



September 15, 2018

About the Director of Compliance's Semiannual Report

Pursuant to the Cook County Assessor's Office [Employment Plan](#), this Semiannual Report summarizes the Director of Compliance's work during the prior six months. In addition to its transmission to the Assessor, Deputy of HR, Assessor's Compliance Administrator, and Plaintiff's Counsel, this report will ultimately be made publicly available on the [Assessor's Office website](#).

Description of the Cook County Assessor's Office Director of Compliance (DOC) Position

The DOC is a non-Exempt employee¹ of the Assessor's Office (AO) with the authority, as outlined by the Employment Plan (EP), to complete the responsibilities of this position. The DOC reports to the Assessor and Chief Deputy Assessor and cooperates with the court-appointed Assessor's Compliance Administrator (ACA). The ACA is also authorized to monitor any and all aspects of the DOC's job performance.

The DOC functions as the EP compliance officer for the AO by assuming responsibilities related to monitoring, investigating, and auditing Employment Actions² to ensure compliance with the EP and policies in the Employee Handbook and that Unlawful Political Reasons or Factors are not utilized in Employment Actions. The DOC's primary goal is to facilitate the Assessor's compliance with the legal prohibitions against Unlawful Political Discrimination³ as described in the EP.

The DOC's responsibilities include, but are not be limited to:

1. understanding the Assessor's Office's organization, its business and operational objectives and needs, and its staffing needs;
2. overseeing compliance with the EP;
3. overseeing compliance with the policies of the Employee Handbook;
4. maintaining and reviewing the Exempt List to ensure continued compliance;
5. actively working with the Deputy of HR in developing strategies for the EP as well as any necessary policies and procedures to ensure compliance with the EP;
6. accepting, investigating, and reporting on complaints related to the EP, policies in the Employee Handbook, and Unlawful Political Discrimination (UPD) in Employment Actions;
7. making recommendations to the Assessor and Department heads to eliminate and remedy any instances of noncompliance with the EP, and UPD or Unlawful Political Contact;
8. taking appropriate steps to evaluate, eliminate, remedy and report instances of Unlawful Political Contacts and UPD;

¹ Exempt Position: A Position that is included on the Exempt List because it is a job that involves policy making to an extent or is confidential in such a way that political party affiliation is an appropriate requirement for the effective performance of the job.

² Employment Actions: include, but not limited to, hiring, training, change in job assignment, Temporary Assignment, Cross-Training, Promotion, Transfer, Reclassification, Layoff, assignment of Overtime and other benefits of employment, Discipline, and/or Termination.

³ Unlawful Political Discrimination: Any positive or negative Employment Action involving an Applicant, potential Applicant, Candidate, or Employee who is applying for, being considered for, or holding a Non-Exempt Position that is based on any Political Reasons or Factors.



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9. working with HR to implement training programs, prepare training materials and conduct training for all employees on the EP and policies in the Employee Handbook, and ensuring that Unlawful Political Reasons or Factors are not utilized in Employment Actions;
10. reviewing Position Descriptions and Notices of Job Opportunity and taking appropriate steps to assure their accuracy;
11. auditing activities as required by the EP and policies in the Employee Handbook;
12. monitoring activities pertaining to the employment of non-Exempt Positions, including, but not limited to, participation as required or as appropriate in validation, interviews, and Candidate selection meetings;
13. preparing periodic reports and issue-specific reports to the Assessor concerning the DOC's duties and responsibilities as delineated in the EP and the Assessor's Orders related to the prohibition of UPD;
14. working directly with the Deputy of HR and Assessor's Office staff, as necessary, on all of the above;
15. other tasks and responsibilities consistent with this EP and the DOC Position Description as may be assigned by the Assessor or Chief Deputy Assessor from time to time.

Message from the DOC

This is the first semiannual report issued by Mark Grba, the AO current DOC. The DOC started working for the AO on Monday, August 6, 2018. As such and given his limited exposure to the various employment-related activities of the AO, the DOC is only reporting on just over one-month of work. However, since the court appointed the ACA to serve as interim DOC following the resignation of the previous DOC, which took place on May 4, 2018, information related to the ACA's activities are made publicly available by the ACA at <http://shakmanassessor.com/acas-reports>. The ACA's most recent report was posted on June 15, 2018 and includes information associated with the ACA's interim DOC role.

As noted in the paragraph above, the DOC is a recent hire of the AO. This is the first and only position that this DOC has held with any Cook County agency. Prior to working for the AO, the DOC worked in the investigative field with the U.S. Department of Labor, City of Chicago Office of Inspector General, Chicago Board of Education Office of Inspector General, and most recently as the First Deputy Chief Administrator with Chicago's Civilian Office of Police Accountability. The DOC has also worked as a Human Resource Business Partner with Sun Microsystems. The DOC looks forward to leveraging his knowledge, experience and skills in assisting the AO achieve Substantial Compliance.

