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

## I. Introduction

This is the second semi-annual report issued by the current DOC. I began my role as the DOC for the CCAO on April 29<sup>th</sup>, 2019. In the (approximate) year that I have been in this role, I have spent considerable time learning office operations and how they affect compliance issues and, conversely, how compliance issues affect operations. Since the last semiannual report, I have developed a more detailed familiarity with the Employment Plan and Employee Handbook. Both of which are in the process of being revised to meet operational and compliance needs. As I continued to learn more about the office and develop subject matter expertise with regards to the Employment Plan and Employee Handbook, I have been able to better identify compliance issues as they arise; and then advise and report on those issues. I have also been able to establish a more proactive compliance role in the office. My goal in the next six months is to continue this proactive approach and build an effective compliance program that exists outside of the one-person director role.

## II. Initiatives

With a stronger understanding of the CCAO's operational needs and its efforts towards substantial compliance, as well as the requirements to achieve substantial compliance, I have worked to identify process gaps and implement strategic initiatives to address those gaps. This is an ongoing process, but there are two examples that have had a significant impact on compliance efforts.

In recent months, it became clear that communication between the CCAO and the Assessor Compliance Administrator (ACA) was counterproductive. Too much communication, including constructive feedback and responses to that feedback, was conducted in writing, through email, without the benefits that in-person meetings have to offer. Several issues, even minor ones, snowballed and communications broke down. At my suggestion, the CCAO and ACA now hold monthly, in-person meetings to discuss pending and emerging issues. To date, we have had four such meetings and the improvement in communication is noticeable. At the latest status hearing for *Shakman et. al. v. Cook County Assessor et. al.*, the ACA noted that "communication between all [parties] involved...has improved over the last several months." I expect these monthly meetings will continue until the CCAO has attained substantial compliance to further improve communication and address compliance issues before or as they emerge and not on a reactive basis.



Among the duties of the DOC is to prepare periodic reports and issue-specific reports to the Assessor concerning the DOC's duties and responsibilities. Issue-specific reports take the form of Investigative Summaries and Audits. Periodic reports took the form of quarterly meetings with the Assessor and these semiannual reports. Meetings with the Assessor have been productive. These are collaborative meetings during which the Assessor is engaged, actively listens to compliance concerns, raises his own issues (as opposed to simply listening to the agenda items I bring up), and conducts appropriate follow up. However, in terms of periodic reports, I felt more could be done. Therefore, I began issuing weekly DOC Reports to CCAO senior management and the ACA. These reports are intended to be high-level summaries of my observations from the prior week. I have issued six of these reports and have received positive feedback from all recipients. They include topics for discussion, technical violations of the Plan and Handbook that would not warrant an investigation, and general recommendations for remedial action. More specifically, the reports have focused on Time and Attendance issues to ensure a more fair and equitable enforcement of the Handbook's policies, recommendations to improve the auditability of the CCAO's time and attendance system, and monitoring activities to identify and address potential noncompliance in a far more expeditious manner. Perhaps the most valuable consequence of these reports is a more vocal, effective, and transparent DOC.

In addition to these continuing initiatives, I plan to work with CCAO Human Resources to develop measurable and attainable goals that, once completed, move the CCAO closer to substantial compliance.

### III. Role of the DOC

The DOC's primary responsibilities include but are not limited to the following:

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

Starting in late 2019, I began attending weekly senior leadership meetings in the office. Attending these meetings have helped me better understand the operational objectives of the CCAO. Occasionally, compliance issues are also discussed.

In the last few months, senior leadership in the CCAO has invited me to meetings to discuss proposed organizational changes. These have been extremely helpful since they allow me the opportunity to advise on any compliance matters from the onset. My presence at these meetings also show that the CCAO is taking the Employment Plan and Employee Handbook into consideration at the early stages of decisions involving staff and operations.

Most recently, I have begun to attend meetings to discuss the CCAO's strategic planning. This initiative is in its infancy, but it contemplates meetings that involve a smaller group of managers tasked with



brainstorming long-term, strategic plans, scoping out those ideas, and working with directors to implement the projects.

