



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 third semi-annual report issued by the current DOC. In an unprecedented fashion, this report covers a period of time during which the vast majority of employment actions were conducted and monitored remotely. To its credit, the CCAO did not shy away from the challenges that COVID-19 presented. With the exception of some employees who routinely worked in the field, and perhaps some senior level employees, the CCAO was operating with a traditional, in-office workforce. When the pandemic struck, the CCAO quickly adapted and converted its workforce to one that is largely capable of working remotely. This process was not without its problems, but the Office forged ahead and developed methods of completing employment actions virtually. As detailed in this report, several hiring sequences, performance evaluations, trainings, and disciplinary matters still transpired, all remotely.

As stated in my previous semi-annual report, I had the goal of continuing a proactive approach to compliance and building an effective compliance program that exists outside of the one-person director role. To some extent, this goal has been achieved, and in other areas it has not. I've taken a proactive approach with certain initiatives to target areas where I have seen compliance issues. These initiatives are relatively new, so I hope to report on a positive impact in my next semi-annual report. I plan to continue a proactive approach to compliance and work to the point where the office can say that it has a compliance program and not just a compliance person.

II. Initiatives

A. CCAO – ACA Meetings

As I have mentioned in previous reports, effective communication between the CCAO and the Assessor's Compliance Administrator (ACA) is paramount. To effectuate this, I recommended monthly meetings between the ACA and CCAO personnel. Due to the pandemic, these meetings are limited to virtual attendance and have been sporadic at best. I plan to restart monthly meetings, virtually, with the ACA and CCAO. Typically these meetings are attended by myself, the Director of HR, and Counsel for the ACA; I encourage broader participation from both the ACA and CCAO. To be productive, there should not be "too many cooks in the kitchen," but I feel that we can involve more principals (e.g. representatives from CCAO Legal or the Chief Administrative Officer and those ACA representatives who are most actively involved in monitoring) to strike a balance that achieves a productive, but efficient, meeting.



B. Periodic Reports

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. As stated in the previous semi-annual report, "periodic reports" historically took the form of quarterly meetings with the Assessor and these semi-annual reports. To expand upon the role of issuing periodic reports, I began to draft weekly reports to the Assessor and other high-level personnel. I continue to draft these reports, though during the pandemic, I typically issue them every other week rather than weekly. During this reporting period, I have issued approximately 15 such reports. I continue to receive positive feedback on the value of these reports. However, since one of the purposes of these reports is to raise issues for further discussion, I welcome and encourage more discussion from any of the recipients.

C. Performance Management Refresher

My previous semi-annual report addressed the need to refresh supervisors on Performance Management. Working with the Director of Training, Human Resources, and the Chief Administrative Officer (CAO) I developed a truncated training on the CCAO's performance management process to serve as this refresher. Areas that I stress during this training are organization and constant tracking of performance. The CCAO's performance management policy contemplates annual performance evaluations. A supervisor will not recall instances of positive or poor performance for a direct report if it occurred eleven months ago. Therefore, supervisors must be organized and consistently maintain notes for the purposes of drafting meaningful annual evaluations. Time will tell if this advice is followed.

D. Performance Management Checklist

To further aid in the performance management process, I drafted a performance evaluation checklist. This document serves as a literal step-by-step checklist for supervisors to consult and use as they navigate the performance management process. When HR distributed this checklist to supervisors, I encouraged that it not only be utilized, but that supervisors provide feedback as to clarity and usefulness. If the checklist needs to be amended to make it clearer or more user friendly, that can easily be accomplished. Between the refresher training mentioned above, the checklist, and the Handbook's Performance Management Policy itself, there should be no reason why supervisors cannot complete a performance evaluation that is substantially compliant with the policy.¹

E. CCT Guide

¹ When a recent performance evaluation went well, I sought feedback from the supervisor who conducted the evaluation to ascertain what she felt helped her. This supervisor referenced the checklist and also added that, prior to starting the process, she reviewed the policy in the Handbook. This is the level of consideration that I have been hoping to see from supervisors who undertake an employment action detailed in the Handbook.



