



## KAREN A. YARBROUGH

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RECORDER OF DEEDS / REGISTRAR OF TORRENS TITLES  
COOK COUNTY, ILLINOIS

June 16, 2016

Karen A. Yarbrough  
Cook County Recorder of Deeds  
118 N. Clark Street  
Chicago, Illinois 60602

Cardelle Spangler  
Recorder's Compliance Administrator  
69 W. Washington  
Chicago, Illinois 60602

RE: Semi-Annual Report

Dear Madame Recorder:

This is the second report by the undersigned Director of Compliance and covers the time frame from December 1, 2015 through May 31, 2016. The primary role of the Office of Director of Compliance is to oversee and ensure compliance with the Employment Plan and Policy Manual of the Recorder of Deeds Office. This report will be posted on the Recorder of Deeds web site as required by the Employment Plan.

The Recorder of Deeds Office continues to include the Director of Compliance in staff meetings, conferences, and planning sessions and the Recorder continues to confer with the Director of Compliance to facilitate dialogue on a weekly basis.

### **DISCIPLINE:**

The Office of Director of Compliance continues to monitor all facets of the discipline process including Discipline Hearings and Level III Union Grievances.

During the time period of this report there were 51 Disciplinary Actions taken in the Office of CCRD. The Director of Compliance was present for all of these actions as prescribed by the Employment Plan. In the same time period in 2015, the CCRD Office issued 75 Disciplinary Actions. This improvement can be attributed to training and a clearer understanding by employees/supervisors of the Policy Manual.

Supervisors were trained by Legal Counsel with oversight by the Director of Compliance on how to properly conduct a discipline hearing. An outcome from this training will be a more consistent application of the Policy Manual in these hearings.



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Previous initiatives developed during the time period of the previous report and currently underway include a spreadsheet tracking discipline and a process to shorten the length of time between infraction and discipline as it pertains to employee's use of time.

### **TRAINING:**

Within the time frame of the previous report there were two new hires filling positions as Security Officers. These two subjects completed their training in the time period of this report. This training was concluded within 90 days as stated in the Employment Plan. Two other employees who did not previously complete their training were trained at this time. The training session of these last two employees was outside the time period as stated in the Employment Plan. The Director of Compliance notes this and all efforts will be made going forward to ensure compliance with the Employment Plan relative to training.

The new Chief of Human Resources was trained on all aspects of the Employment Plan and CCRD Policy Manual. As of this report, all employees have completed their training except for the recent hire, the Special Assistant to the Recorder – Community Affairs. This training will take place in the near future.

Annual training as prescribed by the Employment Plan has yet to be undertaken by the Recorder of Deeds. With the addition of the new Chief of Human Resources, it is expected that this training will be a priority.

### **REQUESTS TO HIRE/JOB POSTINGS:**

During the time period of this report two additional Exempt Positions were approved and added to the Exempt List. Erwin L. Acox Jr. was appointed to Chief of Human Resources and Vittorio M. Gomez was appointed Special Assistant to the Recorder- Community Affairs.

An Investigator II position was filled using an Internal Posting process. Those employees who met Minimum Qualifications were placed in rank order on an eligibility list based on seniority within the office. The most senior employee was chosen for this position. A list of qualified applicants was established from this process and those named employees will remain on an eligibility list for one year.

In the time period of this report a number of positions were posted. In many instances corrections, additions, or deletions had to be made by the Human Resources Division requiring re-postings which impacted the hiring process. An issue that added to this problem was poorly written job descriptions. Both of these issues contributed to the Office's inability to post positions in a timely manner.



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As of this report, the previous Director of Human Resources has retired, and as noted, a new Chief of Human Resources joined the Cook County Recorder of Deeds. There has been a noted improvement in the Human Resources Division with the addition of the new Chief of HR. It is believed the issue of accurately posting positions in a timely manner will resolve itself in the next time period of this Semi-Annual Report.

**CORRECTIVE ACTIONS TAKEN BY THE RECORDER RELATIVE TO PREVIOUS DOC INVESTIGATIONS:** (as identified in report dated December 15, 2015):

Note: Per Section IV (M) Item 3 of the Employment Plan, if an Incident Report contains a finding of violation or a recommendation of corrective action, the Recorder or his/her designee and the Head of HRD shall review the Incident Report with the Division Head involved in the complaint and prepare a Recorder's Report confirming implementation of the Director of Compliance's recommended action or explaining why the recommended action was not implemented.

The following Incident Reports were issued during the previous time frame for this report (June 1, 2015 through Dec 1, 2015) and listed below is a summary of the Incident Report with the actions taken by the recorder relative to findings/recommendations of the Director of Compliance.