## 2. Overseeing Compliance with the Policies of the Employee Handbook

### A. Handbook Training & Implementation

In late September 2019, the office trained every employee on the newly revised Employee Handbook. The entire office was divided into five groups of roughly 50, and each group received Handbook training for six hours per day, for a three-day period. Supervisors received a fourth, full day of training that covered topics such as performance management, time and attendance, and disciplinary procedures. As DOC, I facilitated some of the training topics and monitored many others.

Some of the concepts covered during the Handbook training were new to existing CCAO staff. CCAO management, the DOC included, encountered some resistance from staff when it came to these newer concepts, which is not surprising for any workforce confronted with change. For example, many CCAO employees have not received formal performance evaluations in as much as eight years or more. When trained on the process for performance evaluations, many staff had questions and concerns with how the process would work, how evaluations would be used, and why evaluations were even necessary.

### B. Position Descriptions

In late 2019, the CCAO completed an audit that identified staff who were exempt from the Fair Labor Standards Act (FLSA). Prior to the completion of the audit, every employee in the CCAO, including those at the Deputy and Director level, was considered FLSA covered, and hence technically eligible for overtime. The audit rectified this problem; HR trained affected employees on what it means to be FLSA exempt, and provided FLSA-exempt employees with their official Position Descriptions.

In early 2020, HR began presenting FLSA-covered employees with their official Position Descriptions as well. Meetings between supervisors and their direct reports about Position Descriptions are important because they clarify essential duties, roles, responsibilities, and expectations. Official Position Descriptions are, therefore, integral to the performance management process. As DOC, I monitored approximately 200 of these Position Description meetings between supervisors and their direct reports.

In order to be effective, it is important that supervisors provide context to each Position Description, relate the Position Descriptions to the performance evaluation process, and discuss expectations. Early on in the process, supervisors were simply reading the Position Descriptions to their direct reports without any meaningful discussion. Based on feedback from the DOC and HR, the office was able to course correct and supervisors presented a large portion of Position Description in a sufficient manner.



### C. Performance Evaluations.

Since the CCAO has recently completed and presented Position Description, it can now begin the performance evaluation process. Performance evaluations are important to any organization, but they are also an important component to the CCAO achieving substantial compliance. They offer evidentiary value for the DOC, ACA, Plaintiffs' Counsel, and the Court that confirms employees throughout the office are being treated fairly and equally. They also exhibit accountability for employees, as well as their supervisors.

The Handbook provides that CCAO employees will receive performance evaluations on an annual basis. New hires and current employees hired into a new position receive evaluations after their first 90 and 180 days in the position. The 90 and 180-day evaluations utilize the same form as the annual evaluations. Since the office just recently completed Position Descriptions, there have been no annual performance evaluations. However, there have been a number of 90 and 180-day evaluations, some of which I was able to monitor and for others I was able to review the documentation. Some of these evaluations were in compliance with the Handbook, others were not. Those that were not in compliance with Handbook were so for the following reasons:

- At least one 90-Day Evaluation took place closer to the 180-day mark.
- At least three evaluation forms were incomplete as they failed to include requisite comments for each evaluation criteria.
- For some evaluations forms that did have comments, the comments were insufficient. For example, under the category of "Prompt Completion of Work," the supervisor's only comment was "[John Doe] completes task (sic) promptly and timely." In another instance, under the category of "Timeliness," the supervisor's only comment was "[Jane] is punctual."
- Two evaluation forms done on the same day drafted by the same supervisor had only written explanations for three performance categories, and they happened to be the same three performance categories. Those explanations were also the same, practically word-for-word. Both forms also listed two different overall scores. It would appear that little effort was put into these two performance evaluations giving them little value.

Giving performance evaluations is not an easy task for a supervisor, even when the performance evaluation is going to be positive overall. In order to provide meaningful and specific feedback at the time of the formal evaluation, supervisors must be thinking constantly about and making note of their direct reports' performance. Come evaluation time, supervisors should not be in the difficult position of trying to recall instances of positive or negative performance that may have occurred months prior. The DOC has recommended, and CCAO management concurs, that a refresher training on performance management would be helpful for supervisors. This training should be a priority in the next few weeks.



