



KAREN A. YARBROUGH

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

February 24, 2017

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 for 2nd Half 2016

Dear Madame Recorder:

This is the third report by the undersigned Director of Compliance and covers the time frame from June 1, 2016 through February 24, 2017. The extended time period for this report is due to a change in personnel in the Office of the Director of Compliance. For continuity purposes an additional two months has been added to the time frame for this report.

The primary role of the Office of Director of Compliance (DOC) 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. The DOC thanks the Recorder for these meetings as they are beneficial to the goal of Substantial Compliance.

REDUCTION IN WORK FORCE:

The Office of Cook County Recorder of Deeds (CCRD) was notified by the Office of the President of the Cook County Board that a Reduction in Force was necessary to balance the Cook County Budget. CCRD started negotiating with the Union (SEIU 73) on the process to be utilized in identifying which positions would be eliminated to meet this demand. CCRD identified positions they stated when eliminated would least impact work product. CCRD and the Union negotiated a method by which employees whose positions were eliminated could exercise "bumping rights." The DOC monitored all aspects of the negotiations and the bumping rights exercised by those employees.



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A total of 12 employees were laid off and placed on the Lay-Off List. Fourteen other employees were allowed to exercise "bumping rights" into new positions.

The Union and CCRD agreed to a 45 day evaluation time period to assess if those employees bumping into the new positions had the skills and abilities to work in those positions. It was negotiated with the Union that the employees would have to score a minimum of three in each of the categories being assessed. Five was the highest score with one being the lowest score in the evaluation. The DOC monitored the training of supervisors on the employee's evaluations to be utilized as a component in this process and monitored the evaluation process.

Supervisors met weekly with the employees and assessed their weaknesses and strengths. This continued for a total of six weeks with the final evaluation the determining evaluation of the employee's skills and abilities to continue in those positions. These evaluations were monitored by the DOC.

It was determined five employees would be placed on the Lay- off list based on evaluation scores. As of this report, CCRD is working with the Union to identify which employees will be called back to work.

The DOC notes this was a complex, time consuming and difficult task undertaken by CCRD and but there were issues with the implementation of the process particularly in the area of supervisor training or lack of in the evaluation process. The Chief of HR had to retrain a number of supervisors in this process.

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 June 1, 2016 thru December 31, 2016 there were 50 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. This represents a continued decline in discipline within CCRD. In the Time period of January 1, 2017 thru February 24, 2017 there have been 26 Disciplinary Actions initiated. Human Resources has been reviewing tardiness and absenteeism in the office and most of the Incident Reports are for those violations.

TRAINING:

Four new employees were hired in the time frame of this report and have yet to be trained on the Employment Plan and Policy Manual. The re-writes on both of these documents are being undertaken and it is hoped these rewrites will be completed in the near future. The training of these four employees will be conducted with the new revised plan and manual.



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Annual training as prescribed by the Employment Plan has yet to be undertaken by the Recorder of Deeds for the same reasons as previously stated.

REQUESTS TO HIRE/JOB POSTINGS:

During the time period of this report a total of three positions were posted for hire and filled.

A position for Database Manager in IT was posted and filled. The DOC monitored all aspects of this hire and had no concerns with the filling of this position.

Another Request to Hire/Job Posting for the position of Senior Accountant V in the Finance Section of CCRD was implemented. After interviews a person was selected for this position. The DOC concurred with this action as all conditions of the Employment Plan were followed.

A Request to Hire/Job Posting for the position of Director of Human Resources was initiated. The DOC monitored all facets of this hiring and determined that all conditions of the Employment Plan were followed.

There was a termination in the Fraud Section of CCRD. The DOC monitored the selection of the replacement. There is a current list in rank order from the previous posting of this position. The next person on the list was asked to fill this position. The DOC concurred with this action.

The next employee from the eligibility list selected in this process was then placed into this position. This employee was given a final evaluation that did not meet acceptable standards. The employee was given an additional 30 day time period for evaluation and after that time period did not make the required composite score to continue in that position. The employee was terminated by CCRD.