### **Incident Report 2015-005**

This investigation alleged a shifting of work to an employee and gender discrimination by a supervisor (Exempt Shakman Employee). The investigation found no evidence to support the allegation. The Director of Compliance recommended a remedial review of the Policy Manual with the accused by the Director of Human Resources.

There was agreement to this recommendation by the Recorder and the accused Exempt Member met with the Director of Human Resources and reviewed the Policy Manual relative to the allegations raised in this investigation. The Director of Compliance was present during this review.

### **Incident Report 2015-006**

This investigation determined that a supervisor (an Exempt Shakman Employee) issued the wrong penalty to an employee in a discipline hearing. The allegation was sustained and the Director of Compliance recommended a remedial review of the Policy Manual with the accused by the Director of Human Resources.

There was agreement to this recommendation by the Recorder and the accused Exempt Member met with the Director of Human Resources and reviewed the Policy Manual relative to the allegations raised in this investigation. The Director of Compliance was present during this review.



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### **Incident Report 2015-007**

An employee was denied Flextime as it is defined in the Policy Manual. Although the investigation determined the denial was within the right of the Recorder, a recommendation by the Director of Compliance that the definition, the application, and the process be clearly defined within the Policy Manual by the Recorder's Office.

The Recorder declined to implement the recommendation as Flextime, as defined, is being removed from the Policy Manual as part of a number of Policy Manual revisions. As of this report, Flextime is still identified in the Policy Manual.

### **Incident Report 2015-008**

An employee complained that as a result of working outside her job description, the employee was entitled to more pay. The Director of Compliance concluded in the investigation there was no factual evidence to support the employee's claim.

A recommendation for finding a method to pay an employee "out of grade" when an employee is reassigned duties of another employee who is at a higher pay grade was reviewed by the Recorder but not adopted. The Recorder cited a number of reasons for not implementing the recommendation including the definition of Temporary Assignment in the Policy Manual which precludes any increase in pay.

### **Incident Report 2015-009**

An employee brought forth an allegation of working outside her job description in dealing with the processing of FMLA (Family Medical Leave Act). That allegation was not sustained as it was determined the duties of processing FMLA fell within the job description of the employee. As the investigation was underway, the employee's supervisor, a Shakman Exempt Employee, tendered an Incident Report with a number of charges to the employee who brought about the complaint. The Director of Compliance initiated an investigation into the actions of this Shakman Exempt Employee and found him in violation of two counts of the Policy Manual, Retaliation and Knowingly Interfering with an Investigation.

The Director of Compliance recommended the Recorder take whatever action the Recorder deems necessary to ensure that all Shakman Exempt employees found to have committed violations of the Employment Plan or Policy Manual in this report understand those sections in the Plan or Manual and abide by those sections in the future. As this is a violation of the Employment Plan, the Recorder should



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consider an appropriate discipline to ensure future compliance with both the Employment Plan and the Policy Manual. The Recorder in her response declined to implement the recommendations of the Director of Compliance citing the facts, as outlined, do not come to the level of the infractions noted.

The following additional recommendations were made by the Director of Compliance as it relates to this investigation:

A recommendation that HRD and Labor Counsel develop a plan to minimize the exposure of the complaining employee to private medical information of employees in the processing of FMLA. Training be available to the employee to give her the tools necessary to handle employee related issues.

In the Recorder's Response she agreed to issue a memo to all employees that states Labor Counsel is responsible for reviewing FMLA applications and since applications for FMLA are confidential in nature, questions about the status of FMLA should only be discussed with Labor Counsel. The Recorder also agreed to provide the employee with training on how to handle employee inquiries regarding the status of FMLA.

A Memo from HRD to all employees was issued identifying Labor Counsel as the person to be contacted relative to any questions about FMLA. Additional training was offered to the employee but has yet to be conducted.

A recommendation the Recorder examine the issue of Labor Counsel as the best entity to handle FMLA or is Human Resources better suited for the task.

In the Recorder's Response she agreed to examine the issue of Labor Counsel as the best entity to handle FMLA and after a review concluded that FMLA would stay under the direction of Labor Counsel. The Recorder cited other governmental agencies where FMLA is under the supervision of a similar entity as Labor Counsel.

A recommendation that while any investigation is open and underway by the Office of the Director of Compliance, no disciplinary actions be taken against any employee until the conclusion of the investigation and only based on the findings and recommendations of the DOC.

In a response, the Recorder concluded that Labor Counsel did not interfere with the investigation underway by the Director of Compliance. The Recorder identified that there is no provision in the Policy Manual or Employment Plan that prohibits the issuance of an Incident Report in situations where there is a pending DOC investigation.

The Incident Report generated against the employee remained rescinded by the Recorder and she agreed to have it removed from the employee's personnel file.



