



Elizabeth Oplawski, Director of Compliance (DOC) for the Cook County Assessor's Office (AO), respectfully submits this Semi-Annual Report pursuant to Section V(B) of the [Employment Plan](#). As required, this Semi-Annual report will also be posted and made publicly available on the AO's [website](#).

I. Introduction

This third Semi-Annual Report issued by the current DOC covers compliance activities at the AO from the beginning of March through the end of August 2022. This report documents activities conducted by the DOC¹ performed remotely, consistent with telecommuting policies amid pandemic concerns. The DOC, along with the Compliance Analyst, are integral parts in ensuring the AO maintains compliance with the Employment Plan and Employee Handbook by monitoring employment activities and conducting auditing activities. We are independent and exercise our responsibilities accordingly. However, we frequently collaborate with members of the AO staff as well as participate in standing meetings with Supervisory, HR and executive staffs to ensure compliance.

The parties to the *Shakman* case are moving forward on a joint sunset motion schedule, with the preview of the motion due on September 28, and the joint motion itself due on October 12, and the ACAs final report due on October 26, 2022. The ACA filed her Seventh Interim Report on September 1, and the Court held a status on September 6, 2022. Both the report and representations to the Court at that status indicate the parties and the ACA are in agreement that the court monitoring is on track to achieve sunset with a joint motion filed in October supported by the AOs Memorandum.

During the last six months, the AO completed revisions to the Employment Plan, which received Court approval in early August, as well as its Employee Handbook, which was finalized in late August and – following technical modifications – is anticipated to have an early September effective date. Requisite training for the Plan is complete and substantially compliant. The DOC was an integral part of working with HR and the Director of Learning and Development in preparing the training decks. The next cycle of annual Plan training for all employees will begin in early September and was presented by the DOC. The Employment Plan training deck for new employees will include a specific section that explains the history of the *Shakman* case and also be presented by the DOC. Handbook training is substantially complete except for the revisions to the Time and Attendance policy, which is currently under way, and anticipated to be completed by late September. HR will present the training for all employees and the DOC will present the Supervisory training related to Time and Attendance.

The AO will begin its 2022 annual performance evaluation cycle on September 1 and it must be completed by December 15. This is the second year utilizing an application (a computer-based app or tool) to

¹ The AO is required under the Plan to have a DOC who is who is in charge of compliance personnel and performs the tasks and responsibilities specifically described in Section V.A of the Plan, the DOC Position Description, or other consistent tasks and responsibilities. Currently, there is one Compliance Analyst who assists with these tasks and responsibilities. Reference to the DOC throughout this report, could also refer to the Compliance Analyst.



streamline the process and improve efficiencies. This year's performance evaluation tool includes enhancements to address compliance issues that arose during its initial roll out, based on feedback from both the ACA and DOC. Many of these issues had been noted in real time by the Compliance Analyst and corrected. Refresher training that highlighted the tool modifications was provided to Supervisors involved in the process and is available for review at any time through Learning Management System (LMS).

During this reporting period, the AO has conducted 10 hiring sequences for *Shakman*-covered positions. Some of these were completely new, some involved additional hirings from Ranking List, and some were the completion of sequences begun during the previous reporting period. Additionally, the AO completed hires into 10 *Shakman*-exempt positions.

The AO has reorganized certain aspects of the office, including the creation of the Chief Management Office, the addition of a Chief of Staff for Valuations and combined Data responsibilities under the Chief Data Officer. Although the Deputy of Valuations retired, the position was filled by an internal candidate. These changes will result in additional efficiencies in the overall assessing processes and, since the positions involved were filled by current AO staff, there are no issues anticipated from a *Shakman* compliance perspective based on their familiarity with the Plan and Handbook. There remains a vacancy in Valuations that will be filled through the General Hiring Process. The Director of Training started in late March and has been extremely effective in not only rolling out the required training for the revised Employment Plan and Employee Handbook, but also in ensuring compliance for all training notifications.

The DOC was involved in monitoring, reviewing, and contributing to each of these fundamental *Shakman* activities. While not all were perfectly executed, the thrust of *Shakman* is whether constitutional violations or risks of unlawful political discrimination exist rather than perfectly executing administrative policies. To that end, the AO is achieving substantial compliance with the Plan and Handbook.

Under the current administration there have been no findings of unlawful political discrimination. While the OIIG advised the Court there are two cases open cases involving the AO it is not believed that even if an adverse finding results it will not involve unlawful political discrimination. The OIIG will provide a status to the Court regarding their investigations. Thus, the AO stands on solid ground to be released from court oversight based on the efforts of this administration to achieve substantial compliance with the Agreed Order, Plan and Handbook and the implementation of durable remedies to ensure future compliance.