The DOC is encouraged that the AO has made recent progress in the areas of position descriptions and policies, but there is much more work ahead. A real challenge that the AO faces in maintaining forward progress in the upcoming months is a change of administration on December 3, 2018. However, progress must continue, and the DOC looks forward to helping the AO maintain its momentum in the near term with the current administration and establishing a productive and positive working relationship with the incoming administration.

In terms of the semiannual report, the DOC plans to make these reports more beneficial in the future by including visual metrics to demonstrate the DOC's assessment of the AO's progress to goals associated with its Shakman-related obligations and achieving Substantial Compliance. The DOC



believes this progress will help all interested parties understand where things stand and what areas are in need of additional attention.

Until then, this report generally follows the format used by the DOC's predecessors.

DOC's Observations and Activities from August 6, 2018 through September 15, 2018

Position (Job) Descriptions

The AO made significant progress in completing desk audits and finalizing job descriptions for nearly all departments. The departments that have yet to be finalized (Valuations, Taxpayer Services, and Operations) are in progress, with the final department (Operations) expected to be completed no later than December of 2018.

Discussions among the parties pertaining to the process of issuing updated job descriptions to employees took place this month and an agreed-upon plan is expected to be finalized in the coming weeks.

My involvement with the AO's handling of the desk audit and job description process is limited to the analysis of the most recent/final three departments. However, from my perspective, it is clear that the AO needed the assistance of outside counsel to move this process along due to the small size of its HR Department. The downside to utilizing an external agent is that they are unfamiliar with the AO's organizational structure and departments, which has a tendency to lengthen each employee's audits.

Regarding the employees I directly interacted with, nearly everyone appeared guarded and expressed various degrees of nervousness. Though some level of nervousness is unavoidable, the AO and its outside counsel need to better explain the desk audit process and deliver its questions in a less intimidating manner in order to solicit more complete information from employees.

Shakman Exempt Positions

On September 12, 2018, the AO and Plaintiffs entered an agreed motion to amend the Shakman Exempt list. The court granted the motion, and the list was reduced from 21 to 18 covered positions. Positions removed from the list include an Executive Assistant, Director of Special Assessment, and Financial Research Analyst.

The DOC contacted Deputy of Human Resources Jeffrey Cox to inform him that the court accepted the motion and that the list on the AO website needed to be updated. Deputy Cox acknowledged the need to update and is in the process of preparing an amended list for posting. The DOC will follow up with HR Deputy Cox to ensure that this task is completed as soon as possible.



Hiring

Since the last semiannual report, the AO hired its DOC and is in the process of hiring a HR Generalist. The HR Generalist position is being filled due to a recent resignation. Though budget constraints have restricted hiring throughout Cook County, the AO moved forward with backfilling this position because of heavy workload in the HR Department in connection with its role in helping the AO fulfill its obligations under the Agreed Order and EP. The DOC does not believe the AO will be doing any additional hiring between now and December 3, 2018, when the office transitions to the new administration.

In terms of the DOC position, this was the first position hired by the AO using the Taleo electronic application system. Since the DOC only experienced this hiring as an applicant and interviewee, the DOC will leave it to the ACA to report on how well the AO managed that process.

For the HR Generalist position, the AO is in the early stages of completing that process. The DOC did not have access to the Taleo system until after this position was posted so the primary monitoring of the posting process was done by the ACA. However, the DOC was actively involved in discussions associated with the posting and is aware that the ACA identified a few deficiencies in the AO draft posting. Those deficiencies were corrected by HR Deputy Cox in advance of the official job posting in Taleo.

Prior to the closing date of the HR Generalist job posting and in preparation for next steps in the hiring process, HR Deputy Cox notified the DOC that the EP was not amended to reflect the AO transition from its paper application hiring process to Taleo. Though fairness and impartiality are contained in both processes, the steps associated with them were different enough that Deputy Cox and DOC immediately notified the ACA and the Plaintiffs of the issue and offered options on how to proceed without unduly delaying the hiring process. The ACA and Plaintiffs were the ones who chose the option that the AO is currently in the process of implementing.

The AO and Deputy Cox are aware that the EP needs to be amended to properly reflect the process that will be used related to Taleo. The DOC will work with Deputy Cox to make sure that is done as soon as possible.

Since the hiring process for the HR Generalist position is on-going, the DOC will report on how well the AO managed the hiring process associated with the HR Generalist position in the next semiannual report.

Policies

The AO is in the process of finalizing its policies, which is nearly complete. Though entering this process late, the DOC helped to work through a few unresolved issues between the AO, ACA, and Plaintiffs to the satisfaction of all parties.



Once the policies are finalized, the AO will be in a position to update its Employee Handbook and begin the process of distributing them to employees and scheduling training on these updated/updated policies. The DOC will be actively involved in planning and delivering that training along with the HR Department.

Employment Actions

Overtime

As noted in earlier semiannual reports by the DOC's predecessors, the most prevalent type of employment action in the AO is the offering and assignment of overtime, which is primarily accrued by employees⁴ as time due, also known as compensatory time. Based on the DOC's early understanding, the AO needs to offer and assign overtime in order to meet its operational goals and deadlines as they are inadequately staffed as the result of layoffs, attrition, and budgetary restrictions.