Time and Attendance issues remain a constant challenge for the CCAO and its supervisors. There is only so much that HR and I can do to correct time and attendance matters, and what we do is predominantly reactive – I or the Manager of Payroll will follow-up on an issue after it has made its way into the Cook County Time (CCT) system. For time and attendance issues HR, the ACA, and I must rely upon supervisors/timekeepers as the first line of defense to enforce the time and attendance policy. To assist them with this task, I drafted, with the help of HR, a primer on the policy and its intersections with CCT. On August 7th, HR met with supervisors/CCT timekeepers to discuss the CCT Reference Guide. I thought this meeting went well, but time will tell how effective the meeting and Guide will be. It was a little concerning to hear a supervisor ask if a retiring employee can exhaust his sick time prior to retirement. This suggests that policies and corresponding training materials are not sinking in.

Like with Performance Management, I feel that supervisors have been given the tools they need to succeed. Between the Guide, Handbook Training, and the Handbook itself, supervisors should have all of the resources they need to effectively enforce Time and Attendance. If they cannot do that, given the resources the Office has already provided, they need to be held accountable.

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

The CCAO holds weekly senior leadership meetings. I have been and continue to be involved in these weekly meetings. More often than not, these meetings address operational issues and not so much employment actions that have Shakman implications. Nevertheless, it is beneficial for me to be a part of these meeting to continually gain an understanding of the CCAO's organization and operational objectives. Occasionally, the Assessor will mention Shakman compliance matters during these meetings, which is reassuring.

In early 2020, the Office engaged me in discussions surrounding the formulation of the Data Integrity Unit, a new operating unit within the Valuations Department. These discussions carried into this reporting period. There was a considerable amount of internal deliberations among myself, Human Resources, and Valuations leadership; followed by a considerable amount of external deliberations that included the ACA and Plaintiff's Counsel. Complicating matters was the fact that the development of the Data Integrity Unit contemplated rotating some employees in and out of the Unit for the purpose of diversifying those employees' skill sets. Valuations leadership expressed frustration with attempts to make the rotation policy structured so that all employees in the identified titles had a fair and equal opportunity to work in the new Unit, rather than having leadership select "the best" employees based on an undefined,



subjective standard. With the help of the Legal department and frank discussions with the ACA and Plaintiff's Counsel, the Office was able to create the Data Integrity Unit with a structured, written rotation policy.

On a similar, but much smaller scale the Office restructured its Property Divisions Unit to report directly to the Exempt Director of Special Projects. To the best of my knowledge, the Office engaged me in the early discussions regarding this change. I believe this led to a relatively smooth process to relocate the Unit.

There was one area where I believe the CCAO fell short in terms of improving my understanding of operational objectives and needs. When the CCAO was contemplating returning its employees to work in the office, my level of involvement in those initial discussions was minimal. I take some blame for not being more proactive in determining the schema for deciding which employees would continue to work remotely and which would be required to come into the office on a rotational basis. Nevertheless, once the decisions were shared, the ACA and I were able to point out inconsistencies that raised Shakman concerns (e.g. employees sharing the same title but some being allowed to work remotely while others were selected to report to the office). Working with the CAO, I was able to get a better understanding of how and why certain employees were grouped into different categories of work. I assisted the CAO in articulating these decisions points to the ACA which hopefully addressed everyone's concerns.

2. Overseeing Compliance with the Policies of the Employee Handbook

A. Handbook Training & Implementation

When the Office hires new employees, they are required to receive training on the Employee Handbook within their first 60 days. I typically facilitate some aspect of this training (usually covering topics such as Performance Management and Discipline). During this reporting period, I facilitated three Handbook training sessions.

As required in the Employment Plan, the CCAO is to train its employees on the Handbook annually. The last training that the Office received was in late August 2019. The Office is currently in the midst of revising its Handbook, so it is only prudent that the Office wait on Handbook training until those revisions are complete. Once the revisions have been finalized, the Office is poised to provide training on those revisions to its employees.