II. Reporting and Collaboration

A. Periodic Reports

The DOC submits weekly reports to the Assessor, key personnel at the AO, the ACA and Plaintiffs' counsel that delineate the activities in which the DOC/Compliance Analyst are engaged. These reports highlight recommendations and corrective actions taken by the AO and commend collaboration efforts by the AO, as well as offer substantive comment on compliance issues. In addition, the reports note real time compliance issues that may have been exchanged. Action Items implemented by the AO to enhance compliance efforts are noted in §IV.D below.



B. *Standing Meetings*

Bi-weekly meetings with the DOC, Assessor and Deputy Assessor to discuss areas of concern or potential initiatives to ensure compliance with the Plan and Handbook prior to their implementation occur and ad hoc contact is available as needed. The DOC, Compliance Analyst and Deputy Assessor meet during the intervening week to discuss concerns and exchange compliance observations. In addition to these meetings, the DOC meets monthly with Supervisors to collaborate and discuss various compliance issues as well as respond to questions. These meetings also create an opportunity for HR to provide their input on the topics raised or to talk through upcoming changes in policy or practices. We also meet weekly with the Deputy and Director of HR to discuss any compliance issues noted during monitoring or auditing activities.

C. *Hiring Status*

The DOC recommended that HR set out a tentative schedule at the beginning of the hiring sequence for each phase within the sequence: Randomization, Validation, Skills Assessments, (Application Review Panel when appropriate) Interviews, and Ranking Meeting. Scheduling blocks of time in advance, with some flexibility to accommodate the need for additional time or scheduling conflicts, will allow for tighter hiring sequences from start to finish, rather than scheduling each step in the sequence as it arises. The AO was receptive to this recommendation and has had some degree of success as evidenced by shorter time frames to complete some hiring sequences. The Intake Meeting, which was recently added to the Plan, has demonstrated merit. It provides an opportunity for those involved to discuss the minimum and preferred qualifications, interview questions and overall review of the position description and process which has demonstrated improved compliance with hiring sequences.

D. *Performance Management*

The AO is beginning the 2022 Annual Performance Evaluation cycle. In doing so, it has improved the PE tool, first implemented last year, to eliminate certain recurring issues noted by the DOC and ACA. Additional training was provided for Supervisors and is available on demand at any time a review is desired by Supervisors. A general schedule by departments has been created to ensure timely completion without overburdening HR and Compliance with requests for assistance and monitoring. A general schedule also takes operational needs into consideration, allowing for evaluations to be completed without significantly hindering essential office functions. The reference guide has also been updated. The DOC and the Compliance Analyst collaborated in preparing all of these improvements and materials. Given the overall success of the Performance Management process last year, even greater compliance is anticipated during this cycle. The DOC's recommendation for a universal evaluation period (i.e., September 1 to August 31) has been implemented, which should eliminate errors in determining review periods and increase the likelihood of completing the process more uniformly. One issue noted by the DOC and ACA is timely completion of the 90 and 180-day evaluations for new hires. The transition to HR's ownership of this process initially resulted in notification gaps, but these have been reduced significantly in part due to the DOC's recommendation to use calendar invites rather than email notifications to advise Supervisors of upcoming deadlines. Another issue that arose involved timely completion of an evaluation after the



departure of a Supervisor during an evaluation period. While perhaps not possible to entirely automate the technical process when Supervisors are transferred or leave the AO, HR and/or Supervisors need to be mindful to alert IT for assistance in redirecting the performance evaluation tool appropriately to eliminate or at least reduce instances of untimely evaluations. The DOC will continue to monitor this issue as well.

III. Role of the DOC

The DOC's primary responsibilities are outlined in Article V of the Plan and include, but are not limited to the following 8 categories, denominated below as A through H:

A. *Understanding the Assessor's Office's organization, its business, operational objectives and needs, and its staffing needs*

The DOC has acquired a thorough understanding of the AO's organization, business, operational objectives, needs and staffing. Through collaboration meetings and ad hoc meetings, I am able to propose solutions to high-level compliance issues before operational changes that may affect compliance are scheduled to occur. Monitoring hiring, discipline, and annual performance evaluations provides another perspective into the objectives and needs of the office and has resulted in appropriate, meaningful compliance recommendations.

