

Sharon M. Goss
Director of Compliance
Cook County Assessor's Office
118 North Clark Street, Chicago IL 60602
Phone: 312.603.7415 Fax: 312.603.7594
SGoss@cookcountyassessor.com

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Mr. Joseph Berrios
Assessor
Cook County Assessor's Office
118 North Clark Street
Chicago, IL 60602

Mr. Roger Fross
Locke Lord LLP
111 South Wacker Drive, Suite 4100
Chicago, IL 60606

Ms. Susan Feibus
Assessor Compliance Administrator
105 West Adams, Ste. 3500
Chicago, IL 60603

Mr. Brian Hays
Locke Lord LLP
111 South Wacker Drive, Suite 4100
Chicago, IL 60606

Mr. Jeffrey Cox
Deputy of Human Resources
Cook County Assessor's Office
118 North Clark Street
Chicago, IL 60602

Mr. Matthew Pryor
Counsel for the ACA
69 West Washington
Chicago, IL 60602

Re: March 2018 Semi-Annual Report

Dear Assessor Berrios, Mr. Fross, Mr. Hays, Ms. Feibus, Mr. Pryor and Mr. Cox:

This is the fifth semi-annual report of the undersigned Director of Compliance issued pursuant to Section V, Part B of the Employment Plan.

At the outset, it is noted that the policies pertaining to Employment Actions have been completed and Supervisor training has occurred on these policies. The development and implementation of policies and procedures addressing Employment Actions is an important step towards achieving Substantial Compliance. The full implementation and consistent application of these policies is important to having a transparent process - one with a framework for supervisors and employees to follow and which provides for sufficient documentation for

monitoring and auditing functions to ensure that impermissible political considerations are not taken into account by the Assessor's Office.

Hiring:

Given the current state of the budget for the Cook County Assessor's Office and budgetary issues in general within Cook County, there has been very little hiring activity in the Cook County Assessor's Office. Positions that have become vacant due to the resignation or retirement of employees have not been filled in the Cook County Assessor's Office. Since the date of the last report, one position has been filled in the Cook County Assessor's Office, Erroneous Exemption Specialist. This position is in the Erroneous Exemption Investigations Unit, a department that is self-funded.

A few issues arose during the General Hiring Process:

- Section VI.I.3.b. of the Employment Plan provides that the Deputy of Human Resources/designee shall provide the Interview Panel a list of interviewee names and applicant materials 48 hours in advance of the interviews in order for the Interview Panel to conduct a Conflict of Interest check. Required information was provided to Interview Panel members on October 23, 2017 at 11:58 a.m. for interviews which began on October 25, 2017 at 9:00 a.m. Information to the Interview Panel was late in violation of the Employment Plan.
- Section VI.H.1 of the Employment Plan delineates the process by which Candidates may be added to the Final Interview list. Candidates from the Preliminary Eligibility list are added when a Candidate on the Final Interview List is unavailable for an interview. "If one or more Candidates on the Final Interview List is unavailable, the next eligible Candidate or Candidates on the Preliminary Interview List should be moved to the Final Interview List and contacted for an interview." In creating the Final Interview List for the Erroneous Exemption Specialist position, Candidates on the Preliminary Interview List were erroneously contacted for interviews before there was knowledge as to whether or not a Candidate on the Final Interview List was unavailable for the interview. This necessitated the cancellation of a scheduled interview for a Candidate. The Candidate contacts and interview cancellation are noted in the Contact Log.
- The Employment Plan, Section VI.J.2., provides that the Deputy of Human Resources/designee will take notes at the Ranking Meeting which will include a description of why, how and by whom each Candidate was ranked by the Interview Panel members. The Ranking Meeting notes were not complete. In one instance, it was unclear which Interview Panel Member was speaking as to why and how a Candidate was ranked as the comment contained in the notes was not clearly labelled.

- Only two internal Candidates scored a 3.0 or above during the Interview and were considered for the Position during the Ranking Meeting. It was recommended that the Cook County Assessor's Office consider revamping/consolidating the technical interview questions as the position is considered entry level within the Cook County Assessor's Office.