B. Handbook Revisions

The current version of the Handbook has been effective since December 2019. After fully implementing it in September of 2019 and living with it for some months, it became clear that revisions needed to be done. These revisions have been my largest project for this semi-annual time frame. Every section is being



reviewed and edited. Unfortunately, this is a slow-going process. In some cases, this is understandable: we want a Handbook that is comprehensive and provides direction and accountability. In other cases, Human Resources takes an approach that is near-sighted and counterproductive by challenging parts of the Handbook that are designed to create a deadline, production requirement, or other type of timeframe during which employment actions must take place. A good deal of time is spent arguing whether something “may” happen versus whether it “shall” happen, whether records need to be produced to the DOC and ACA at all or simply made available upon request, whether the DOC and ACA can monitor the deliberative process behind employment actions, or what amount of notice, if any, is reasonable to provide monitors. To be fair, the Director of Human Resources takes this approach mostly because he values efficiency – something all government employees should, but do not – but he also wants to avoid being “dinged” for technical violations. Without deadlines and other objective standards, gauging compliance is difficult. More importantly, holding employees accountable (and doing it consistently) is challenging when standards are more subjective. It is important to remember that the Handbook is a document meant for our employees and one that will exist beyond Shakman monitoring. The Handbook should not be drafted and viewed as a series of “gotcha” scenarios for the ACA, but rather as areas where the Office will hold itself accountable. I believe the Office would be better served drafting policies that commits itself to being accountable and accepting/improving upon the technical violations that may follow, rather than forsaking objective standards merely for the sake of avoiding future de minimis violations. I strongly caution against an approach that, in my opinion, is penny wise and pound foolish.

C. Performance Evaluations

As noted in my last semi-annual report, I recommended, and CCAO management concurred, that a refresher training on performance management would be helpful for supervisors. With HR's assistance, I drafted this training and HR presented it to managers. During this reporting period, I monitored approximately thirteen performance evaluations (either 90-day performance evaluations or 180-day performance evaluations). Most of these transpired before the refresher training was given. Earlier performance evaluations were deficient, but more recent evaluations have improved. For example, an evaluation given in April by a Deputy contained brief, deficient comments. Scores of 5 (“Exceptional”) did not include requisite specific examples indicating exceptional behavior. However, a more recent evaluation was Handbook compliant. In the interim, there have been other technical deficiencies such as untimely evaluations; insufficient, or no, comments accompanying an evaluation score; not distributing the evaluation form to DOC and ACA in a timely manner; and not allowing the DOC or ACA to monitor the deliberative process. Some of these technical violations were committed by the Chief Administrative Officer, one of the Office's designated Shakman liaisons. However, evaluations conducted by HR and Legal have been in compliance with the Handbook, and other departments within the Office are showing improvement.



Starting in September 2020, the CCAO will begin its first round of annual performance evaluations. If these are not done in compliance with Handbook policies, it will not be for lack of effort on the part of HR and the Chief Administrative Officer. Both have worked diligently to organize and inform supervisors on the proper procedures for evaluations, and supervisors have been given the resources they need to succeed. Like with many employment actions, supervisors are vital to ensuring a smooth process in compliance with policies. I have expressed my opinion, and I believe that the CAO agrees, that, where a process is ultimately found to not be in compliance due to a supervisor's lack of understanding or other inadequacy, the supervisor must be held accountable. Having said that, I have confidence that the CCAO's supervisors have the capacity and desire to provide their direct reports with meaningful feedback in the form of annual evaluations.

D. Training

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." Most trainings that the CCAO puts forth are mandatory, so there is seldom an issue with selecting trainees. In one instance, though, a supervisor wished to provide "optional" training for specific individuals. The justification for this training indicated that these individuals had "been out of practice with Appeal work and need a review of the process and instruction on current guidance and valuation approaches." This justification, and the fact that individuals had been selected, made it appear that the training was less optional and more mandatory for those individuals. This matter was caught rather abruptly when the Director of Training sought my input. I counseled her that the Request needed to be amended and that all employees in the listed titles be given an opportunity to receive the training since, unbeknownst to management, other employees not identified in the original request might appreciate a refresher themselves. While the initial request for training ran afoul of the Handbook, I see the entire incident as a positive. The Director of Training had questions about the request, appropriately brought them to my attention before the request was acted upon, and the deficiency was fixed.

E. Investigative and Disciplinary Process

Historically, HR has made the argument that it should be able to delegate certain, lower-level disciplinary matters to either Legal or supervisory level employees for investigation. I agree with this concept provided that any employee undertaking a workplace investigation has received proper training. This provision has been added to recent revisions of the Employment Plan. In compliance with this idea, I developed training



on best practices for internal investigations. In late July, I presented this training to HR staff engaged in workplace investigations.