B. *Overseeing Compliance with Employee Handbook Policies*

1. Handbook Revisions

The AO completed multiple substantial revisions of the Handbook and the Compliance Unit was an integral part of the revision process. While the process was lengthier than originally anticipated, the end result is a blueprint for a fair and equitable application of policies and consequences expressed in a more streamlined, but still comprehensive, manner. The policies embodied in the Handbook recognize the public service aspect of the office, protect the integrity and the intent of the *Shakman* orders, and eliminate ambiguities, making the Handbook easier to understand, enforce and monitor. Both the ACA and DOC have advised the Court of this achievement. The final piece of training for staff and Supervisors is Time and Attendance, which is underway and is discussed below. All other training is complete and substantially compliant.

2. Time and Attendance

There is no dispute that punctuality, regular attendance, and compliance with attendance policies are vital to a well-functioning AO. The September 2022 Handbook contains significant changes to the Time and Attendance Policy that should simplify the use by employees and Supervisors alike resulting in increased compliance. Admittedly, certain aspects of the policy, including some disciplinary consequences, still seem to me to be geared more toward ensuring compliance with "risk management" type of violations or more attentive to issues of form over substance rather than to ensuring the elimination of patronage practices. That issue aside, the AO has seen significant increases in compliance. During the Handbook revisions, HRs high-level review of time and attendance demonstrated a significant decrease in violations. With the 2022



Handbook complete, HR will be reviewing time and attendance on a weekly basis and continued increases in overall compliance is anticipated. The DOC will be engaged in real time monitoring and conducting routine audits to ensure compliance or appropriate training, counselling or discipline is imposed.

3. Discipline

In respect to Discipline, in this period the DOC has seen improvements in the quality of investigatory interviews, in reports by HR, and the quality of Supervisors' Requests for Discipline. Swift resolution of disciplinary investigations, including the administration of discipline when appropriate, serves the purpose of eliminating repeated violations. Any compliance issues noted as to Discipline relate more to timely administrative processes and staffing issues rather than staff running afoul of constitutional or compliance concerns. HR is aware of these issues. The DOC has suggested using written statements or emails from employees to seek responses to specific questions. This would help move the process along and since the DOC and ACA are copied the advance notice and time involved in scheduling meetings would not be an impediment to more timely investigations. Additionally, the DOC is preparing mandatory Investigation training for all HR staff, and while optional for Supervisory staff their participation will enhance their understanding of the investigatory process and higher quality documentation.

4. Notices of Employment Action

Notices of Employment Action (NEAs) are the method by which the AO documents and notifies the DOC and ACA of *Shakman*-related employment actions. During this reporting period, there was confusion between the AO and the ACA regarding documentation to support start/end dates of employees, but with a uniform understanding and use of EBS records, these reporting issues should be reduced. Regarding overtime reporting, AO Supervisors have significantly improved reporting, and the NEAs are substantially compliant in form and substance over the last reporting period. The DOC's recommendation for streamlining overtime reports by reporting on a bi-weekly basis and using screenshots of CCT, rather than manually completing weekly logs, has been adopted and included in the September 2022 Handbook. The addition of an Executive Assistant in HR has improved the timely flow of NEAs as they relate to on- and off-boarding, schedule changes, telecommuting, and quarterly reporting.

5. Grievances

The DOC monitors grievances and has not noted any substantive concerns from a compliance perspective with the manner in which these meetings are conducted.

- C. *Actively working with the Deputy of HR in developing strategies for the Plan as well as necessary Policies and Procedures to ensure compliance with the Plan.*

The DOC consistently works with the Deputy of HR developing strategies that ensure compliance with the Plan and the Handbook. The Director of Training and Development now reports to the Deputy of HR, and her arrival and her performance has been an integral part of the success in achieving substantial compliance and improving Plan and Handbook trainings. The DOC reviews training decks, and the Director of Training



and Development is receptive to recommendations for improving content and accuracy, particularly during her inaugural year with the AO. Additionally, she has reported on all other training in a substantially compliant manner, particularly as to timeliness and accuracy.

D. Accepting, Investigating, and reporting on complaints related to the Employment Plan.

There was one matter which the DOC referred to the OIIG for investigation during this reporting period. No separate investigations were conducted by the DOC.

E. Reviewing Position Descriptions and Notices of Job Opportunities and taking appropriate steps to assure their accuracy.

There have been some departmental reorganizations, and with those come the need to review job descriptions to ensure the minimum and preferred qualifications are appropriate, not only for the specific position but also appropriately align vertically and horizontally in the department as well as the entire AO. There is no need for absolute consistency across salary grades, but wide deviations must be justified by objective criteria. The AO has been receptive to the DOC's recommendations for job descriptions which occurs generally prior to sending to the ACA for review and comment.

