3. Primary Postings (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 VII of the Employment Plan, governing the General Hiring process, applies only where the bargaining unit promotions cannot be filled internally.

The new CBA also will result in material changes in bargaining unit promotions:

- The three bargaining unit positions subject to the Primary Posting process will be combined into two titles – Circuit Court Clerk and Court Clerk Trainer.
- The written interviews that are assessed by the employee's current supervisor and potential future supervisor required by the current Primary Posting process are eliminated. Promotions will be based on three factors: the employee's seniority, time and attendance compliance and history of conduct discipline.

These changes should both simplify the Primary Posting process and, because based on objective factors, make it more transparent.

The CCCO has indicated that approximately 100 Circuit Court Clerk and 20 Court Clerk Trainer positions will be filled through the Primary Posting process. Before those positions can be filled, the CCCO must reclassify the bargaining unit positions to reflect the combination of positions whereby only two position titles – Circuit Court Clerk and Clerk Court Trainer – will be subject to the Primary Posting process. Also, as indicated, the CCCO/HR will undertake the Lateral Transfer process to allow employees in the positions subject to promotions to bid for a change of location.

Given the many parts and pieces, the CCCO/HR does not have a specific timeline to accomplish the promotions. The CCCA will report on the CCCO's use of the Primary Posting Promotion process in future reports.

E. Non-Exempt, Non-Bargaining Unit Hiring Processes Under the Employment Plan Since the September 3, 2021 Eighth Report

1. DOC Hiring

As indicated in the Eighth Report and at the September 8, 2021 status, the DOC hiring process was completed and the selected candidate was offered and accepted the position. The DOC began her employment with the CCCO on October 18, 2021.

In her approximate 10 weeks on the job, besides familiarizing herself with the CCCO's Employment Plan and policies, the DOC's apparent primary focus has been working with HR on Employment-Plan mandated training, consistent with the DOC's duties under the Employment Plan.

2. The General /Actively Recruited Hiring Processes

There has been no CCCO hiring under the General Hiring or Actively Recruited Hiring processes since the Eighth Report. Since hiring under the General Hiring and Actively Recruited Hiring processes requires interviews, it is contingent on the Employment Plan-mandated Interviewer Training that, as discussed above, has not been completed but is in the works.

As indicated by the CCCO Chief of Staff at the September 8, 2021 status, the Human Resources, finance and information technology positions to be filled under the General Hiring and Actively Recruited Hiring processes are critical to CCCO operations and the CCCO is trying to determine a timeline for hiring. 9/8/21 Tr. at 18-19. Once the CCCO does that, and the Interviewer Training is complete, the CCCA will work with the CCCO/HR to fill the posted positions.

F. Employee Handbook/Shakman-Related Policies Since the September 3, 2021 Eighth 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.

The parties and the CCCA completed the Temporary Assignment, Transfer and Telework policies and CCCO Exempt staff were trained on them. With the recent COVID surge that has affected CCCO employees, the parties and CCCA are in the midst of revising the Telework policy to provide procedures for emergency telework. The parties and CCCA are near completion of a Probationary Performance Evaluation policy.

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’s providing timely and adequate notice of Employment Actions⁵ to the CCCA/Interim DOC in

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.

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 detailed feedback on its compliance with Shakman-related polices three times since the Eighth Report:

- October 21, 2021 – for July 20, 2021 through August 13, 2021
- November 22, 2021 – for August 14, 2021 through September 13, 2021
- December 10, 2021 – for September 14, 2021 through October 31, 2021

The CCCA’s feedback is based on detailed review of the CCCO/HR’s Notices of Employment Action (“NEA”) required by Section I(G) of the SRO and Section IV(D) of the Employment Plan. The feedback is based on Shakman-related policies and, where there is not yet a policy, the CCCO’s General Rules and Regulations, Comprehensive Time policy or the CBA.

The CCCO/HR’s notice to the CCCA/Interim DOC of Employment Actions has improved considerably since the Eighth Report. And while the adequacy of the CCCO/HR’s notice is better, the material, often recurring compliance issues that the CCCA’s July 20, 2021 – October 31, 2021 feedback identified (in summary form) included:

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

- Expedited Temporary Assignments (Section F⁶) - failure to provide written request; no CDC-signed NPCC; inadequate notice to CCCA/Interim DOC; no approval/NPCC from CHRO.
- Temporary Assignment Request Forms (Sections D, E and H) - inadequate documentation of, *inter alia*, operational need or employees eligible for the assignment; no Executive Clerk-signed NPCC; no CDC-signed NPCC; no employee-signed NPCC; inadequate notice to CCCA/Interim DOC (requests and approvals); no approval from CHRO; temporary assignment exceeded 90-day limit/120 day-limit with requested extension.

b. *Transfers (Shakman-related policy)*

- Transfers not authorized by policy – e.g., emergency transfers pending investigation; “inability to socially distance.”

⁶ Section references are to the specific policy.

- Inadequate employee Transfer requests (Sections C and D) – improper denial by CDC, not Executive Clerk; inadequate documentation of purported need for transfer; no NEA to CCCA/Interim DOC.
- Inadequate documentation - failure to specify reason for/document compassionate transfer.

c. Discipline (CCCO General Rules and Regulations)

- Discipline imposed unclear (Section 3.1) – employees received “Corrective Discussion” or “verbal corrective action” that are not part of progressive discipline steps .
- Employees improperly not given opportunity to respond to discipline form (Section 2.2).
- Inadequate documentation – failure to identify employees involved in disciplinary process; failure to identify discipline issued; failure to identify standard violated giving rise to discipline; failure to specify basis/facts on which discipline issued; failure to sign NPCCs; failure to document prior referenced discipline.

d. Time and Attendance (CCCO Comprehensive Time policy)

The CCCA’s ability to monitor the CCCO’s compliance with its Comprehensive Time policy is limited based on 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 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.

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

IV. CCCA’s ACTIVITIES AS INTERIM DOC

The CCCA acted as Interim DOC between June 21, 2021 and October 18, 2021, when the DOC began employment. During that time, the CCCA assumed the DOC’s duties under the

Employment Plan that, for the most part, correspond with the CCCA's duties under the SRO CCCA role (e.g., reviewing Exempt candidates; providing input into Employment Plan and Shakman-related policy amendments; and training).

As Interim DOC, the CCCA assumed one Employment Plan duty specifically assigned to the DOC - conducting an evidentiary hearing based on a former CCCO employee's appeal of her inclusion on the Ineligible for Rehire List. *See* Employment Plan, Section IV(U). The CCCA as Interim DOC conducted the hearing on October 13, 2021 and timely issued a decision on November 12, 2021. The CCCA/Interim DOC concluded that the CCCO/HR properly placed the former employee on the Ineligible for Rehire List and recommended that the appeal be denied.

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 since the September 8, 2021 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 parties and the CCCA should finalize amendments to the Employment Plan as soon as practicable, following which Plaintiffs should file a motion to amend the Employment Plan.
- B. **Recommendation No. 2** - The CCCO, in conjunction with the DOC and CCCA input, should present Supervisor Employment Plan training and Interviewer training to CCCO Exempt and Non-Exempt supervisory staff as soon as practicable.

C. **Recommendation No. 3** – The parties and the CCCA should use their best efforts to finalize an Employee Handbook as soon as practicable.

Dated: December 29, 2021

Respectfully submitted,

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CERTIFICATE OF ELECTRONIC FILING

I, Sue Gombis, the undersigned, do hereby certify that on December 29, 2021, I electronically filed a true and correct copy of the foregoing **Ninth 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