One thing that the Investigations training covers as a best practice, and something that I strongly encourage the CCAO to adopt, is the comprehensive documentation of investigative steps and evidence. Under its current practices, HR gathers evidence and interviews witnesses. At the conclusion of the investigation, HR sends an email to managers with a preliminary recommendation as to what the discipline should be, if any. Interviews are documented only in the form of notes, and the email sent to management is conclusive but includes little analysis concerning what weight was given to what evidence. This process makes it difficult for a third party (such as a monitor, arbiter, or ALJ) to understand the investigation and recommended discipline. If a disciplinary decision were to make its way to arbitration or hearing months after the investigation took place, it would be difficult, even for those involved, to recall why certain decisions were made. A well-documented investigation supports that it was conducted thoroughly, helps preserve evidence, refreshes recollection when needed, and lends itself to transparency.

Since the current version of the Handbook has been in effect since December of 2019, the Office is beginning to set precedent and build a base of discipline to which it can compare future disciplinary matters. In general, I have been in agreement with the disciplinary decisions taken thus far, both in terms of appropriateness as well as consistency.

One area of discipline that the CCAO must improve upon is the request for discipline coming from supervisors to HR. Recently, these requests seem to ignore similar misconduct from other, similarly situated employees. It then falls on myself and HR to point out those inconsistencies. Sometimes the inconsistent application of discipline is not readily apparent from the request, but is rather discovered after HR has begun its investigation. This forces HR to go well beyond the scope of its initial investigation and step into the role of manager to determine where else discipline is proper. Simply put, if a manager is going to single out an employee to the point where discipline is warranted for underperformance for example, that same manager should be readily able to state, and more importantly support, how the employee's coworkers are performing at a satisfactory level.

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.

The CCAO's current Chief Administrative Officer started with the Office in February 2020. This did not give her a lot of time to learn policies and procedures, particularly those that relate to Shakman compliance, prior to the interruption in operations that COVID caused. Once the Office was forced to work remotely, getting the CAO fully acquainted with Shakman policies was a lengthy process and in some respects is still ongoing. That said, her efforts towards further understanding the interplay between the Employment Plan



and Handbook as well as her assistance in developing and revising Shakman related policies have increased recently. I have been and remain a resource for the CAO upon whom she can rely as Shakman issues arise. For example, as discussed in § III.1 above, once the CAO engaged me in discussion regarding categorizing employees who were to return to work or remain in remote working status, we were able to get to the heart of the matter and alleviate Shakman concerns.

One area where the CAO took impressive, proactive steps to address policies and procedures to ensure compliance with the Employment Plan was the development of an internal ACA feedback log. The Office receives written feedback from the ACA addressing most of the employment actions that she and her team monitors. More often than not, feedback covers multiple employment actions and Shakman policies, which, without some level of organization can be difficult to track. To better track, respond to, and more importantly implement ACA feedback, the CAO developed a “feedback log.” Since the log’s creation, I have been a part of meetings to discuss its contents and strategies for implementing recommendations.

A recent policy that became necessary to ensure compliance with the Employment Plan and Handbook was the CCAO’s Telecommuting Policy. Prior to the pandemic, the CCAO did not have a telecommuting policy, so drafting one was a must. The CCAO sought my input throughout the drafting process and I am largely in agreement with the current iteration of the Telecommuting Policy. However, I see the current Telecommuting Policy as a temporary fix for what is (hopefully) a temporary problem. The policy as it exists is sufficient to address a workforce that is telecommuting on an emergency basis. Once there is a return to some level of normalcy, I will work with the CCAO to develop a more comprehensive telecommuting policy that is sufficient not just for emergency situations but for routine telecommuting as well. Such a policy should include Telecommuting Agreements signed by employees, eligibility requirements, clearly defined expectations, and contingency plans to name a few.