#### D. Training

Like with performance management, CCAO's front line supervisors could benefit from a primer on the Handbook's training policy. This proposed guide, a supplement to the policy, is currently being developed. Training at the CCAO occurs with a good degree of regularity. The office is improving its technological capabilities, it is creating redundancy in certain positions, and is encouraging career development among its staff. With increased training opportunities, there is value in creating a guide for supervisors.

A core concept of the Handbook's training policy is to provide training equitably to avoid unfair professional advantages, or the appearance thereof. This is why the Handbook's training policy contains language such as, "Employees in the same Position...shall be offered training opportunities equally," and "Training that is not department-wide...shall be offered to all employees in the position or positions identified for the training opportunity." In one instance in late October 2019, an employee requested and was nearly approved for an outside training opportunity that management did not offer to the employee's peers. This instance was identified before the training took place and the offer had to be rescinded.

#### E. Investigative and Disciplinary Process

With the September 30, 2019 enactment of the Handbook came a new approach to investigating and disciplining misconduct, as well as a commitment to take misconduct seriously. The Handbook also promulgated new rules (e.g. time and attendance) for which there are, due to a natural learning curve, going to be new violations. As DOC, I monitored several investigations and reviewed recommended discipline. Though discipline has not occurred enough to draw solid comparisons, that which has occurred has so far been reasonable and consistently applied. As for investigations, I have prepared and am ready to facilitate training on workplace investigations and best practices (See §III.5 infra). I feel this is something from which HR and managers who will conduct inquiries into misconduct could benefit.

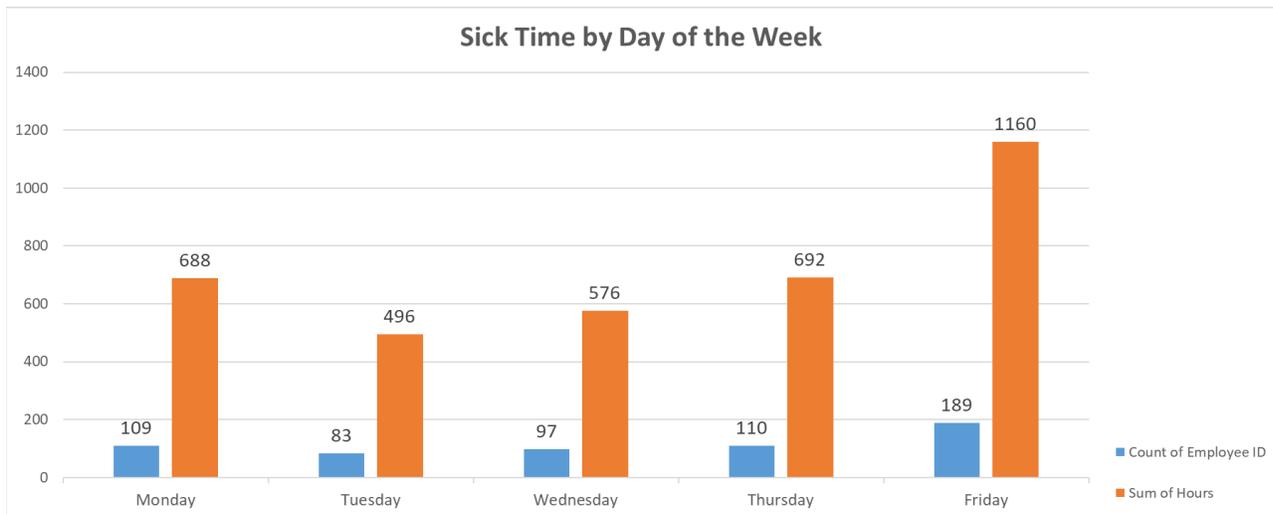
#### F. Monitoring Time and Attendance (PTO Audit)

As part of my weekly DOC report (see §II supra), I report on Time and Attendance issues from the prior week. Specifically, I have focused on late arrivals and inactivity. The intended purpose is to increase employee and supervisor accountability and get them in the habit of reviewing theirs and their direct reports' timesheets to confirm compliance with the Handbook's Time and Attendance policy. These reports have also shed light on the fact that the CCAO needs to make efforts to increase the transparency and auditability of the Cook County Time (CCT) system. For example, when edits need to be made to a particular timesheet, the editor should enter comments explaining the need for the edit. When absences or late arrivals are excused, the supervisor should enter clarifying comments. The comments entered into CCT need to be sufficiently clear to someone who is unfamiliar with the given circumstances. These are recommendations I have made and the office is beginning to follow.