The DOC had issues with the method of the evaluation process used to determine this employee's competencies for continuing in this position. The DOC felt the employee was held to a higher standard than what was needed for this position.

Furthermore, the DOC contends this employee was promoted into this position. The DOC believes the employee should then have been "Demoted" back into the employee's previous position as outlined in the Policy Manual Section 5 (i) Demotions (page 44). The DOC notes the employee has filed a union grievance but believes CCRD should make this employee whole by placing the employee back into the employee's previous position.

There was a resignation of the Special Assistant to the Recorder for Community Affairs. The Recorder filled that position with a new Exempt Employee. This position was not posted as it is an Exempt Position and filled outside the general hiring process.



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DIRECTOR OF COMPLIANCE INVESTIGATIONS:

CORRECTIVE ACTIONS TAKEN BY THE RECORDER RELATIVE TO PREVIOUS DOC

INVESTIGATIONS: (as identified in DOC reports dated December 15, 2015 and June 15, 2016):

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 (December 1, 2016 through June 1, 2016) and listed below is a summary of the actions taken by the Recorder relative to findings/recommendations of the Director of Compliance.

Incident Report 2015-009- This Incident Report was initiated from an action by Labor Counsel against his Executive Assistant. During the course of this investigation the Executive Assistant alleged she was confronted by other employees in reference to their FMLA requests (Labor Counsel's Office handles such requests). One of the recommendations by the DOC was to afford the Executive Assistant training in this area that would give her the tools to better handle the inquiries by other employees. This additional training was completed during the time period of this report.

Incident report 2015-012 - An incident occurred between two employees that violated the Courtesy Policy of CCRD. The DOC recommended each employee be disciplined for their actions. Based on the time from when the infraction occurred and the completion of the investigation by the DOC and the review by the designee for the Recorder, it was determined by the Recorder that discipline would not be issued to the two employees involved because of this substantial length of time. The DOC concurs with this decision. No other actions were outlined in this report. This issue of timeliness raised in this investigation has been addressed by the office of CCRD and will be an agreed time frame identified in the rewrites of the Policy Manual to assure a timely response by CCRD.

Incident Report 2016-001- An employee complained that there was a violation of the confidentiality policy of CCRD by a union steward. This investigation found no violation and made no recommendation.

Incident Report 2016-002 -An allegation brought forth by an employee alleging Harassment by his supervisor was investigated. This investigation found no violation of the Policy Manual and made no recommendations.

Incident Report 2016-003- The employees involved in this investigation withdrew their allegation. There were no recommendations made in this investigation.



Incident Report 2016-004- This investigation found a violation of the Policy Manual against the past Director of Human Resources. As this person left the employment of CCRD before the conclusion of the investigation, there were no recommendations made by the DOC.

Incident Report 2016-005- The DOC investigated an allegation that an Exempt Employee temporarily assigned to Human Resources used the email of another employee assigned to Human Resources. The DOC sustained the allegation and recommended the following:

1. The Recorder take whatever action she deems necessary to ensure that all Shakman Exempt Employees understand the provisions of the Policy Manual and adhere to these provisions.
2. The Chief of Human Resources review the pertinent section of the Policy Manual with the Exempt Employee to prevent further violations of the Policy Manual.
3. An Incident Report be issued to the employee who gave up the password for violating the Policy Manual (d) (iii) Technology Security (c) User Accounts (ii) (b), "Users are prohibited from attempting to access another user's account. User accounts are never shared among users."

In a report dated September 30, 2016, the Recorder agreed to recommendations #1 and #2. On September 27, 2016, the Chief of Human Resources implemented recommendation #1 and #2. Due to the length of time between the incident and the conclusion of the investigative report, the Recorder concluded an Incident Report issued so late would not be timely. The Chief of Human Resources did speak with the employee who gave up the email password. The DOC concurs with this action.