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

During this reporting period, I completed one, self-initiated investigation. This investigation started when I reviewed a thread of email relating to an employee’s 180-Day Performance Evaluation. The email indicated that the employee’s supervisor requested that the employee complete his own draft of the evaluation and submit it to the supervisor for review. The investigation found that the employee did, in fact, draft his own evaluation as a form of a “self-evaluation,” something apparently not uncommon in Human Resources Systems. However, the employee’s “self-evaluation” was written on the actual evaluation form and was essentially rubber-stamped by the supervisory chain. The idea of having the employee conduct a self-evaluation was raised with the Director of Human Resources, who opined that, since the Handbook does not make mention of self-evaluations, there would be no concern with going forward with one; however the Director of Human Resources did not expect the employee to conduct his



self-evaluation on the actual evaluation form, which he conceded is not an ideal method. Nevertheless, the Director of HR never consulted with the DOC or the ACA concerning this deviation from the Handbook's Performance Evaluation policy. This resulted in an employee evaluation that was, unbeknownst to the DOC and ACA, largely written by the employee and rubberstamped by the supervisors. At the conclusion of my investigation, I recommended that all employees involved, including the Director of HR, receive official counseling that addresses their parts in the matter. The CCAO's response to this investigation was due on September 15th. The CCAO requested a 30-day extension, which I granted.

In addition to the completed investigation, I currently have two pending investigations.

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

With each new job posting, I review the Position Description and compare that to the Notice of Job Opportunity to ensure accuracy. Typically there are no issues other than typographical errors or formatting errors. Some errors that are more impactful concern the configurations of minimum qualifications and preferred qualifications. If qualifications are not configured properly to ensure that a candidate does or does not meet a set of qualifications, validating applications after the posting period becomes tedious and time consuming.

In addition to reviewing position descriptions as a part of the hiring process, I also review position descriptions for newly created positions, of which there were a handful during this reporting period. This is a more difficult task as it requires a review of other, existing position descriptions to ensure lateral and horizontal consistency. Lateral consistency refers to the idea that job titles that have similar responsibilities should have similar qualifications. Horizontal consistency refers to the idea that, as titles move up in the organization, qualifications should also increase. For example, the minimum qualifications for an assistant manager should not be higher than those for the manager.

6. 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 trainings previously mentioned (Performance Evaluation Refreshers, Investigations, and Handbook policies) there were two additional training initiatives I undertook during this reporting period. First, I mentioned in my last semi-annual report a need to revise the Employment Plan Training. The prior iteration of this training was sufficient, but I felt that more could be done to give trainees a broader perspective of the need for an Employment Plan. In May, I completed an overhaul of the Employment Plan Training. Towards the end of May and into June, I present the updated Employment Plan training to



the entire office through five separate virtual training sessions. This was done with the assistance of the Director of Training, who organized the office-wide virtual sessions.

The second training initiative I undertook during this reporting period covers Application and Interview Training for CCAO employees. In order to be fair and transparent, the CCAO's hiring process is also highly structured. As someone who validates applications, it is unfortunate and frustrating to disqualify an internal candidate for technical reasons. HR and the ACA share this frustration. To alleviate these occurrences, I developed a training that is geared towards navigating the Office's structured hiring procedures and its electronic application system, Taleo. This training is complete and ready to be presented. I will work with HR and the Director of Training to ensure it is presented during the next reporting period.

7. 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 six positions using the General Hiring Process:

- Paralegal
- Assistant Manager of Residential Field (x2)
- Assistant Manager of Commercial Field (x2)
- Industrial/Commercial Field Inspector (x5)
- Residential Field Inspector (x5)
- Taxpayer Information Specialist (x3)

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 at what is known as a Ranking Meeting. 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.



B. Actively Recruited

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

- Manager of Commercial Valuations

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.

C. Review of the General and Actively Recruited Hiring Processes

The hiring sequences filled with the General Hiring Process and the Actively Recruited Hiring Process were generally conducted in compliance with the Employment Plan, notwithstanding the difficulties presented to HR and interviewers having to complete the processes while working remotely. Miscalculations in tabulating interview scores, documents not finding their way into the Posting File, or allowing candidates who failed to produce required records to interview occurred; but these are minor/technical issues that were each addressed in short order. For the Manager of Commercial Valuations, there was a mix up in converting the interview questions to a fillable pdf form (something that is not required when interviews are conducted in person). This resulted in the first three candidates being asked questions meant for another hiring sequence. The ACA noticed this discrepancy and HR worked to rectify it.