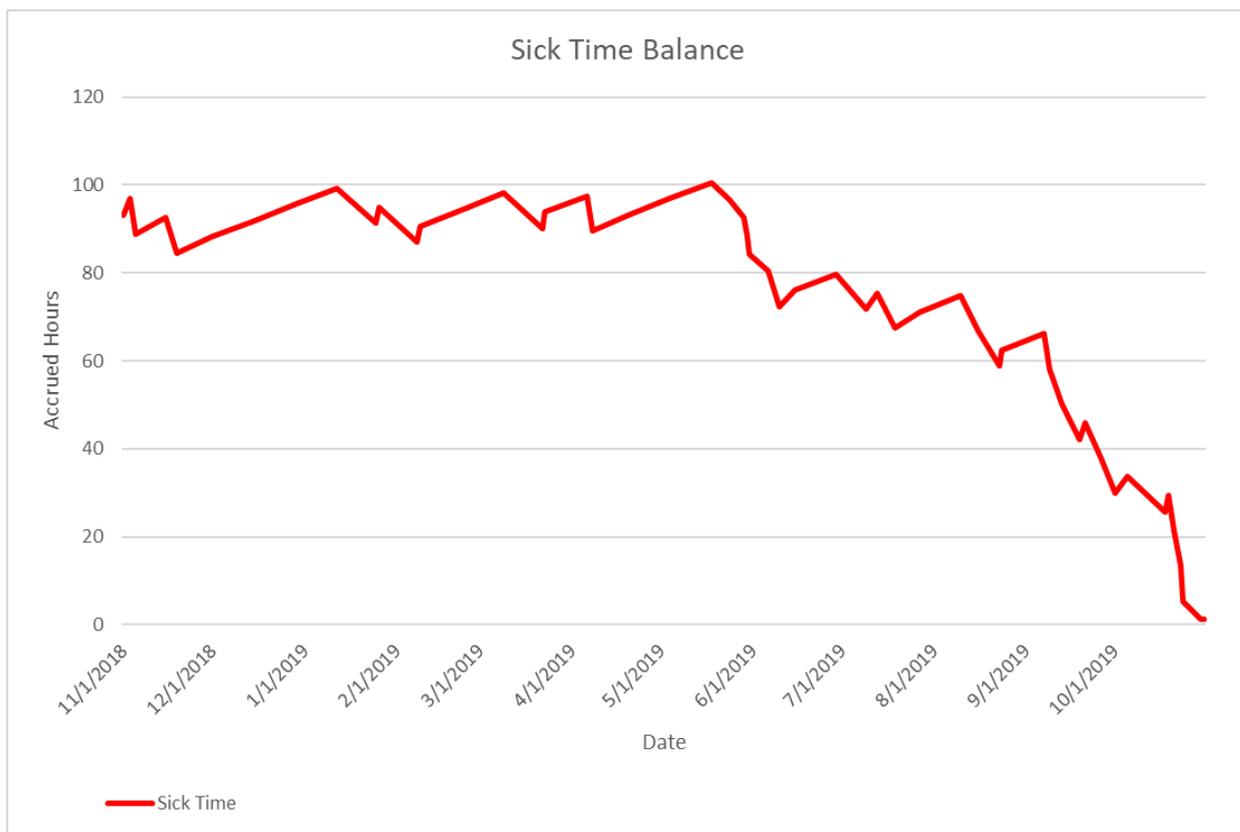
On February 20, 2020, I issued an audit examining the CCAO's use of Sick Time. The audit was designed to look for patterns that would be indicative of abuse. From a compliance standpoint, where there is abuse of rules, there is also room for disparate application. In summary, the audit found that there is potential abuse with regard to the use of Sick Time to extend weekends, extend vacations, and maximize paid time off leading up to retirement. I do not think these are problems unique to the Cook County Assessor's Office. In fact, my experience in other agencies was one of the factors that led me to initiate the audit.