DOC INVESTIGATIONS CONCLUDED DURING THE TIME FRAME OF THIS REPORT:

Incident Report 2016-006- Issued on December 27, 2016. An Exempt Employee was moved to a position within Human Resources filling in for a Non-Exempt employee on leave. There was no notification to the RCA or DOC. Section 5 (f) (ii) of the Policy Manual, "Assignment of Change in Job Duties Not Involving a Transfer" states "If the Deputy Recorder or Division Head desires to change the job duties of an Employee, he or she shall request in writing and provide a copy of the request to the DOC and RCA, while acting." This allegation was sustained.

The DOC made three recommendations:

#1. The Recorder take whatever action she deems necessary to ensure that all Shakman Exempt Employees understand the provisions of the Policy Manual and adhere to these provisions.

#2. The Director of Compliance recommended the Chief of Human Resources review the issues outlined in this report in regards to the role of Content Librarian in the Employment Plan and take the necessary steps to correct this conflict.



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#3. The Director of Compliance recommended that Exempt Employees, hired outside the competitive hiring process, should not fill in for Non-Exempt employees and would ask the Recorder to be aware of this and follow the Policy Manual and Employment Plan as it pertains to the movement of CCRD employees.

The Recorder issued a response on February 2, 2017

#1- The Recorder concurred with this recommendation and will meet with staff to review the contents of this investigation.

#2- The Recorder agreed to this recommendation and the clarification of Content Librarian is underway as of this report.

#3- The Recorder respectfully declined to implement this recommendation but did state CCRD will update the Policy Manual to reflect that when assigning exempt employees into positions of non-exempt status, CCRD will not do so based on political considerations. Furthermore, CCRD will follow specific provisions of the Policy Manual as it pertains to the movement of an employee (i.e. Temporary Assignment, etc.)

The DOC would caution the Recorder on this issue of using Exempt Employees in non-exempt positions. It could potentially undermine the Policy Manual as it relates to the movement of employees and could have adverse impact on other employee's ability to be temporarily assigned or cross-trained into new positions.

Incident Report 2016-007- Issued December 27, 2016. An allegation that an employee was given preferential treatment in a discipline proceeding by allowing the employee an inordinate number of continuances was the subject of this investigation. Before the discipline hearing could take place, the employee resigned from the CCRD. The DOC found the actions of the employees involved fell within the guidelines of the Policy Manual and no violation noted.

Incident Report 2016-008- Issued December 27, 2016. During the course of applying for a position with another governmental office in Cook County, an employee in CCRD forwarded an email from a supervisor to an interview panel member and the Human Resources Director at that office. This action is in violation of CCRD Policy Manual, Minor Cause Infraction Section 6 (a) Discipline Policy (v) (a) (xvi) "Misusing confidential or proprietary Information, or any CCRD files, documents or data." The DOC sustained the allegation. The employee involved left the employment of CCRD before action could be taken. The Director of Compliance did recommend the Human Resources Division issue a memo to all employees reminding them of the confidentiality of CCRD emails.



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The Recorder issued a response on January 27, 2017. The Recorder agreed to implement the recommendation of the DOC. As of this report, the requested memo has not been issued. Human Resources stated it will issue this memo in the very near future.

Incident Report 2016-009- Issued December 27, 2016. An employee came to the Director of Compliance with a concern that the confidentiality of his personnel information was violated by a supervisor (an exempt employee) when the supervisor came to him and informed him of his time accruals. The employee felt this was a violation of the Policy Manual Sec 3 (c) (iii) (a) "To ensure that no individual's right to privacy is invaded, all personnel-related information and records shall be treated as confidential." This Section of the Policy Manual further included (vi) "Payroll records" are records to be considered confidential. This investigation found no violation of the Policy Manual by the supervisor as the supervisor had access to all CCRD employees' accrual records and the intention of relating the information to the employee was to have the employee make an informed decision when taking accrual time off. No violations noted and no recommendation made.