The Posting/Interview file for the Erroneous Exemption Specialist position was audited on two occasions. The file was reviewed prior to the offer being made to the employee and contained the required documentation. The file was also reviewed after the offer was made to the employee to confirm it contained the offer letter, NPCC signed by the employee and an updated Contact Log. All three documents were in the file. The Contact Log was consolidated with the log started by the Director of Human Resources prior to her departure and contained the contacts made to extend the offer to the employee. The NPCC was inaccurate as it reflected that the Employment Action was a transfer. This inaccuracy was brought to the attention of Human Resources. Since the Cook County Assessor's Office has taken the position that it does not transfer employees and there is no policy to address the transfer of employees within the office, the NPCC was corrected to indicate that the Employment Action was the Erroneous Exemption Specialist selection.

The above-listed issues were raised via email with the Human Resources Department shortly after the hiring process was completed. The Director of Compliance met with the Deputy of Human Resources and the Human Resources Generalists to discuss the Erroneous Exemption Specialist hiring process and to review the requirements of the Employment Plan. It was explained that the filling of this position was used to acquaint and train the Human Resources Generalists on the General Hiring Process and the violations of the Employment Plan were acknowledged. It is anticipated that these types of violations will lessen as the Human Resources Generalists become more familiar with the processes set forth in the Employment Plan.

Employment Plan Training:

The Cook County Assessor's Office conducted two trainings: Shakman all-employee training and Supervisor training on the policies. The Human Resources Department in conjunction with the Director of Compliance prepared an online Shakman training for all-employees to complete during a two week period from December 8, 2017 to December 22, 2017. The training contained an interactive portion requiring users to answer questions about the material covered in the training. The system noted when an employee completed the training based on the log in information of the user and an employee certification of completion was added at the request of the Assessor Compliance Administrator. All employees not out on leave completed the training. The Human Resources Department followed up with employees out on

leave during the training period. The most recent notice to employees regarding the annual training was sent on February 26, 2018 to two employees who recently returned from leaves of absence. Those employees completed the training. A random audit of personnel files was conducted and certificates of completion have been placed in the files as required by the Employment Plan.

The Cook County Assessor's Office also developed Supervisor policy training in conjunction with the Director of Compliance. This training covered the recently completed policies relating to Employment Actions within the Cook County Assessor's Office and the implementation of those policies. Training sessions were offered on November 17, 2017 and November 21, 2017 and all Supervisors were trained. The Director of Compliance spoke with Supervisors about the training and the material covered during the training. The training was very procedure oriented and a significant amount of material was covered during the session but they felt it was helpful as to understanding the supervisor role in implementing the policies. In the future, it may be useful to break the training into segments given the nature of the material covered during the training. A random audit of personnel files was conducted and certificates of completion have been placed in the files as required by the Employment Plan.

Position Descriptions:

Since the last report, there has been movement in updating job descriptions for the Cook County Assessor's Office. The job descriptions for the Legal Department are in the process of being finalized, the draft Position Descriptions for the remaining departments have been provided by the Assessor's Office and a desk audit schedule, covering the remainder of the Office, is in the process of being finalized. The Assessor's Office has committed to making desk audits a priority and enlisted the assistance of counsel for the remaining desk audits and Position Description review. A meeting has been scheduled with the Assessor Compliance Administrator, the Assessor's Office and counsel to discuss the processes and procedures to be utilized for the remainder of the desk audits.

The desk audits in the Legal Department revealed that the Desk Audit Form in use was confusing and redundant. The form has been revised to simplify questions, appropriately group questions, and eliminate duplicative questions. Additionally, based on the results of the Legal Department audits, there are systemic grade issues, a lack of differentiation between duties performed by employees in different job classifications, and employees performing duties not included in the job description. These issues have been raised with Deputy of Human Resources and Legal Counsel. Discussions will need to occur on how to address these office-wide issues.

Exempt Positions:

The Assessor's Office indicated that it intended to request that the Deputy of the Erroneous Exemptions Investigation Department be added to the Exempt Position List. On January 17, 2018, the Director of Compliance prompted the Assessor's Office via email to formally begin the process to add the Position to the Exempt List pursuant to Section XI.C of the Employment Plan. The Director of Compliance was contacted by the Deputy of Human Resources on March 15, 2018 regarding the process utilized to add the Position to the Exempt Position List. It is anticipated that the request to add the Position will be received shortly.