One clear example of a potential indicator of Sick Time abuse came from my review of the use of Sick Time by day of the week. The data shows that employees are taking Sick Leave on Fridays more than 1.6 times the next two most common days (Mondays and Thursdays) and more than twice as much on Tuesdays and Wednesdays. See the graph below:



The above graph shows that, during the six month time frame covered by my audit, there were 189 distinct times that an employee took Sick Leave on a Friday for a total of 1,160 hours. Compare that to Thursdays for which 692 Sick Time hours were used 110 times. Given the disproportionate amount of Sick Time being used going into the weekends, it is more likely than not, that Sick Time is being used not because employees are sick, but to extend weekends.

Upon separation from County employment, employees are not paid out for unused Sick Time. This creates an incentive for employees to use as much of their Sick Time as possible as they approach retirement, even though they may not actually be sick. As part of my audit, I looked at one particular example of this. The graph below shows a retiring employee's Sick Time balance through the employee's last year as a CCAO employee.



As this graph clearly demonstrates, with about 5 months to retirement, this employee began taking Sick Time at an increased rate. From mid-May to the employee's last day, 99.3 hours of Sick Time were used. This employee retired with 1.31 hours of Sick Time banked. On the employee's second-to-last day, with 5.31 hours still in the bank, 4 hours of sick time were used. During the last three months of employment, not counting holidays, this employee was at work a total of 368.75 hours. This averages out to about 5 hours a day or 25 hours a week.

The audit recommended, among other things, that the CCAO consider investing resources in developing dashboards that draw data from CCT to create actionable reports and red flags for management so that they are made aware when these patterns develop among their direct reports.

3. Actively working with the Chief Administrative Officer and the Director of HR in developing strategies for the Plan as well as necessary Policies and Procedures to ensure compliance with the Plan.



During the last three months of this reporting period, the CCAO was without a Chief Administrative Officer. The prior CAO took another position in County government. Prior to her departure, I met weekly with the CAO to discuss any ongoing issues. Those weekly meetings are now occurring with the current CAO.

Developing strategies for the Plan as well as Policies and Procedures with HR and the CAO is a fluid process that occurs with a good deal of regularity. As stated earlier, the CCAO is working to revise the Employee Handbook, however, in addition to that, HR is very good at identifying areas where the CCAO would benefit from a policy or Standard Operating Procedure. HR is equally good at consulting with the DOC when such a need is identified. For example, HR has presented policies aimed at ensuring employees are not self-authorizing overtime. HR and the DOC have also raised concerns that policies are required to ensure that those employees who work in the field are more accountable for their hours.

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

During this reporting period, the DOC accepted and completed one investigation relating to a potential violation of the Employment Plan. An employee was alleged to have made a comment to another employee suggesting that a favorable employment action be considered for potential political considerations. The investigation showed that all parties privy to the comment understood it as a joke, therefore the DOC's recommendation was that the employee making the joke be counseled as to the level of professionalism that should be exhibited in an office setting, particularly one that is under active Shakman monitoring. The office followed this recommendation and counseled the employee. It is noteworthy that, even though the employee on the receiving end of the comment interpreted it as a joke, he still felt it appropriate to report the joke immediately to the DOC.

In addition to the above, I have accepted one other investigation concerning a potential violation of the Plan. That investigation is pending.

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

In addition to the office-wide Handbook training discussed in §III.2.A of this report, I continued to provide training on the Employment Plan/Shakman and sections of the Handbook to all new hires (approximately twelve employees during this reporting period).

As a revision to the Employment Plan, HR and Legal may delegate responsibilities of investigating misconduct to managers, provided that those managers receive training on best practices for workplace investigations. To comply with this provision, I have prepared this training and will implement it to management in the coming months.



