



TO: Iris Martinez, Clerk of the Circuit Court of Cook County
Thomas Nowinski, Chief of Staff
Maureen O'Donnell, Chief Human Resources Officer (CHRO)
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 Second Semi-Annual Report 2022

DATE: September 15, 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 Second Semi-Annual Report (Report) for 2022.

This Report summarizes DOC activities between March 15, 2022 and September 14, 2022.

Employment Plan Training

Three Employment Plan training sessions were performed in person by the DOC with new employees. 103 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)

No complaints of UPD were filed or reported.

Political Contacts

The investigation regarding a political contact that was pending in the First Semi-Annual Report was completed. In that investigation, a Cook County judge reached out to the CHRO recommending reconsideration of a terminated employee. The investigation concluded that the political contact was not an unlawful one; while the political contact was meant to affect or influence an Employment Action, it was not based on political reasons or factors. Rather, the judge's request for reconsideration was based on the judge's personal and direct knowledge of the employee's work, skill, experience, and job performance.

Several political contacts were also reported during the recent Circuit Court Clerk and Court Clerk Trainer promotion processes. Nine Cook County judges submitted recommendation letters on behalf of 6 employees who had applied for a promotion to the Circuit Court Clerk position. Two Cook County judges submitted recommendation letters on behalf of 2 employees who had applied for a promotion to the Court Clerk Trainer position. Lastly, one Cook County judge submitted a recommendation letter on behalf of one employee for any promotional opportunities available. All of these political contacts were properly reported to the DOC and were all considered to be Permitted Recommendations under the Employment Plan. All of the judges referred to their personal and direct knowledge of the respective employee's work, skill, experience, and job performance.

One final political contact was from a Cook County judge who reached out to HR on behalf of an employee who was about to be suspended. That investigation concluded that the political contact was not an unlawful one because it was not based on political reasons or factors. Rather, the judge had reached out to HR to assist the employee with an issue related to compliance with the Clerk's Office's COVID-19 vaccination policy.

Other Training

Supervisor and Interviewer Training required by the EP was finalized after consultation and approval by the CA. Five live rounds of training took place with supervisors and HR staff,

monitored by the CA. HR Training required by the EP was finalized after consultation and approval by the CA. One live round of training took place with HR staff, monitored by the CA. Probationary Performance Evaluations training was finalized after consultation and approval by the CA. Four live rounds of trainings took place with supervisors and HR staff, monitored by the CA.

Policies

A draft of the Employee Handbook was finalized and sent to Plaintiffs' Counsel and the CA for comment and feedback. Some changes were proposed for the Temporary Assignment Policy to align more with operations, and a Discipline Policy was proposed. Training on the Temporary Assignment, Transfer, and Discipline policies are contemplated for the end of the month and will be addressed in the next Report.

Employment Plan

The EP went through two rounds of revisions during this period. The DOC reviewed proposed EP amendments, offered additional ones, and provided feedback. All revisions have served to better delineate duties and responsibilities and offered additional clarification to the EP. One such proposal was to exclude internal candidates and veterans from the randomization process under the General Hiring Process to make these true preferences.

Auditing/Review Activities

ATS Validation

The Clerk's Office has ramped up hiring and has posted 9 positions in Taleo during this time period. The DOC validated 369 applications for Financial Clerk, 429 applications for Office Clerk, 87 applications for Motor Vehicle Operator, 12 applications for Senior SQL Database Administrator, 11 applications for Senior Accountant, 38 applications for Workforce Strategy Analyst, and 11 applications for Senior Workforce Strategy Analyst. For these positions, the DOC, HR, and the CA met to discuss validation discrepancies and came to agreement on validation results. Validations for the other posted positions will be addressed further in the next Report.

Application Review Panels

Application Review Panel Meetings were convened for the Senior SQL Database Administrator, Senior Accountant, and Senior Workforce Strategy Analyst positions. Only 1 eligible candidate was reviewed for the Senior SQL Database Administrator position, and the Application Review Panel decided not to proceed with an interview for the sole candidate due to the person living out of state. 4 eligible candidates were reviewed for the Senior Accountant position, and the Application Review Panel agreed to interview all 4 eligible candidates. 3 eligible candidates were reviewed for the Senior Workforce Strategy Analyst position, and the Application Review Panel agreed to interview all 3 eligible candidates. The Clerk's Office received some feedback from the CA after the Senior Accountant Application Review Panel Meeting; HR incorporated that feedback in the subsequent Application Review Panel Meeting for the Senior Workforce Strategy Analyst position and will continue to be diligent in requiring the Application Review Panel to fully discuss candidates during future meetings.

Lateral Transfers

Three lateral transfer opportunities were posted for Circuit Court Clerk (L2), Financial Clerk and Office Clerk (L3), and Court Clerk Trainer (L4). EP amendments made after the first lateral transfer opportunity from L1, as well as other internal process improvements, resulted in a more streamlined approach at receiving and validating applications.

2022-L2 Circuit Court Clerk. 55 applications were submitted, 4 of which were duplicates and 14 of which were submitted by employees who did not hold the eligible title, leaving 37 eligible candidates. All eligible candidates were offered the lateral transfer, solely based on seniority, with 17 employees accepting offers.

2022-L3 Financial Clerk and Office Clerk. 66 applications were submitted, 16 of which were duplicates and 6 of which were submitted by employees who were still on probation, leaving 44 eligible candidates. It was during this lateral transfer process that another EP amendment was identified to address invalid bids by applicants who were still on new hire probation. The Clerk's

Office has not yet made offers on this lateral transfer process. Updates to this process will be addressed in the next Report.