Employment Actions:

As noted above, training on policies has occurred within the Assessor's Office. The completion of documentation associated with Employment Actions remains an issue within the office. The assignment of overtime remains the most prevalent type of Employment Action within the Assessor's Office. Issues were identified with notice of the overtime, documentation of why employees were selected to perform overtime, accurate notation of advance or no advance notice of the overtime, and explanations as to why notice was not feasible. These issues and the issues raised by the Assessor Compliance Administrator in her January 2018 Report to the Court have been discussed and reviewed with the Human Resources Department. Meetings have also occurred with Department Deputies. Initially, there was significant confusion about the difference between the reason for overtime was being offered and the reason an employee(s) was selected to perform the overtime and documenting those reasons. For the most part, this issue has been resolved.

In addition, the Human Resources Department instituted a review procedure for all Employment Action notices. A Human Resources Generalist was assigned to review these notices for completeness and required documentation. The Human Resources Generalist now follows-up with the Deputy when there are issues with the Notice of Employment Action and related documentation. This level of review has resulted in an improvement in the documentation and reporting of Employment Actions. New forms and a chart to track the assignment of overtime have also been developed to assist Deputies and Human Resources in providing all required information.

The procedures set forth in the policy for Temporary Assignments within the office were also implemented by the office. The Assessor's Office temporarily assigns employees to Taxpayer Services during tax bill season. The policy requires that the Deputy submit the request to Human Resources for approval and the designation of positions that are subject to the temporary assignment and provide notice to the employees and the Assessor Compliance Administrator and the Director of Compliance of the Temporary Assignments. The Human Resources Deputy did not timely review and approve the Temporary Assignment request. Since

the Deputy copied Department Deputies on the request sent to Human Resources, employees were temporarily assigned to Taxpayer Services before Human Resources approval and notice. The policy also requires that the Deputy of Human Resources identify positions in other departments requiring the knowledge, skills and ability similar to the knowledge skills and abilities needed to perform the duties of the Temporary Assignment. There was little analysis by Human Resources of the positions subject to the Temporary Assignment to Taxpayer Services raising a concern about the fairness of the employee assignments. This issue was discussed with the Human Resources Deputy who advised that the positions designated were those that have been designated in the past to assist. The Human Resources Deputy has agreed to perform a more critical review of positions that can be designated to assist other departments in the future. This will require in depth discussions with Department Deputies about positions available for Temporary Assignment in the context of the current status of the assessment cycle.

Another issue pertaining to Temporary Assignments arose in an emergency situation where the requisite notice could not be given to the Director of Compliance, the Assessor Compliance Administrator and the employees subject to the assignment. The Director of Compliance recommended that the processes set forth in the Temporary Assignment Policy be followed except for the notice requirements set forth in the policy. While such emergency need is not routinely expected, the Assessor's Office proposed additional language to the policy to cover such emergency situations.

The procedures set forth in the policy for Performance Evaluations were also implemented for the first time. The Deputy of Human Resources issued both the three month and six month evaluations of the Human Resources Generalists. The three month reviews were technically compliant but lacked the specificity required under the policy in order to achieve an evaluation that has meaning for the employee. This issue was discussed with the Human Resources Deputy. The six month performance reviews of these employees met both the letter and the spirit of the policy.

The Performance Evaluation Policy was also implemented for a position outside of the Human Resources Department. The policy requires that the employee sign the performance evaluation after it is reviewed with the employee and following its issuance. In this case, after the evaluation was reviewed by Human Resources, the Supervisor was advised to fill out the form completely. The Supervisor interpreted this as meaning that the employee needed to sign the evaluation in order for the evaluation to be filled out completely. As such, the employee signed the evaluation form prior to its issuance. This issue was discussed with the Supervisor, Department Deputy and Human Resources Deputy and the policy was reviewed. As a result of the meeting, the Human Resources Deputy indicated that he was recommending revisions to the policy in order to clarify the approval steps of the Performance Evaluation procedure. The actual review of the employee's performance by the Supervisor included a detailed oral review of each performance element, a discussion of performance to date and a discussion of future performance expectations.