The AO partnered with a vendor that provides various types of skills testing that assess skills identified as minimum and/or preferred qualifications. This step ensures better validation processes and selection for the most qualified Candidates being offered interviews and, eventually, hired. This, along with the relatively new process of Intake Meetings has proven beneficial, ensuring that all relevant aspects and expectations are understood by those involved in hiring, including the DOC. This is particularly useful with respect to resolving any potential issues about how the minimum and preferred qualifications can be identified from Applicants' submittals, as well as the form and substance of interview questions. Prior to the posting of a job vacancy, the DOC reviews the Position Description and compares it to the Notice. The DOC also reviews disqualifying and asset questions to ensure clarity for Applicants. Following an ACA inquiry, the DOC suggested a change in formatting the requirements questions to clarify matters for Applicants and to assist HR creating eligibility lists moving forward but no new job postings have occurred. Several positions have been reclassified through the Desk Audit process during this reporting period. The DOC reviewed each Desk Audit and recommendations as well as the AO's revised Position Descriptions and other documentation. The AO has been receptive to questions raised by the DOC, made appropriate modifications, and no substantial compliance issues were noted with those processes.

F. Working with HR to implement training programs, prepare training materials, and conduct training for all employees on the Employment Plan and other policies.

The DOC plays an integral part of training on Plan and Handbook topics, including reviewing and providing feedback of each training deck in advance. The AO is in substantial compliance with all aspects of training, except for updating Time and Attendance as noted above. Additionally, the DOC recorded Employment Plan training for all employees which reflects the revisions to the Plan approved by the Court in August.



That training was available for employees on September 12 with two weeks to complete through the LMS system. Additionally, the DOC will be providing Investigation training as noted above. Following completion of the training, employees are asked for feedback regarding the training in the form of a survey. If additional enhancements to training are needed, they will continue to be added. The DOC and ACA review and comment on training decks in advance as LMS trainings are self-driven by the employee and cannot be monitored "live". The DOC and ACA are provided attendance records at the completion of the module with LMS generated reports that document time spent by employees viewing the training from the Director of Learning and Development.

- G. *Making recommendations to the Assessor and Department heads to eliminate and remedy any instances of noncompliance with the Employment Plan, and Unlawful Political Discrimination or Unlawful Political Contact.*

The DOC participates in three standing meetings that candidly discuss compliance concerns and provide recommendations to eliminate or remedy instances of noncompliance with the Employment Plan or Handbook. One involves the Assessor, Chief Deputy Assessor and DOC, another involves the DOC, Compliance Analyst, and Chief Deputy Assessor, and the third involves the DOC, Compliance Analyst, and Deputy and Director of HR. Additionally, the DOC prepares weekly reports including action items, for the AO team, as noted above. Finally, the Compliance team meets monthly with Supervisors to discuss compliance-related matters and respond to questions or concerns from them. Each of these activities provide an opportunity to stress the importance of compliance, remind of particular issues, and ensure cooperation based on understanding the importance of individual compliance responsibilities.

- H. *Monitoring activities pertaining to the employment of Shakman covered positions, including but not limited to, participating in validation, interviews, and candidate selection meetings.*

1. General Hiring Process

Hiring processes consist of significant steps from preparing the position description to onboarding the successful candidate. Many of these steps are human resource administrative activities. At any step, errors can occur, but those missteps are a far cry from unlawful practices. That does not justify errors, as cautious execution of each step demonstrates professional and lawful approaches to these activities. Not only is HR continuing to improve as they become more accustomed to their responsibilities, but also other AO staff involved in the hiring sequences. The following hiring sequence summaries delineate compliance issues that arose with each sequence and corrective measures taken. None of these gave rise to concerns that the AO is not in substantial compliance with a durable remedy in place.

- a. Assistant Manager TPI – Branch Offices: This position was the first to utilize the newly-created Intake Meeting and skills assessment testing for language proficiency, both of which proved beneficial. This position was posted on February 9, 2022, and the validation meeting was scheduled for March 11. While the skills testing adds a small amount of time, it is a beneficial part of validation



to ensure the most qualified Candidates are selected for interviews. The DOC responded to an inquiry about CBA considerations during the Ranking Meeting that since since this position is not covered under the CBA, union status was not a relevant factor. An offer was extended and accepted, and the employee successfully completed their 90-day performance evaluation.