2022-L4 Court Clerk Trainer. 16 applications were submitted, 4 of which were duplicates and 1 of which was submitted by an employee who did not hold the eligible title, leaving 11 eligible candidates. All eligible candidates were offered the lateral transfer, solely based on seniority, with 5 employees accepting offers.

The CA provided feedback which illustrated compliance issues with the posting files. The Clerk's Office has rectified these issues, and the DOC will continue to ensure compliance within the posting files.

Promotions

Three promotional opportunities were posted for Court Clerk Trainer (P1), Circuit Court Clerk (P2), and Court Clerk Trainer (P3).

2022-P1 Court Clerk Trainer. 83 applications were submitted, 6 of which were duplicates, leaving 77 applications needing validation. The high school diploma/GED requirement resulted in some issues as the Clerk's Office allowed employees to submit a Declaration in lieu of uploading proof of required education. As this was a new requirement, 10 employees were deemed ineligible as proper instructions were not followed, 10 others were deemed ineligible for not meeting minimum qualifications and 2 were deemed ineligible as they were not currently employed, leaving 55 eligible candidates. 28 offers were made with 18 employees accepting offers.

2022-P2 Circuit Court Clerk. 172 applications were submitted, 14 of which were duplicates, leaving 158 applications needing validation, all of which were validated by the DOC. The high school diploma/GED requirement was modified from the previous promotional opportunity and still allowed employees to submit a Declaration but required employees to submit proof of education by their effective promotion date. 115 candidates were initially deemed eligible, 29 candidates were initially deemed ineligible for not meeting the minimum qualifications or failing

to provide proof of education/declaration, and 14 were deemed provisionally eligible pending proof of education. 1 employee initially deemed ineligible was due to an internal validation error and was subsequently made eligible; 1 employee provided proof of education which appeared forged or altered and was ultimately deemed ineligible with an investigation pending. 109 offers were made with 92 employees accepting offers.

2022-P3 Court Clerk Trainer. 46 applications were submitted, 3 of which were duplicates, leaving 43 applications needing validation, all of which were validated by the DOC. 34 candidates were initially deemed eligible, 3 of whom had already received and accepted offers for promotion under 2022-P1 but had not started yet; 6 candidates were initially deemed ineligible for not meeting minimum qualifications or failing to provide proof of education/declaration; and 3 were deemed provisionally eligible pending proof of education. 27 offers were made with 12 employees accepting offers. However, the Clerk's Office identified a mistake in the vacancy list which was used during the first round of offers and had to call to rescind 7 offers. 20 revised offers were made with 12 employees accepting offers.

Exempt List

One Exempt position was proposed to be added to the Clerk's Office Exempt List: Chief Deputy Clerk, Domestic Violence Division. Consistent with the EP, the Clerk's Office provided notice to the DOC with the required rationale and existing position description. After review and comment by the CA and Plaintiff's Counsel, this Exempt position has been approved for inclusion on the Exempt List.

After some discussion between the Clerk's Office, the CA, and Plaintiffs' Counsel, the Clerk's Office has agreed to remove the Director of Training & Development from the Exempt List. The Director of Personnel Services position is still being reviewed for provisional exemption and will be addressed further in the next Report.

Exempt Hiring

25 Shakman Exempt employees were appointed during this time period, including CDC, Criminal Division; Associate Clerk, Criminal Bureau; ACDC, Criminal Division; Deputy General Counsel, Labor & Employment (2); ACDC, Probate; ACDC, Domestic Relations; CDC, Bridgeview; Deputy Director, Labor Relations; CDC, Civil Appeals; Deputy General Counsel (2); Director of Labor Relations; Investigator/Security Detail Officer (2); Director of Personnel Services; CDC, Systems & Application Services (2); CDC, Domestic Violence; ACDC, Domestic Violence; CDC, Maywood; DCHRO, HR Administration; Executive Clerk, CIO; Executive Assistant Scheduler; and CDC, Network & Server Support. 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 and Plaintiffs' Counsel.

Position Descriptions

The DOC reviewed and provided feedback on several position descriptions during this time, including Senior SQL Database Administrator, Senior Accountant, Workforce Strategy Analyst, Senior Workforce Strategy Analyst, Desktop Support Supervisor, Leave Manager, IG Investigator, MIS Project Manager, Accountant VI, Community Engagement & Outreach Coordinator, and Office Clerk (revised). The DOC also reviewed the proposed placement of certain of these positions onto the Clerk's Office Actively Recruited Positions List. Consistent with the EP, the Clerk's Office welcomed feedback and proposed revisions from the DOC and CA.

Probationary Performance Evaluations

The Clerk's Office is engaging in its first round of performance evaluations for probationary employees since the finalization of its Probationary Performance Evaluation Policy. A supervisor meeting took place to discuss performance evaluations. Monitored employee evaluation meetings will be discussed in the next Report.

Notices of Employment Action (NEA)

The DOC reviewed original and revised NEAs for over 650 employees regarding 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. DOC inquiries and questions have been responded to in a timely and satisfactory manner. The DOC has continued to review and heed CA feedback on missing paperwork and compliance issues and will continue to model CA compliance analyses reports to more finely scrutinize and report on compliance issues.

Conclusion

The DOC looks forward to implement additional policies, training, and improvement processes to comply with the EP and the continued cooperation of Clerk Martinez and her senior staff to achieve substantial compliance. She is confident that the Clerk's Office will continue to operate without any unlawful political discrimination or political influence in its employment decisions.