Regarding the implementation of performance evaluations to all employees in the Assessor's Office, no set plan has been put into place by the Assessor's Office. However, discussions are occurring as to how performance evaluations can be implemented within the context of the desk audit schedule and job description finalization in the Assessor's Office. The provisions of the Performance Evaluations Policy should be reinforced with Supervisors prior to the initiation of the evaluation process within the Assessor's Office.

Discipline:

The vast majority of disciplinary actions within the Assessor's Office center on violations of the Time and Attendance Policy. The policy and its implementation has been the subject of much discussion between the Assessor Compliance Administrator, the Director of Compliance and the Assessor's Office. The policy requires that discipline be issued as soon as practical to the employee, that Human Resources will review the Time Tracker weekly for employee points totals, and that generally points meetings will be held every two weeks. When discipline is not timely issued, due to the passage of time, points may fall off bringing the employee below the number required for initial discipline or the next step of discipline before the appropriate level of discipline has been issued. The standards are meant to prevent that type of occurrence. There have been a number of instances where employees' points totals have fallen below the number required for discipline prior to discipline being issued to the employee for the latest infraction. The timing of the points meetings remains under discussion.

The Director of Compliance monitored the issuance of discipline pursuant to the Time and Attendance Policy. Employees are issued a memo, attendance points total summary and asked if they have any questions at the points meetings. The points meetings are rote in nature and contain little to no explanation or discussion of points. The Assessor's Office believes that employees are aware of their point totals and are not surprised by the issuance of discipline. It has been recommended by the Assessor Compliance Administrator that the memo and the meeting contain an explanation of how the employee arrived at the current level of discipline. The Director of Compliance concurs with this recommendation and has discussed this issue with Human Resources. The need for such explanation is illustrated by an employee who was issued a written reprimand over a year after the employee was issued a verbal reprimand for violating the Time and Attendance Policy. No explanation was provided to the employee as to how the employee arrived at the current level of discipline. Recently, the Assessor's Office began to include a short, clear factual narrative in some points memos issued to employees and provided the employee with a summary at the points meeting. However, this has not been consistently implemented. This issue remains under discussion.

While the Time Tracker accurately records employee swipes, there have been issues with the human element - lack of documentation in the system when points are removed, lack of

documentation regarding the preapproved use of time due, and the incorrect number of points attributable to a dock being recorded in the system. However, the Assessor's Office has been more consistently documenting these situations in the Time Tracker. A Human Resources Generalist now reviews the Time Tracker every Monday and reviews the swipe reports of employees subject to discipline for violation of the policy to ensure that the removal of points from the system has been documented. There are still some remaining documentation/notation issues but there has been progress in this area.

Regarding other employee discipline, issues have arisen regarding the process utilized during investigatory interviews. For example, during a recent investigatory interview, the employee was confused as to the reason for the meeting as the purpose of the meeting was not articulated at the outset. As issues with investigatory meetings have been reported in the past, it was recommended that a protocol which provides for a standardized format to be utilized for all investigatory interviews be developed by the Assessor's Office. The Assessor's Office has indicated a willingness to further discuss these issues.

Grievances:

Four step two union grievances pertaining to overtime, discipline, and the County Time and Attendance Policy were monitored. The process proceeded appropriately with both management and the union being afforded an opportunity to present their respective positions.

Layoffs:

The Assessor's Office designated five positions for layoff pursuant to the Layoff and Recall Policy. The Layoff and Recall file was audited and it contained the documentation required by the policy.

Intern/Extern Acceptance Process:

As noted in the last report, the process for the Cook County Assessor's Office Intern/Extern summer program was implemented in a disjointed manner and there was a lack of communication between the Assessor's Office, the Director of Compliance and the Assessor Compliance Administrator regarding participants in the program. It was also noted that the initial stages of the Legal Externship program tracked the requirements of the Employment Plan. The Director of Compliance audited the Legal Externship process and issued an audit report. It was reported that after this initial compliance with the Employment Plan, the process was administered in an uncommunicative manner regarding the steps taken to hire externs. Section IX.D of the Employment Plan requires that the Assessor's Office provide notice to the Director of Compliance and the Assessor Compliance Administrator all actions taken regarding the hiring of interns or externs.