- b. TPI Specialist II: This position utilized an Intake Meeting prior to posting on March 3, 2022. There were several points along the way where the DOC stepped in and clarified processes for the new Senior HR Generalist, who was participating in her first hiring sequence. In particular, a second validation meeting was required because she did not initially validate enough Applicants (although there was a large, seemingly adequate pool). The skills testing was not offered to all required Candidates as noted by both the DOC and ACA, resulting in a delay until all the skills testing was complete. As this sequence progressed, the Director of HR provided additional guidance for the Senior Generalist and the Interviews and Ranking Meeting issues were nominal from a compliance perspective. The offer phase has not been smooth as some offers have been rejected. However, at least one employee began work on August 15, 2022. Additional hires will need to take place as well as subsequent interviews since there is a need for additional TPI Specialists.
- c. Manager of Legal Services: This position posted March 9, 2022 and benefitted from the Intake Meeting discussion of the minimum and preferred qualifications and the interview questions. The compliance issues spotted in this process included (1) not creating a Sorted Preliminary Eligibility List by preferred then minimum qualifications to ensure interviews were extended to the appropriate individuals; (2) improper discussion during the Ranking Meeting of two candidates who should have been disqualified for failing to provide required documentation; and (3) after the highest ranked candidate declined the position, HR provided the DOC, but not the ACA, with the Justification to Hire and Grant of Authority for the next ranked Candidate. Each of these issues were not Plan consistent, but they were administrative lapses, rather than instances of unlawful political discrimination. The successful Candidate started in this position on August 1, 2022.
- d. Manager of FOIA: This hiring sequence included an Intake Meeting and had no substantial compliance issues. The Ranking Meeting included a discussion about how the Ranking List is used. The ACA's August 29, 2022 feedback portrayed this discussion as a "generalized misunderstanding" of how the Ranking List may be used for prospective selection. However, the Compliance Analyst and several panelists viewed the discussion as a clarification, designed to ensure that the purpose of the Ranking List is fulfilled. Ultimately, the use of the Ranking List was clarified in two situations (i) when an initial candidate does not accept the position, and (ii) when a candidate accepts, but leaves while the Ranking List is still valid. The basic understanding conveyed was that Candidates placed on the Ranking List could be eligible for hire if the need arises while the Ranking List is valid. Candid discussions during Ranking Meetings must be permitted without giving rise to negative inferences against the panelists; this approach ensures ultimate compliance with the provisions of the Plan and the selection of the most qualified Candidates. The highest ranked Candidate, an internal individual, began this role on August 1, 2022.



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- e. Industrial Commercial Junior Analyst: This hiring sequence included an Intake Meeting and skills testing. While the Compliance Analyst asked whether consideration should be given for internal Candidates during the Validation Meeting, no one realized the position is covered under the CBA. It was only after an offer was extended and accepted by the highest-ranking Candidate that the ACA raised a question about Plan or CBA violations. The DOC proposed the solution that all validated union candidates would be offered an opportunity to interview, if eligible for Ranking, a second Ranking Meeting and Amended Ranking List would be prepared, and any union advantage could be applied retroactively if appropriate. Following the interviews, one candidate was eligible for discussion during a second Ranking Meeting at which time the panelists discussed the rank of all 3 candidates. The Amended Ranking List reflected the application of this solution. As a result, no CBA or compliance violations occurred. Based on operational needs, the AO obtained a subsequent Request to Hire for 2 additional positions, which will be filled from this Ranking List. Following this hiring sequence, the DOC recommended each Intake Meeting include a discussion about union positions and CBA considerations that must occur throughout any hiring sequence to reduce the risk of similar situations occurring in the future, which HR accepted wholeheartedly.
 - f. Industrial Commercial Senior Analyst: The hiring sequence began with an Intake Meeting. The Validation, Interviews, and Ranking Meeting were substantially compliant. However, no Candidates were Ranked following the Ranking Meeting discussions. Of note, had the current 2022 Plan language been in effect, none of these Candidates would have even qualified for discussion during the Ranking Meeting, based on an overall average score of 3.0. This position will be reposted.
 - g. Incentives Sr Analyst: The hiring sequence began with an Intake Meeting. At that meeting, the Interview Questions were not ready for discussion, nor were all panelists present but that is not required. However, there was a detailed discussion regarding the process and minimum and preferred qualifications with those present. Interviews were conducted in late July and the Ranking Meeting discussion was based on the revised Plan standard of an overall average score of 3.0 by Candidates. This position is anticipated to be filled in late September.
 - h. FOIA Specialist: This position was originally posted in late 2021 and the initial offer was accepted on March 11, 2022. Due to additional staffing needs in FOIA, in July, 2022 the AO issued a new Request to Hire from the existing Ranking List. A Justification to Hire and Grant of Authority was completed for the next eligible candidate who was then extended an offer but declined. A subsequent Justification to Hire, Grant of Authority and offer based on the Ranking List is currently in process.

