



**TO:** Iris Martinez, Clerk of the Circuit Court of Cook County  
Thomas Nowinski, Chief of Staff  
Maureen O'Donnell, Chief Human Resources Officer  
Tiffany Brooks, General Counsel  
James Murphy-Aguilu, Inspector General  
Susan Feibus, Compliance Administrator (CA)  
Brian Hays, Locke Lord LLP

**FROM:** Jennifer Lin, Director of Compliance (DOC)

**RE:** DOC First Semi-Annual Report 2022

**DATE:** March 14, 2022

In accordance with Article V, Section B of the Employment Plan (EP) of the Clerk of the Circuit Court of Cook County (Clerk's Office), the following is the DOC's First Semi-Annual Report (Report) for 2022.

The DOC started employment with the Clerk's Office in October, 2021, and has had the pleasure of working with individuals who are truly committed to *Shakman*, working to ensure that the Clerk's Office is free from political influence and unlawful political discrimination. In particular, Clerk Martinez has prioritized the Clerk's Office's compliance with the Employment Plan and continually strives to embody the principles in *Shakman* and to increase transparency in all Clerk's Office practices.

This Report summarizes DOC activities between October 18, 2021 and March 14, 2022.

### **Employment Plan Training**

Employment Plan Training required by the EP was finalized after consultation and approval by the CA. Due to COVID-19 and the geographical spread of Clerk's Office employees across Cook County, training was performed by the DOC virtually using Microsoft Teams. Approximately 30 training sessions took place with over 1,100 employees trained.

Four Employment Plan training sessions were performed in person by the DOC with new (including reinstated) employees. 54 employees were trained.

### **Violations of EP**

No substantive violations of the EP were reported or discovered during this time period. The DOC received additional employee complaints on workplace and disciplinary issues but as they were not related to the DOC's responsibilities under the EP, they were appropriately forwarded to the correct offices for resolution.

### **Unlawful Political Discrimination (UPD)**

One complaint of UPD was filed, alleging possible UPD from nearly 10 years ago. The alleged UPD involved a transfer of an employee, possibly based on political influence, and a corresponding salary increase. Evidence gathered concluded that the transfer was not based on political influence; rather, it was a result of a workforce reduction and a union contractually-obligated recall. Additionally, the transfer did not result in a salary increase. The investigation was completed and concluded that there was no evidence of UPD.

### **Political Contact**

A political contact was reported wherein an elected officer sent correspondence to the CHRO, recommending reconsideration of a terminated employee. That investigation is pending and will be addressed in the next Report.

### **Other Training**

Supervisor and Interviewer Training required by the EP was finalized after consultation and approval by the CA. The CA has monitored a dry run of the training performed by HR and the DOC and has provided feedback. As this training is still underway, this will be further addressed in the next Report. HR Training required by the EP was created and is being reviewed by the CA. As this training is still underway, this will be further addressed in the next Report. The DOC is eager to roll out Supervisor and Interviewer Training and HR Training so that the Clerk's Office can begin the task of filling its many vacancies. The Office is severely understaffed in many

facets of its operations, and filling these vacancies will be instrumental in providing much needed personnel and support to avoid burnout and decreased employee morale.

Probationary Performance Evaluations training was created and finalized after consultation and approval by the CA. The Clerk's Office will present a dry run of the training to the CA before rolling it out to supervisors. This will be further addressed in the next Report.

### **Policies**

Policies which were amended and approved during this time period included the Probationary Performance Evaluation Policy and the Telework Policy (and their respective forms). The Clerk's Office worked diligently with the DOC and CA to incorporate all feedback and comments for both policies. The Telework Policy has already been implemented and has been used by some employees, especially pertinent during the pandemic surge experienced by the Clerk's Office in December, 2021. The Probationary Performance Evaluation Policy, while finalized, has not yet been implemented and is slated for training, as discussed above.

The DOC has reviewed a draft of an Employee Handbook and has proposed some revisions. As EP amendments are being negotiated and policies are still being completed, the Handbook is still in its preliminary stages.

### **Employment Plan Amendments**

The DOC reviewed proposed EP amendments and offered additional ones. Amendments were reviewed, and some were approved, by the CA. Specifically, the sections involving lateral transfers and promotions needed amendments to be consistent with the recently renewed union contract. Additional EP amendments are still being reviewed and considered and will be further addressed in the next Report.

### **Auditing/Review Activities**

#### **ATS Validation**

There have been no ATS validations undertaken by HR due to the Clerk's Office not having posted any positions during this time period.

### Lateral Transfers

One lateral transfer opportunity was posted for Court Clerk Trainer. The Clerk's Office worked diligently to provide the CA and DOC the required notice under the EP and welcomed the feedback and proposed edits to make the posting process clear and accurate. An audit of the process demonstrated compliance with the Employment Plan and the collective bargaining agreement. No valid bids were submitted as none of the bids submitted were from current Court Clerk Trainers. This has prompted the possibility of an additional EP amendment to address these types of bids. As no valid bids were received, no employees were selected for lateral transfer. Recommendations were made to improve future lateral transfer processes and to further revise the EP.