In the next six months, I plan to work with the CCAO's Director of Training to develop new trainings, supplements to additional trainings, and refreshers. One of the required trainings per the Employment Plan is training on the Plan itself. The CCAO has developed training that satisfies this requirement, but the Director of Training and I agree that additional content is appropriate. The current version of "Employment Plan Training" covers Shakman litigation and the history behind it. This is important information to convey to staff because it provides the background into the need for an Employment Plan. Staff are far more likely to comply with the Plan when they understand why it is necessary. However, training content as it relates to the Plan itself could be more comprehensive. The Director of Training and I plan to use the existing training materials to create two trainings, one covering Shakman and the other covering the Plan.

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

- A. General Hiring Process

During this reporting period, the office filled the following four positions using the General Hiring Process:

- Manager of Payroll,
- Division Analyst, and
- Two Exempt Analysts.

In summary, the General Hiring Process entails reviewing the request to hire, reviewing the current Position Description, reviewing the job posting, reviewing proposed interview questions, and validating the information received on applications and resumes. Validations can be a time-consuming step as it involves comparing information on each application and resume to the particular position's minimum qualifications. The next step in the General Hiring Process entails randomizing those candidates found to be minimally qualified. HR uses this randomized list to create an Interview List. A panel interviews and scores candidates. That same panel then meets to discuss their scores and ranks the candidates. HR maintains all documentation for each step of the process in a Posting File. An Exhibit to the Plan is a Posting File Checklist, used to ensure that all required documents have been included in the file. The DOC reviews the Posting File and the Checklist, and HR then tenders an offer to the selected candidate.

This is a laborious process, but with each hiring sequence, HR and the CCAO become more adept at navigating it. However, in one instance, the Division Analyst hiring sequence, HR did not complete and transmit the Posting File Checklist to the DOC and ACA for review. Upon review, some minor items were excluded from the Posting File. In another instance, the Exempt Analyst hiring sequence, interview scores



were inconsistent with scoring instructions and scores were tabulated incorrectly due to the use of a formula in Excel for a prior hiring sequence.

#### B. Actively Recruited

During this reporting period, the office filled the following four positions using the Actively Recruited Hiring Process:

- Manager of Commercial Valuations,
- Two Managers of Residential Valuations, and
- Manager of Special Properties

The Actively Recruited Hiring Process is similar to the General Hiring Process. There is a review of the justification to hire, position description, and interview questions; and the DOC, along with HR and the ACA, conducts a validation of application materials. There is no randomization of validated candidates though. Instead, the entire pool of minimally qualified candidates are presented to an Application Review Panel who creates a list of candidates to interview. Panel members then interview and rank candidates. Based on those rankings and ranking notes, the department head makes a selection.

For the Manager of Commercial Valuations, there were no noteworthy errors in the hiring sequence.

The Manager of Residential Valuations hiring sequence was largely in compliance with the Plan. I recommended that HR instruct interviewers to take more copious notes, specifically when one of the interviewers asks a follow-up question.

The Manager of Special Properties hiring sequence was also largely in compliance with the Plan. One candidate appeared for his interview without the required documentation (college transcripts). All other candidates followed instructions and brought their required records. The Plan would have required HR to turn this candidate away for not bringing his transcripts. Due to an oversight, this candidate was allowed to sit for an interview on the condition he provide the required records at a later date. This issue was rectified by disqualifying the candidate at the Interview Panel's ranking meeting. For a few of the interview questions, one interviewer failed to provide sufficient comments to justify his scores. This hiring sequence occurred in September 2019, and these issues have not resurfaced.

#### C. Exempt Hiring

During this reporting period, the office filled the following five positions on the Exempt Positions list.

- Chief Policy Officer
- Senior Data Scientist
- Director of Policy



- Director of Special Projects
- Chief Administrative Officer

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 Shakman plaintiffs' counsel. For the Chief Policy Officer position, the CCAO, in an effort to ease the transition from the incumbent to the selected individual, wanted the new Chief Policy Officer to start early, while the existing Chief Policy Officer still held that position. This arrangement would have, in effect, added an Exempt position without proper notification and approval. The only reason this discrepancy was caught was because the Office's then Chief Administrative Officer returned from vacation to learn this was happening. She encouraged HR to alert the DOC and ACA. Absent the Chief Administrative Officer's intervening, this discrepancy would have likely gone unnoticed.