2. Actively Recruited

The AO filled the following positions using the Actively Recruited Hiring Process:

- a. Director of Learning and Development: – The majority of this hiring sequence occurred prior to March 1, 2022 and was reported on in the last semi-annual report. The ACA feedback noted that changes in title and position description required a change to the Actively Recruited List, although



the position was similar in duties. This was an administrative oversight by the AO in not specifically pointing out that the revisions to the position description would result in the title remaining on the Actively Recruited List. The DOC and ACA were involved in reviewing updates and approving the final version of the position description. However, during the hiring sequence the Applicants were randomized, a superfluous step not required for Actively Recruited positions, contributing to the confusion as to whether this position was expected to be Actively Recruited.

- b. Manager of Commercial Valuations: This hiring sequence is still in process at the time of this report. The Intake Meeting has been conducted, and skills testing administered, both steps completed prior to the Application Review Panel convening and selecting Candidates for Interviews, which were conducted in early September. This position utilized the skills testing based on the Knowledge, Skills and Abilities from the Position Description, rather than being based on the minimum or preferred qualifications. No substantial compliance issues were noted.

3. Exempt Hiring

The DOC's role in Exempt Hiring sequences is limited to ensuring that the selected individual meets the particular position's minimum qualifications. A list of Exempt positions is maintained on the CCAO's website along with links to the position descriptions. Changes to the list of Exempt positions, or their descriptions, are subject to the approval of the DOC, ACA, and Plaintiffs' Counsel. In the event there is a conflict as to whether a Candidate can be hired, the Plan provides: "...the Assessor shall provide a written explanation to the DOC, Plaintiffs' Counsel, Deputy of HR or Designee and ACA and commence with the hiring." (Plan at XII.D.2.b). The following exempt positions were filled during this reporting period and all but two positions involved the selection of internal candidates. Each candidate's credentials were reviewed to ensure they meet the minimum qualifications of the position description.

- a. Director of Valuations Research – external hire
- b. Director of Commercial Valuations – external hire
- c. Chief Management Office
- d. Director of Special Projects
- e. Chief Valuations Officer/Deputy Valuations
- f. Director Special Properties
- g. Chief of Staff – Valuations
- h. Director, Data Science
- i. Director Special Projects



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- j. Director of Operations and Budget – The AO identified a Candidate and submitted their credentials for review by the ACA and DOC. The DOC found the candidate minimally qualified. Upon inquiry by the ACA, the AO withdrew the Candidate from consideration. The DOC reexamined the application materials and recognized whether he clearly satisfied the full-time responsibility for the required duration of a minimum qualification was facially clear. As with other candidates in this reporting period, there could have been additional clarification sought from the Candidate but that step was rendered moot by the AO's withdrawal of the candidate.

IV. Requirements of this Semi-annual Report.

Section V(B) of the Employment Plan requires that this semi-annual report include consideration of the following: (i) auditing activities as required by the Plan; (ii) discovered violations of the Employment Plan or policies in the Employee Handbook referenced in this Plan; (iii) complaints of Unlawful Political Considerations in Employment Actions referred to the OIIG; (iv) remedial actions recommended; and (v) corrective actions taken by the Assessor's Office to address the violations.

A. Auditing activities

The DOC monitored all aspects of each hiring sequence and was a key participant in bringing the performance evaluation tool into compliance as well as troubleshooting issues with Information Technology for remedies during evaluations. Additionally, the DOC monitored disciplinary matters, engaged in collaboration efforts (including suggestions for more effective interviews) and developed the use of email to gather documentary evidence rather than conducting interviews, a change which helped increase efficiency in the investigatory and disciplinary processes.

B. Discovered violations of the Employment Plan

There have been no substantiated complaints of unlawful political discrimination during this reporting period, or any substantiated complaints against the AO during the entire period of the current administration. There have been instances of steps delineated in the Plan not being executed flawlessly. HR in particular, but all of the AO, is aware of the issues and they continue to improve their competence and efficiency as they gain experience in their roles. The Employment Plan sets forth durable remedies and the AO staff is not only aware of their obligations but also committed to ensure compliance remains a part of their professional responsibilities. The DOC will continue to identify administrative and substantive compliance issues, most of which to date do not amount to constitutional violations, and will be actively engaged with HR to develop strategies, policies and procedures to ensure further compliance with the Employment Plan, as appropriate.