During this reporting period I have made some recommendations concerning hiring that I echo here. First, for HR, organization and attention to detail are important. While the Office was able to fix the mix up with the interview questions for the Manager of Commercial Valuations, that fix involved recalling the interviewees to ask them the correct set of questions. This took up their time as well as the interviewers' time and no doubt subjected the Office to some degree of embarrassment. When listing and validating applicants, it is important to be organized and mindful of what the goal is and what the finished product should look like: data that is easily filtered and sorted by those candidates who meet the minimum qualifications, are internal (if applicable), and meet preferred qualifications (if applicable). This is something that can be added to existing validations training. Second, for interviewers, follow-up questions are encouraged. Interviewers are so fearful of running afoul of the Employment Plan that they are reluctant to "go off script" and ask a follow-up question. The result is a less informed interview and an Office that presents itself as somewhat robotic. I have discussed this matter with the Assessor and the Chief Deputy Assessor and they both agree that follow-up questions are important and we are actively



working on ways to communicate that to interview panel members. Third, interview evaluation forms have been technically compliant with the Employment Plan but they can be more comprehensive. The more notes, the more explanations for why an interviewer scored a candidate a certain way, the more detail in interview summary sections the better. I have monitored hiring sequences where I observed comprehensive interview write ups. I have also monitored hiring sequences where I observed write ups that were scarce on detail. The Ranking Meetings containing the former were always more productive than the Ranking Meetings replete with the latter.

D. Exempt Hiring

During this reporting period, the office filled the following four positions on the Exempt Positions list:

- Director of Commercial Valuations
- Director of Special Properties
- Director of Data Integrity
- Deputy of Valuations

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.

It is noteworthy to comment that two of these Exempt hires were, for all intents and purposes, political outsiders. The Office hired the Director of Commercial Valuations after the incumbent applied to and interviewed for a non-Exempt position, while the Exempt, Director position happened to be vacant. The Deputy on the interview panel was impressed enough with the incumbent to recommend to the Assessor that he be hired to fill the Exempt Director of Commercial Valuations position.

The Director of Special Properties first started with the CCAO in January of 2020 as a Manager of Special Properties. Living out of state at the time, he was hired via the Actively Recruited Hiring Process. When the Exempt Director of Special Properties position became vacant, the Office filled it with this individual.

The CCAO filled the Director of Data Integrity position with an individual who had previously held another Exempt position, but who had also been working for the Assessor's Office for approximately 30 years.

Finally, the CCAO filled the Deputy of Valuations with an employee who had initially been hired in January 2020 to fill a different Exempt position.

8. Overseeing Compliance with the Employment Plan



The concluding language of the Employment Plan states the following:

*The Assessor's Office is committed to continuing its practices of being an equal opportunity employer, hiring qualified Candidates and prohibiting Unlawful Political Discrimination with respect to all Employment Actions. This Employment Plan is intended to create transparent and workable processes and procedures that meet the business needs of the Assessor's Office and comply with legal requirements. It is not possible to anticipate and address every situation that may give rise to Unlawful Political Contact or Unlawful Political Discrimination. **The Assessor is prepared to comply with the spirit of the law to meet those situations in the future.** [emphasis added]*

Since this language does not cover any specific employment action, it is rarely referenced; which is unfortunate, because it is an important provision. Human Resources would do well to remember this language, particularly the emphasized sentence. Rather, HR fights tooth and nail to “reclaim negative space” and interpret ambiguities in favor of the path of least resistance and less oversight. This approach has the degenerative effect of frustrating CCAO relations with the ACA and Plaintiff's Counsel.

As recently as the date of this report, HR challenged the need to abide by simply the spirit of the Plan when a provision that is directly on point does not exist. This challenge is without merit. The language concerning the spirit of the law is clear.