### Promotions

One promotional opportunity was posted for Court Clerk Trainer. The Clerk's Office provided adequate notice under the EP and welcomed feedback and proposed edits. The posting period is currently underway and this process will be addressed in the next Report. One issue that has already arisen is proving possession of the high school diploma/GED minimum qualification. The Clerk's Office acknowledges that many of its employees might no longer have access to this documentation but were previously hired into positions which required a high school diploma/GED. The Clerk's Office worked with the CA to develop an alternative solution for employees to attest to their possession of this minimum qualification, which would satisfy the requirement for the promotional opportunity.

### Exempt List

The following Exempt positions were proposed to be added to the Clerk's Office Exempt List: Deputy Chief Human Resources Officer (DCHRO) – HR Administration, DCHRO – Labor and Legal Affairs, Facilities Management Project Manager, Deputy Director of Labor Relations, and Senior Labor Relations Manager. Consistent with the EP, the Clerk's Office provided notice to the DOC with the required rationale and proposed position descriptions. The Clerk's Office

welcomed feedback and proposed edits and after review and comment by the CA and Plaintiff's Counsel, these new Exempt positions have been approved for inclusion on the Exempt List.

The Clerk's Office has agreed to remove the Deputy Director of Training & Development from the Exempt List. The Director of Training & Development and Director of Personnel Services positions are currently being reviewed for provisional exemption and will be addressed further in the next Report.

#### Exempt Hiring

Twelve Shakman Exempt employees were appointed during this time period, including DCHRO – HR Administration, DCHRO – Labor and Legal Affairs, Facilities Management Project Manager, Senior Labor Relations Manager, Deputy Director of Labor Relations, Deputy General Counsel Labor and Employment, Associate Clerk (Criminal/Juvenile), 2 Chief Deputy Clerks, and 3 Assistant Chief Deputy Clerks. 1 Assistant Chief Deputy Clerk was transferred to another location. Consistent with the EP, the Clerk's Office properly notified the DOC of the applicants to be appointed and provided their applications and resumes. The DOC confirmed that all applicants met the minimum qualifications required of their respective positions, which was concurred by the CA.

#### Executive Assistant Hiring

One Executive Assistant was appointed during this time period. Consistent with the EP, the Clerk's Office properly notified the DOC of the applicant and provided her application and resume. The DOC confirmed that the applicant met the minimum qualifications required of her position, which was concurred by the CA.

#### Position Descriptions

The DOC was provided with drafts of 15 position descriptions, including 10 Shakman Exempt position descriptions. Consistent with the EP, the Clerk's Office welcomed feedback and proposed revisions from the DOC and allowed for review and comment by the CA and Plaintiff's Counsel.

### Notices of Employment Action (NEA)

The DOC reviewed over 450 original and revised NEAs for a number of employment actions, including but not limited to, terminations, temporary assignments, transfers, disciplines, overtime postings and assignments, new hires, work schedule changes, telework, trainings, promotions, and permanent placements. In November, 2021, the DOC began to provide real-time feedback which has resulted in the Clerk's Office immediately sending revised NEAs to address deficiencies or make corrections. DOC inquiries and questions have been responded to in a timely and satisfactory manner. Previous feedback from the CA, which specifically addressed the failure of CHRO approval for temporary assignments and the failure of the Clerk's Office to provide an employee an opportunity to respond to discipline, has resulted in an improvement in this missing documentation. Some NEAs have been submitted late, but the Clerk's Office has been diligent in taking responsibility and providing a rationale for the delay.

The DOC has reviewed feedback from the CA regarding NEAs submitted prior to this time period and the revised NEAs sent in response; the DOC will use this information to better learn and understand the concerns addressed by the CA and to use the CA's standard to model DOC auditing and monitoring responsibilities.

The DOC believes that the Clerk's Office, especially with the recent personnel changes in HR, will be able to continue to provide the DOC and CA with timely notice of all employment actions. This will enable the DOC and CA to monitor and inquire accordingly and in a more timely fashion.

### Recommendations

The DOC has made recommendations which are being considered by the Clerk's Office. One such recommendation is a disciplinary acknowledgment form for all types of discipline which would streamline the different acknowledgment forms being currently used and serve as a written reminder to employees of their opportunity to respond to discipline.

In addition, one EP requirement which remains non-compliant is the NPCC which must be signed by new employees. The DOC has made another recommendation for the Clerk's Office to create a new hire NPCC for new employees to sign during new hire orientation. The DOC has also recommended revising the current NEA form to include additional areas for approval which has been overlooked in previous NEAs; the additional reminders in the NEAs will prevent the omission of required approvals.

### **Conclusion**

The DOC looks forward to additional improvement processes to comply with the EP and the continued cooperation of Clerk Martinez and her senior staff to achieve substantial compliance. The Clerk's Office has demonstrated a remarkable commitment to lead by example and with a priority toward transparency and accountability. All efforts have a sense of urgency and purpose with this administration, and they are sincere and meaningful. The DOC is optimistic and anticipates continued success in her relationship with the CA to ensure that the Clerk's Office operates without any unlawful political discrimination or political influence in its employment decisions.