There were nearly zero violations that occurred regarding Overtime. Bi-weekly reporting, which is more automated under the 2022 Handbook, should assure continued success in this area. The quality of disciplinary processes, investigations and the imposition of discipline is generally compliant, with such compliance concerns that there were coming from delays in implementing discipline and awaiting the outcome, impeding the effectiveness of corrective action. Supervisors are timelier and more thorough in reporting violations, and this should assist HRs investigating the substance of the allegations more efficiently. Hiring sequences are substantially compliant and no adverse findings of unlawful political



discrimination occurred. However, recordkeeping requirements of the Plan can trip up HR staff likely resulting from the myriad of activities for which they are responsible. HR swiftly corrects these bumps in the hiring processes, and the quantity continues to decrease.

C. *Complaints of UPD referred to the OIIG*

One complaint which contained a component that touched upon possible UPD was referred to the OIIG for investigation. The OIIG indicated at the September 6, 2022, court status that an additional case is pending against the AO and will file a written status report of those investigations with the Court.

D. *Remedial Actions Recommended*

Action Items are contained in my Weekly Reports, as noted above. The recommendations and results are listed below:

1. Recommendation: Ensure clarification in handbook that use of compensatory or other Personal Time Off is permitted mid-day, provided employees clock out/in.

Result: Language included in the 2022 Handbook.

2. Recommendation: Ensure that interview questions are appropriately weighted to reflect more significant topics and that follow up questions are encouraged.

Result: These issues were discussed in the Compliance-Supervisory collaboration meeting, and it was decided that discussion during Intake Meetings will highlight the significance of these 2 points. Intake Meetings have been an addition to the Plan that has been effective in providing a forum to address the flow of the hiring sequences and to respond to any questions by the interview panel in a monitored environment, which help to ensure *Shakman* compliance.

3. Recommendation: Ensure HR and hiring deputies are aware of County-required salary rules and their impact in determining final salary offers, and ensure candidates hired from the same Ranking List are extended identical offers, unless documented mitigating circumstances exist (e.g., CBA considerations, County regulations, etc.).

Result: AO management responded favorably to this concept; meetings have been held and drafts of the new procedures are under review. Follow up discussions and finalizing documentation needs to be completed.

4. Recommendation: ensure the completion of 90 and 180-day performance evaluations on a timely basis.

Result: AO management (in particular, HR) has re-implemented a master spreadsheet of hire dates for all employees noting the Performance expectation date, i.e., the 90 and 180-due dates. This task was previously performed by an individual who left the AO, resulting in inconsistencies as the task transitioned. Supervisors are now provided email notifications when employees are hired and calendar reminders of upcoming deadlines to ensure timely completion of these evaluations.



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5. Recommendation: ensure that HR investigation reports clearly identify all possible witnesses and provide justification when a witness is not interviewed or a written statement is not obtained in lieu of an interview. Additionally, HR staff should seek legal counsel for investigation strategies when more serious types of investigations arise (e.g., harassment, discrimination, theft, etc.)

Result: HR has been receptive to this issue and will be working with Legal as needed. Additionally, updated investigation training will be provided for all HR and Supervisors.

6. Recommendation: validation of Applicants needs to ensure that unstated assumptions do not form the basis for a validation decision, particularly in respect to preferred qualifications.

Result: HR and the DOC has agreed that closer scrutiny of credentials during validation meetings will occur. Additionally (1) in the event that a candidate is interviewed without providing proof of *minimum qualifications*, they will be disqualified from discussion in the Ranking Meeting; and (2) if proof of a preferred qualification is not provided, but the candidate meets the minimum qualifications, the Interview Panel will be advised, and that factor may be considered during the Ranking Meeting.²

E. *Corrective actions taken*

See section above for action taken in response to the DOC's recommendations.