## 7. Overseeing Compliance with the Employment Plan

### A. Notification of Employment Actions

One of the most important parts of the Employment Plan vis-à-vis the relationship between the CCAO and ACA is the Notification of Employment Action (NEA) process. The Plan requires that the Director of HR or Designee provide the DOC and ACA with written or electronic notice of all employment actions and specified steps within employment actions. This advance notice allows the DOC and ACA the opportunity to monitor employment actions, or, failing that, provides the DOC and ACA a read into the deliberative process behind each employment action. Either way, NEAs guarantee the DOC and ACA have an opportunity to provide insight into the particular employment action, as well as compare similar employment actions to ensure uniformity; but more importantly, NEAs provide the CCAO an opportunity to demonstrate its ability to effectuate employment actions that are Shakman compliant. Thus, NEAs are a critical component to the ACA-CCAO relationship.

Since the CCAO includes a staff of well over 200 employees, employment actions occur with a good deal of regularity. The process of drafting, routing, and transmitting NEAs is onerous, but necessary. HR has expressed frustration with the onerous aspect of the NEA process, but will occasionally fail to recognize the necessity aspect. HR wants to run an efficient department, which is commendable, but has sought ways to limit the NEA process. Efficiency cannot be accomplished at the expense of ensuring proper monitoring of employment actions. Having a federal monitor is not easy, nor is it supposed to be. There will inherently be transactional costs associated with having to coordinate with that federal monitor. The best strategy is not to argue for a limitation on the existing requirements or take an overly narrowed



definition of "employment action," but to devise the most efficient way to comply with existing requirements. For example, educating supervisors on the NEA process might help relieve HR of some of the burden of ensuring the proper routing of NEAs throughout the office. Currently, supervisors are dependent upon HR to provide them with the proper forms and walk them through the process. With added resources and available technology, I am confident that the office can strike the appropriate balance between operational efficiency and sufficient notification.

#### B. Monitoring

Since they concern disciplinary matters, the DOC and ACA have a right to monitor Union Step 1 Grievance meetings. Early in this reporting period, a number of Step 1 Grievance meetings were conducted without proper notification to the DOC and ACA. This happened based on a misinterpretation of the Plan and Handbook and the DOC and ACA have since been notified of all grievances.

According to the Employment Plan, certain trainings are to take place annually. Not the least of which is training on the Employment Plan itself. All employees in the Office have received training on the Employment Plan, but there are many who have received such training well over a year ago and are overdue for their annual training. I have alerted the Director of Training to this issue and we will work to rectify it in the coming months.

The Plan also requires that any employees who participate in job interviews receive Interviewer Training. Most recently, while monitoring interviews for a vacant position, I noticed that two recently hired managers participated in the first of those interviews having not received required Interviewer Training. Once I alerted HR, they immediately acted upon this and trained the two managers that day so that the remainder of the interviews were done according to the Plan. Nevertheless, this discrepancy should have been caught early in the hiring sequence.

#### IV. Requirements of this Semiannual Report.

Section V(B) of the Employment Plan requires that this semiannual report include 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.

##### 1. Auditing activities

As discussed earlier, I conducted an audit that reviewed the CCAO's use of Sick Time. I issued the audit findings on February 20, 2020 and await the CCAO's response. In addition to this audit, I also monitored



and audited a number of employment actions, most notably the rollout of job descriptions office wide. I also have been monitoring and continue to monitor disciplinary processes.

2. Discovered violations of the employment plan.

All violations of the Employment Plan discovered during this reporting period are detailed throughout §III of this report.

3. Complaints of UPD referred to the OIIG

The DOC has only referred one complaint concerning potential Unlawful Political Discrimination (UPD) to the Office of the Independent Inspector General. That involved the allegation that gave rise to the investigation discussed in §III.4 of this report. After the DOC referred the allegation concerning the political comment to the OIIG, the OIIG reasonably referred the matter back to the DOC to investigate.