Incident Report 2016-010- Issued December 27, 2016 The accused employee (an exempt employee) authorized overtime for her Section without following procedures set forth in the Policy Manual under Section 2 (b)(ix) page 7: "In the event a supervisor determines there is a need for overtime or Compensatory Time and advance notice, at least 48 hours' notice, is feasible, he or she shall complete an Overtime Request Form available in HR, and submit it to the Director of HR, or Designee and the Division Head, or Director." The review of overtime and employees granted it is important to the goal of transparency to insure there is no preferential treatment for any reason, political or otherwise, in the disbursement of overtime. The DOC sustained this allegation and made the following recommendations:

1. The Recorder take whatever action she deems necessary to ensure that all Shakman Exempt Employees understand the provisions of the Policy Manual and adhere to those provisions.
2. The Chief of Human Resources review the form used to initiate and track Overtime and make a second and separate report for Overtime with Advance Notice.
3. The Chief of Human Resources reviews the pertinent Section of the Policy Manual with the accused employee to prevent further violations of the Policy Manual.
4. The proper report be filed by the accused employee for retention purposes.
5. The Chief of Human Resources issue a memo to all supervisors identifying the proper procedure and forms to be used in authorizing overtime.

The Recorder issued a response on February 2, 2017. The Recorder concurred with recommendations #2 thru #5 but felt recommendation #1 was vague and non-descript, difficult to implement and believes this recommendation can be achieved by implementing the other recommendations. The DOC concurs with this action. These recommendations are pending implementation.



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Incident Report 2016-011- Issued February 24, 2017 During a staff meeting the accused, (an exempt employee) made offensive comments to the employees in violation of the Courtesy Policy of the Cook County Recorder of Deeds, Section II (B) Courtesy, "Employees shall treat all members of the public and other employees fairly, impartially, and with respect and promote a positive public image." The accused also issued Incident Reports to two of the three complaining employees charging them with Major Infractions of the Policy Manual stating that after the meeting she observed the two employees "mocking her." The resulting discipline was a suspension of one day for these employees. The DOC sustained this allegation of the Violation of the Courtesy Policy against the exempt employee and made the following recommendations:

As to the exempt employee, the Director of Compliance recommends the following: as this is not the first such finding against this Deputy Recorder by the DOC for the same infraction, the DOC recommends an appropriate level of discipline be applied to correct this conduct.

As for the Incident Reports issued to the employees, the DOC recommended the office of CCRD rescind those reports and make the employee's whole if any penalties were assessed them.

Recorder's response pending.

Incident Report 2016-012-Issued January 18, 2017. An allegation of Sexual Harassment was lodged against an employee. The DOC conducted an extensive investigation including interviews with the complainant, the accused and possible witnesses and concluded that the allegation did not come to the level of Sexual Harassment. Therefore no violation was noted and no disciplinary action recommended.

CONCLUSION:

This is the second year for the Office of Cook County Recorder of Deeds having an active in-house Director of Compliance. In this time period many employees became familiar with the role of the DOC. Employees brought issues to the office for resolution and the office has gained the trust of many of the employees. The DOC recognizes there is room for improvement in this area but notes there has been a developing trust in the relationship between the Office of Director of Compliance and CCRD staff.

As outlined in this report the majority of investigations undertaken by the DOC did not find any violations of the Plan or Manual and did not result in any recommendations. Although some of the infractions noted in this report and for the year 2016 could have been avoided if staff personnel had consulted the Chief of Human Resources or the DOC for an interpretation of the Policy Manual and/or Employment Plan before taking employment actions. It should be the goal of CCRD to reduce the number of these Policy Manual violations in 2017.



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Over the past six months, the DOC has observed an increased focus on compliance by the Executive Staff. The DOC has witnessed more collaboration between the Executive Staff, the DOC and the RCA. This was apparent during the Reduction in Force process. Although some issues arose during the Reduction in Force process, CCRD staff worked hard to make this process go as smoothly as possible. This continued effort will contribute to the goal of substantial compliance.

The presence of a Chief of Human Resources is having a positive impact. Human Resources is assisting both employees and staff with concerns. The addition of a Director of Human Resources will assist this office in moving forward towards Substantial Compliance. Her assistance with Job Postings, Policy Manual rewrites, and the re-organization of the Human Resources Division will be valuable in assisting the Chief of Human Resources with the reorganization of this section.

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