V. **Substantial Compliance**

On August 15, 2012, the AO consented to the entry of an Agreed Order by the District Court that provides the framework for the Assessor's Office to implement additional policies and procedures to assure all aspects of employment are free from unlawful political discrimination. In order to be removed from federal oversight, the AO has the burden of showing that it is in Substantial Compliance with the Consent Decrees and the Agreed Order. Substantial Compliance means:

A. ***The Assessor has implemented the New Employment Plan, including procedures to ensure compliance with the Employment Plan and identify instances of non-compliance***

The most recent iteration of the Plan was approved by the Court in August 2022. Substantive training for Supervisors was complete by February 25, 2021 and the ACA represented to the Court in July that the AO training for the Plan was substantially compliant. The DOC presented revised training for all employees on the newly approved Plan which is underway through the LMS system. HR has made the new Plan available on the AO intranet and publicly facing website, and prepare copies for distribution to all staff as well as the Handbook, once finalized. The AO has placed a greater emphasis on employees and supervisors consulting these guiding documents before acting, and if a matter is unclear, HR and the Compliance team have recommended that the person should contact HR or the DOC for assistance before acting.

² There has only been one instance where this occurred, and the Candidate would have been selected for interview even if they had been validated without the preferred qualification.



B. *The Assessor has acted in good faith to remedy instances of non-compliance that have been identified, and prevent recurrences*

There is no doubt this administration has acted in good faith to remedy instances of non-compliance. Supervisors are engaged in the collaboration meetings to discuss topical issues and even approach the Compliance Unit proactively. Training is available to guide all staff in compliance matters. The LMS system allows Supervisors to review training modules on an ad hoc basis as well. A new time and attendance policy that is more streamlined should result in even greater reduction of administrative non-compliance issues. The AO accepts the DOC's feedback and corrects errors swiftly, particularly with overtime reports, discipline and hiring concerns.

C. *The Assessor does not have a policy, custom, or practice of making employment decisions based on political reasons or factors except for Exempt Positions*

There were no matters concerning potential UPD referred to the OIIG, although two complaints are pending. It appears that the current Assessor has eliminated discriminatory practices and implemented a proper and transparent employment policy, that follows the Plan and Handbook, making it much more difficult for corrupt political hiring to occur. Consequently, in the absence of adverse findings reported under the current administration that the DOC has discovered, all hiring has been made as required under the Employment Plan and based on merit.

D. *The absence of material noncompliance which frustrates the Assessor's Consent Decrees and the Agreed Order's essential purpose. However, technical violations or isolated incidents of noncompliance shall not be a basis for a finding that the Assessor is not in substantial compliance*

While noncompliance issues remain, the frequency with which they are seen continues to decline. Perfection, of course, is not required. The IC Jr Analyst position discussed above demonstrated noncompliance more with the collective bargaining agreement than the Employment Plan. The DOC proposed the remedy adopted by the AO without objection. Additional staff in key roles and the longevity of employees in their positions result in increased familiarity with compliance processes and ensures the AO continues to move in the direction of even greater compliance. HR and the DOC have an open line of communication to assist the AO maintain compliance.

E. *The Assessor has implemented procedures that will affect long-term prevention of the use of impermissible political considerations in connection with employment with the Assessor*

The Plan and Handbook provide the long-term guidance and procedures designed to prevent the use of impermissible political considerations in employment actions. Great care and consideration in crafting the Plan and Handbook revisions and commitment by all staff helps ensure the long-term practice of preventing impermissible political considerations in relation to employment actions. The AO started its third year of documenting annual employee performance (i.e., objective computer-generated reports)



and utilizes other relevant information and technology to continue to improve effectiveness. Regular communication between the DOC and AO employees promotes buy-in and long-term adherence to these policies. Continued collaboration with, and monitoring by the DOC is a part of the safeguards against impermissible political considerations regarding employment.

The Assessor and Chief Deputy's commitment to regularly meet with the DOC, and the Compliance Analyst, listen to their recommendations, and embrace their suggestions or work toward a compromise does not impair the DOCs independence, rather it demonstrates a great working relationship to ensure substantial compliance with the Agreed Order and the placement of an element of an effective durable remedy in the DOC. Flowing from that leadership, HR works harmoniously with the DOC and is receptive to suggestions and feedback. The Legal Department is an integral part of compliance as well and provides much appreciated and respected insight on all of these issues.

The DOC recognizes that even prior to my arrival, the AO changed the discriminatory practices of the past administration and implemented proper and transparent employment policies. Any issues noted in this report are not of the type that indicate corrupt political hiring is at risk of returning. In fact, the absence of any constitutional violations supports the conclusion that the AO has in place durable remedies to ensure the requirements of the Agreed Order, that the Plan and Handbook will continue to be embraced by all staff. The DOC will continue monitoring activities and provide feedback that will be respected and incorporated in practice or discussed until workable compromises can be agreed upon.

Respectfully submitted,

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Cook County Assessor's Office