Recommendations have been made to the Assessor's Office to improve the administration of its Internship/Externship program. Foremost of these recommendations is the need for Human Resources to remain and integral part of the Internship/Externship process and be involved in each step of the process. It was also recommended that the Internship/Externship administrator maintain a log of contacts with schools and students and that meetings occur periodically throughout the Internship/Externship process to ensure that the requirements of the Employment Plan are met. The Assessor's Office response is pending.

Resignations:

Notice was provided regarding the employees who resigned from employment with the Assessor's Office. Thirteen individuals submitted resignations from the Assessor's Office. The Director of Compliance was able to speak with eight of these individuals about the reasons for their departure from the Assessor's Office. Eleven of the resignations were routine (retirement, medical) in nature and two employees resigned to pursue other career opportunities. There was no indication that the consideration of impermissible political reasons or factors played a role in these separations.

Unlawful Political Discrimination:

The DOC concluded an investigation regarding whether impermissible political reasons or factors were considered when the Assessor's Office made decisions to temporarily assign an employee to a position in the Office in order for the employee to be the most qualified applicant for a posted vacancy in that position. The employee was temporarily assigned to a different position for over one and one-half years. It was concluded that the Temporary Assignment was not based on impermissible political reasons. However, it was found that the employee's position was permanently changed based on the length of time of the assignment and that this assignment violated the Employment Plan. The Employment Plan was violated in that no notice and NPCC were provided regarding the temporary assignment and, ultimately, the employee's change in assignment. Remedial action was recommended including 1) returning the employee to the correct job classification, 2) not providing credit for experience gained during the temporary assignment in the application process, 3) instituting a Human Resources review protocol for Employment Action notices and documentation, and 4) providing training to certain management personnel on addressing employee conflict in the workplace. The Assessor's Office implemented three of the four remedial recommendations; the fourth recommendation on training is being held pending budgetary considerations.

Review of Taxpayer Services:

The operations of the Taxpayer Services Department were reviewed. As a result of this review, recommendations were made to the Assessor's Office regarding the management

structure with the Department. The Assessor's Office has advised that it has met with employees and has taken steps to begin the process of addressing the allocation of managerial duties. Recommendations about the management structure in suburban office locations are under consideration by the Assessor's Office.

Employment Plan/Policy:

An investigation is pending regarding the assignment of overtime under the Overtime Policy.

Electronic Application System:

As set forth in the last report, the Assessor's Office indicated that it was not using Taleo due to issues integrating into Cook County's system and indicated that it was resuming the development of an internal electronic application system – a system that was in development over the course of many years. Since that time, the Assessor's Office has worked with Cook County to integrate the Assessor's Office into the County's Taleo platform. The agreement of the Assessor's Office to use Taleo is an important step to achieving transparency in the General Hiring Process and permits real-time tracking of activity related to hiring beginning with the posting of the Notice of Job Opportunity. Unfortunately, the Assessor's Office has been unable to test the use of Taleo as no job opportunities have been posted since the agreement with Cook County to use its Taleo platform was reached.

Conclusion:

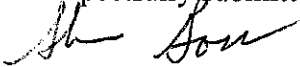
Over the last six months, the focus has been on the implementation of the policies of the Assessor's Office. In general, there has been positive forward movement by the Assessor's Office in complying with the provisions of the Employment Plan and the policies of the Assessor's Office, but there are still some issues with regular consistent adherence. The Human Resources Generalists still exhibit some level of discomfort with the Employment Plan and *Shakman* principles but are becoming more familiar with the Plan and its concepts over time. Overall, communication with Assessor's Office has been open and meetings have occurred frequently during the last six months. On occasion, however, the Director of Compliance has had to follow-up in order to get information that has been requested. The Deputy of Human Resources is encouraged to make full use of the Generalists as the Human Resources Department plays a significant and time intensive role in compliance efforts.

Regular meetings with the Assessor Compliance Administrator, Counsel for the Assessor's Compliance Administrator, Plaintiff's Counsel, and the Assessor's Office have been helpful in addressing issues and identifying procedures contained in the policies that require

revision. These meetings are also beneficial in identifying next steps that must be accomplished on the path to Substantial Compliance, with the review and finalization of Position Descriptions next on the list.

I look forward to the continuation of this collaborative process and working with the Cook County Assessor's Office and the Assessor Compliance Administrator.

Respectfully submitted,



Sharon Goss

Director of Compliance

Cook County Assessor's Office