4. Remedial Actions recommended

Through the use of the DOC weekly reports, I have recommended greater transparency in CCT. The previously mentioned audit recommended that the CCAO explore the use of meaningful dashboards that can convert CCT data into useable, real-time reports for management. The previously mentioned investigation resulted in the DOC recommending that the subject employee receive corrective counseling.

5. Corrective actions taken

Since recommending greater transparency in CCT, I have noticed an uptick in the quality of comments that supervisors put into the time system. There is also more accountability from both managers and HR, but there remains room for improvement. Prior to my issuing these reports, there was some confusion from payroll as to whether compensatory time can be used to excuse a late arrival. It cannot. Once this was clarified, payroll has been vigilant in holding managers more accountable for their direct reports' time. Finally, as mentioned earlier, the office responded to the DOC's investigation with counseling for the subject employee.

**V. Substantial Compliance**

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



- 1) The Assessor has implemented the New Employment Plan, including procedures to ensure compliance with the Employment Plan and identify instances of non-compliance;
- 2) The Assessor has acted in good faith to remedy instances of non-compliance that have been identified, and prevent a recurrence;
- 3) The Assessor does not have a policy, custom, or practice of making employment decisions based on political reasons or factors except for Exempt Positions;
- 4) 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; and
- 5) 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.

There is a good deal of subjectivity in each one of these factors. First, an Employment Plan is, and has been, implemented. However, that Plan is being revised to conform with operational needs and realities. Procedures are in place to ensure compliance with the Plan. The Office just needs to develop familiarity outside of the roles of HR and the Director of Compliance to ensure that those procedures are being followed.

Next, the Assessor's Office remedied those instances of non-compliance as mentioned in this report. For example, the Exempt Director of Policy's start date was postponed to prevent the impending overlap in this title, and the interviewers who had yet to receive the proper training got that training the same day the DOC pointed out the issue. In order to prevent recurrence, the CCAO needs to adhere to annual trainings and familiarize supervisors and management with the rules and regulations that govern each employment action.

Since only one matter concerning potential UPD was referred to the OIIG, and that matter was summarily referred back to the DOC; it would appear that the Assessor does not have a policy, custom, or practice of making employment decision based on political reasons or factors except for Exempt Positions.

Fourthly, the CCAO is not without technical violations of the Plan and Handbook. The DOC and ACA are quick to point these out, not to be overly critical, but to ensure that these technical violations do not become areas of material non-compliance. Without the technical adherence to the Time and Attendance Policy for example, managers can slowly develop a lax approach to larger issues as they relate to Time and Attendance accountability. There still appears to be an "absence of material noncompliance which frustrates the Assessor's Consent Decrees and the Agreed Order's essential purpose." The difficulty of fulfilling this prong of substantial compliance is the challenge of proving a negative.



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Finally, implementing procedures that will affect long-term change and have long-term stability is no easy task. This administration is not only trying to achieve substantial compliance with a showing of the above factors, but it is also building a foundation upon which future administrations can maintain substantial compliance. As stated earlier, the procedures are in place. There are revisions that need to be done around margins as well as supplemental policies to ensure compliance. What is important is that those who are responsible for implementing these policies and procedures are familiar with them and apply them consistently. This does not just apply to the DOC, HR, and senior management. Rather it is critical that front-line managers and supervisors are knowledgeable about these policies and procedures. They initiate the vast majority of employment actions and remain present throughout the employment actions. They need to take ownership of these actions. As noted earlier, Notifications of Employment Actions are important. If supervisors are familiar with NEAs and how they are to be routed throughout the office, they would relieve much of the burden from HR and would have a more transparent, proactive role in employment actions. Added supervisor trainings on topics such as performance management, temporary assignments, training policies, overtime, and discipline would help round out this much-needed element of establishing substantial compliance.

Respectfully submitted,

*Matthew Serio*

Matthew Serio  
Director of Compliance  
Cook County Assessor's Office