Though earned compensatory time is typically used by employees as additional paid time off, it is carried as a financial liability on the AO's books until the time is actually used by the employees who earned it or they resign or otherwise leave County employment. In the case of employees who leave County employment with a remaining balance of unused compensatory time, the County is obligated to pay these employees for their unused balances. The DOC points out these basic facts pertaining to overtime and time due in this paragraph to highlight why the issuance and assignment of overtime is an important employment action to properly track and monitor.

At this point in time, the DOC is in the process of reviewing the extent of the reoccurring issues flagged by the ACA as problematic. Following this review, the DOC will work with HR and the ACA to implement a process that offers a workable solution that facilitates compliance with the EP and Overtime Policy. The DOC looks forward to reporting progress in this area in the next semiannual report.

Employee Counseling

The DOC provided actionable feedback to HR Deputy Cox in connection with four employee counseling forms after recently auditing them for compliance. In general, the DOC found that the associated managers either did not provide sufficient details regarding the employee action or behavior at issue or they failed to identify which policy or Standard of Conduct was violated by the employees. The DOC recommended to Deputy Cox that the managers update the forms with sufficient information and present the updated versions to their employees. The DOC also alerted Deputy Cox to a compliance issue related to incorrect Non Political Consideration Certification language contained on one of the audited forms and that the same incorrect language was currently on the AO Employee Counseling Form template located on the AO intranet. This actionable feedback was provided to Deputy Cox just prior to the issuance of this report. As such, the DOC is unable to report on Deputy

⁴ The current OT policy/practice also allows managers and Shakman Exempt personnel to earn compensatory time.



Cox's response to those recommendations, but the DOC will provide an update in the next semiannual report.

Temporary Assignment

The DOC was alerted to an ongoing issue related to the tracking of Temporary Assignments by a communication sent to the AO by the ACA. The AO Temporary Assignment Policy requires that the Assigning Deputies maintain a spreadsheet that demonstrates that they are properly offering these assignments to employees on a rotating basis. The DOC is in the process of having discussions with the AO Deputies regarding how they are currently tracking these assignments and whether they are compliant with the AO policy. The DOC is encouraged that the Deputies are maintaining lists associated with these assignments, but their process and format for doing so may need to be corrected in order to fully comply with its Temporary Assignment policy. The DOC will continue to review this matter in the coming weeks and will propose an actionable solution to HR designed to comply with the AO Temporary Assignment Policy.

Discipline

In terms of discipline and discipline-related matters, the DOC monitored four, step-one union grievances, which were addressed individually but as part of the same meeting, and two investigatory interviews. The grievances involved matters related to the denial of overtime, use of pre-schedule time off and overtime, denial of time off to attend a union convention, and the issuance of time and attendance points. The investigatory interviews involved allegations of an employee found sleeping on the job, and another employee who failed to call in to report their absence from work, which spanned multiple days.

During the meeting where the step-one grievances were addressed, the AO and the union presented their respective position. The DOC did not observe anything unusual or unexpected during the meeting. Subsequent to the step-one grievance meeting, HR provided the DOC and the ACA with copies of the AO's response denying all four grievances. The union initiated step-two in the grievance process on all four issues. The DOC plans on monitoring these grievances as they move along in the process.

In terms of the investigatory interviews, the DOC agrees with a point made by the DOC's predecessor in her March 2018 semi-annual report that the AO and HR could benefit from the use of a standardized format when conducting these interviews. There was no indication in the investigatory interviews that the DOC observed the Deputy of HR following any standardized format or using any other helpful interview checklist to ensure that he had all the relevant details and documents associated with his investigation to use during the interviews. As a result, the interviews were interrupted by the Deputy's need to access documents that were not readily available, or in one instance, were completely missing.



Complaints/Unlawful Political Discrimination (UPD)

The DOC did not receive any complaints of UPD, and none were received since the DOC's last semi-annual report dated March 15, 2018.

Political Contacts

The DOC did not receive any reports of Political Contacts, and the DOC is not aware of any that were received since the DOC's last semi-annual report, dated March 15, 2018.

Meetings

The DOC spent a considerable amount of time in the past five weeks meeting and conferring with the AO Legal Counsel assigned to handle Shakman-related issues, AO Deputy of HR, ACA and her Legal Counsel, and Counsel for the Plaintiffs. In addition to making progress in fulfilling the AO responsibilities under the Agreed Order and EP during those meetings, the DOC learned a great deal about the AO and the compliance-related issues that the DOC needs to help remedy.

In addition to those meetings, the DOC reached out to other Cook County Compliance Officers and the Cook County Inspector General in order to establish a connection and to lay the groundwork for building a positive and productive working relationship.

The DOC also met with a number of AO employees as a means of learning more about the AO's people, culture, and work. The DOC plans to continue to meet with staff over the next couple of months and to engage in job shadowing in order to develop a more complete understanding of the office. The DOC believes that engaging with employees in ways other than during trainings and presentations is the only true way of getting to know an organization and its people and is essential to building trust.

End of Report