**INVESTIGATIONS CONCLUDED DURING THE TIME FRAME OF THIS REPORT:**

**Incident Report 2015-010**

This investigation was initiated based on a complaint filed by an employee alleging a violation of the Courtesy Policy. In the complaint, the employee stated her supervisor used inappropriate language towards her when discussing work matters. The Director of Compliance sustained the complaint and recommended to the Recorder (as the supervisor was a Shakman Exempt Employee) that she take whatever action she deems necessary to ensure that all Shakman Exempt Employees found to have committed violations of the Manual understand those sections in the manual and abide by those sections in the future. In a meeting with the Shakman Exempt Employee and the Director of Human Resources, the provisions of the Courtesy Policy were reviewed with the Exempt Employee

Pending written response.

**Incident Report 2015-011**

An employee brought allegations against her supervisor of violating the Courtesy Policy and allowing a subordinate to act in a supervisory role. These allegations were investigated and found not to have a factual basis.

No recommendations or actions submitted by the Director of Compliance to the Recorder.

**Incident Report 2015-012**

An incident between two employees resulted in allegations against both employees for disrupting the work place was investigated by the Director of Compliance. The subsequent investigation found both employees violated the Policy Manual with a recommendation for disciplinary action.

Pending response.

**Incident Report 2016-001**

This investigation was undertaken after an employee raised an allegation of the CCRD Policy on Confidentiality. The employee alleged another employee (Union Steward) violated her confidentiality in reference to her discipline history. This investigation concluded no violation of the policy manual.

No recommendations or actions submitted by the Director of Compliance to the Recorder.



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### **Incident #2016-002**

An employee alleged Harassment under the CCRD Policy Manual in that his supervisor violated this policy on a number of occasions and issued discipline to the employee that the employee felt was a form of harassment. The Director of Compliance investigated this allegation including statements by all other employees assigned to the complainant's section (potential witnesses) to this allegation and found no violation of the Policy Manual.

No recommendations or actions submitted by the Director of Compliance to the Recorder.

### **Incident #2016-003.**

Three employees raised the issue of Harassment by their supervisor. During the course of the investigation, all three employees voluntarily withdrew their complaint.

No recommendations or actions submitted by the Director of Compliance to the Recorder.

### **Incident #2016-004**

An allegation was lodged by the Director of Compliance against the Director of Human Resources. An employee tendered to the Director of Human Resources an ADA request for an accommodation as outlined in the Collective Bargaining Agreement. The employee was then transferred to another job and location within the Cook County Recorder of Deeds. There was no documentation as to this movement of the employee as prescribed in the Policy Manual of the Cook County Recorder of Deeds. This was a violation of the Policy Manual.

There is no recommendation or action submitted by the Director of Compliance as the Director of Human Resources has left the employment of the Cook County Recorder of Deeds. The Recorder and all employees are reminded of the importance of following the provisions for transferring employees as outlined in the Policy Manual.

### **Incident Report 2016-005:**

It came to the attention of the Director of Compliance that an employee utilized the email of another employee in violation of the Policy Manual. Investigation found the employee, whose email was utilized, had given his password to his supervisor at the supervisor's request. Investigation concluded that both employees and the supervisor violated the Policy Manual in reference to accessing/using employee's emails. As one of the employees is an Exempt Staff member, the Director of Compliance recommended to the Recorder that she take whatever action she deems necessary to ensure that all Shakman Exempt Employees found to have committed violations of the Manual understand those sections in the manual and abide by those sections in the future. The supervisor involved has since left



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the CCRD Office. On June 28, 2016 this report was issued by the Director of Compliance recommending disciplinary action for the third employee.

Pending response.

### **NEW INITIATIVE:**

- A tentative agreement structured by Labor Counsel reduced the amount of time a suspension remained on an employee's Discipline Record from 48 months to 18 months. This is a substantial change in the Discipline Policy of the CCRD and will allow an employee the opportunity to rehabilitate their discipline record within the time frame of 18 months.

### **CONCLUSION:**

The addition of the new Chief of Human Resources will assist this office in moving forward towards Substantial Compliance. His assistance with Job Postings, Policy Manual rewrites, and the re-organization of the Human Resources Division will bring a much needed change to the CCRD Office.

As noted Incident Reports for disciplinary infractions are on the decline which shows the office and employees are more aware of the definitions and substance of the Policy Manual and are abiding by the Manual. It is hoped that this decline continues.

As the Office of Cook County Recorder of Deeds moves forward toward Substantial Compliance, it is important that the policies outlined in the Employment Plan and Policy Manual are followed. It will be the consistent application of those policies that will assist this Office in obtaining that goal.

Sincerely,

Thomas McMahon  
Director of Compliance  
Cook County Recorder of Deeds

Cc: Cedric Giles, Chief Deputy Recorder  
Edmund Michalowski, Labor Counsel  
Matt Pryor, Recorder's Compliance Administrator  
Brian Hays, Plaintiff's Counsel





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