IV. Requirements of this Semi-annual Report.

Section V(B) of the Employment Plan requires that this semi-annual 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

During this reporting period, auditing activities have included monitoring employment actions such as hiring sequences, performance evaluations, and disciplinary matters. As a subset to hiring sequences, I audit validation worksheets and interview tabulation worksheets for accuracy. For both, I have made corrective recommendations. For one particular disciplinary matter, at the behest of the ACA, I audited the investigation to determine if discipline was being applied fairly and that other employees were not engaged in similar misconduct (in this case, lack of productivity). I ultimately found that the Office's decision to discipline one employee for lack of productivity while not disciplining other, seemingly similarly situated employees, was reasonably justified. However, arriving at this conclusion would have been easier if the investigation was documented better.



2. Discovered violations of the employment plan.

For discovered violations of the Employment Plan, see §III.4 supra. In summary, my investigation into a performance evaluation found that the Office violated the spirit of the Employment Plan by not being transparent concerning a proposed deviation from the performance evaluation policy.

3. Complaints of UPD referred to the OIIG

I have not referred any complaints of Unlawful Political Discrimination to the OIIG during this reporting period (nor have I received any to refer). Having said that, the OIIG and I maintain an open line of communication, such that, as issues arise, I have the ability to contact the OIIG to discuss. Most recently, an issue arose that touched upon UPD. In the same day, I was able to forward information to the OIIG, discuss it with him, and come to the agreed resolution that the complaint was not a UPD matter.

4. Remedial Actions Recommended

Following the investigation described in §III.4 and §IV.2 supra, I recommended corrective counseling for all employees involved.

Through the use of periodic reports, I have recommended, among other things, the following: more comprehensive interview summaries, more follow-up questions during interviews, greater attention to detail in application validations, substantive comments on performance evaluation forms, and an employee who was seemingly absent during virtual training be retrained.

I have also recommended that the Office consider adding conspicuous language to job postings advising applicants to include information in their submittals that shows how they meet each of the minimum qualifications.

5. Corrective actions taken

As to my recommendations to increase the follow-up questions asked during interviews as well as instructing interviewers to draft more comprehensive summaries, I have spoken with the Assessor and he agrees that these issues need to be addressed. More recent validations have been more organized. The substance of comments on performance evaluations has improved. Lastly, the employee who was evidently absent from virtual training was forced to retake the training.

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.

First, an Employment Plan is, and has been, implemented. However, that Plan was revised to conform with operational needs and realities. The newly revised Plan was signed and filed with the Court on September 4, 2020. Procedures are in place to ensure compliance with the Plan. As I stressed in my last semi-annual report, the Office needs to develop familiarity outside of the roles of HR and the Director of Compliance to ensure that those procedures are being followed. This is being accomplished through trainings, re-trainings, checklists, reference guides, etc.

Next, instances of non-compliance have been technical or de minimis, but not necessarily rare. Automating processes concerning Shakman policies and maintaining organization among supervisors will help decrease these technical violations.

Only one matter concerning potential UPD was referred to the OIIG, and that I did out of an abundance of caution. That matter was not surprisingly referred back to the DOC. Therefore 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. Based on recent Exempt hires, one could argue that even when the Assessor can make employment decisions based on political reasons, he has not.

Fourthly, as discussed above, the CCAO is not without technical violations of the Plan and Handbook. None of these have materialized to the point of frustrating the Consent Decree and Agreed Order's essential purpose. However, HR's overarching strategy of removing requirements to avoid technical violations does, in my mind, frustrate those purposes.



Finally, implementing procedures that will affect long-term change and have long-term stability was the primary motive for revising the Employment Plan and is the primary goal for revising the Handbook. This is an element to substantial compliance that I often find myself reminding the administration of. We are not only creating policy designed to keep ourselves honest, but future administrations honest as well. Occasionally, the Office sees this hypothetical, future dishonest administration as a type of mythical creature that does not and cannot exist. Recent history and even current events indicate otherwise.² When this Office attains substantial compliance it will be due to the work of dedicated individuals, all of whom should not want to see their efforts go to waste because policies were not strong enough to prevent unlawful political discrimination from creeping back into the workforce. With that in mind, it behooves the Office to draft policies that are structured and objective and not open to circumvention because of subjectivity. This may not be the path of least resistance, but this approach means that the Office holds itself and future administration accountable.

Respectfully submitted,

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² <https://chicago.suntimes.com/politics/2020/7/16/21327334/clout-patronage-cook-county-board-review-hiring-inspector-general-blanchard-patlak-rogers-cabonargi>