



## KAREN A. YARBROUGH

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

June 22, 2018

Karen A. Yarbrough, Recorder  
Cook County Recorder of Deeds  
118 N. Clark Street – Room 120  
Chicago, Illinois 60602

Cardelle Spangler, Recorder Compliance Administrator  
Office of the Compliance Administrator  
69 W. Washington – Suite 830  
Chicago, Illinois 60602

RE: 2018 Report – December 16, 2017 through June 15, 2018

Dear Madame Recorder and Ms. Spangler:

This is the third report issued by the undersigned Director of Compliance (DOC) and covers the time frame December 16, 2017 through June 15, 2018 pursuant to the Cook County Recorder of Deeds (CCRD) Employment Plan. This report includes the monitoring of activities during the past six months of the DOC. This report will be posted on the Recorder of Deeds website as required by the Employment Plan.

The primary role of the Office of Director of Compliance is to oversee and ensure compliance with the Employment Plan and the CCRD Policy and Procedures Manual.

The DOC has participated in Employment Actions, meetings, conferences and planning sessions. The Recorder has met with the DOC nine times to facilitate dialogue on the office's status as it relates to compliance efforts. The DOC is pleased with the increase in frequency of these meetings.

### **EMPLOYMENT PLAN TRAINING:**

The DOC is pleased to report that during the period of this report, CCRD, representatives from the Cook County State's Attorney's Office, Plaintiff's Counsel and the RCA agreed to the changes in the Employment Plan and the document was filed during the period of this report. The collaboration between all involved parties has resulted in a significant step forward in CCRD's compliance efforts.

The DOC is even more pleased to report that during the period of this report, CCRD Employees received training on the updated Employment Plan. The training material was a collaborative effort of Chief Counsel, HR, the DOC and the RCA. During the review of the material, there were robust discussions on content and presentation. Chief Counsel, the Chief of HR and the DOC held a practice run with the RCA to ensure that the training material was clear and accurate. The RCA provided feedback which was incorporated by CCRD. The Employment



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Plan training material included presentations by Chief Legal Counsel, the Chief of HR and the DOC. The RCA and representatives from the OIIG also presented during the training sessions. Overall, the Employment Plan training was successful and meaningful.

All but nine Employees received the training on the updated Employment Plan. Some of these Employees are on approved leaves of absence for various reasons and will receive Employment Plan training upon returning to work. The small remaining group will receive Employment Plan Training prior to CCRD's next court appearance on July 13, 2018. The DOC expects that Annual training as prescribed by the Employment Plan Policy will commence on a timely basis.

### **POLICIES REVISION PROJECT:**

The DOC is also pleased to report that during the period of this report, several policies in the CCRD Policy and Procedures Manual are in the process of being revised. HR in conjunction with the Chief Deputy Recorder, Labor Counsel, Chief Counsel, the DOC, outside counsel and the RCA have proposed changes to the Time and Attendance policy, the Discipline policy and the Performance Management policy. CCRD and outside counsel have proposed changes to the Manual eliminating the policy of Proof Status. These changes are in the final review stages and once these changes are finalized, training will commence for all CCRD Employees.

### **JOB DESCRIPTION REVISION PROJECT:**

Another significant development during the period of this report has been CCRD's efforts and commitments to updating all Job Descriptions. HR, in conjunction with the DOC, outside counsel and the RCA established a detailed process and began the office-wide updates to Job Descriptions. The fourteen step process is a testament to the exhaustive efforts of HR and their commitment to completing the task thoroughly. Because of its success and thoroughness, the process has been adopted by another Cook County Agency.

Thus far, Job Descriptions in the following CCRD Departments have been finalized<sup>1</sup>: Satellite Offices Division, Security Division, Accounting Division, Purchasing Section, Database Management Section, and Geographic Information Systems. These departments total approximately forty-eight finalized Job Descriptions. An additional forty-six Job Descriptions are in the process of internal and external review and another forty-four remain to be reviewed and updated. Completing this project, and doing it well, exhibits the significant compliance efforts of CCRD.

In order to continue the progress of the Job Description Revision Project, CCRD secured outside counsel who attend the Interviews / Desk Audits and assist in drafting the Job Descriptions based on those meetings.

As described in the Job Description Revision Project procedures, HR is the driving force of almost every step of the process. In the eyes of the DOC, HR has successfully demonstrated the capability of systematically completing Job Description Interviews and Desk Audits. Accordingly, the DOC and RCA authorized outside counsel to begin taking a lead role in the

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<sup>1</sup> The DOC currently has two active investigations regarding two Job Descriptions. The investigations are ongoing and the status / findings of the investigations will be addressed in her next report.



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process. While HR will continue to participate in the process, this represents a significant positive development for CCRD's HR Department. The DOC is very pleased with their efforts.

In the event that questions arise from Job Description Interviews or Desk Audits which require feedback from the Executive Staff, the DOC requests that she be involved in that deliberative process. There have been instances where meetings have been had and decisions, ideas and plans of action pertaining to Job Descriptions are communicated to the DOC after the fact. DOC has discussed these concerns with HR and expects to participate in these deliberative discussions going forward.

While CCRD is committed to completing this monumental task, we have had some setbacks as it pertains to maintaining the schedule which was provided to the court. HR and the DOC struggle with juggling day-to-day functions of their respective offices and simply cannot be in two places at once. However, as CCRD reports our progress to the court, it has been clearly articulated by the judge that we maintain our schedule and make the Job Description Project our biggest priority.

### **PERFORMANCE EVALUATIONS:**

With the upcoming finalization of the Job Description Revisions Project for all CCRD Positions (Exempt and Non-Exempt), Performance Evaluations are to begin three months after finalization of a Division or Section's respective Job Descriptions. Therefore, regarding the finalized CCRD Divisions / Sections listed above, Performance Evaluations are scheduled to begin August 3, 2018 as reported to the court.

Performance Evaluations must be done in accordance with the Employment Plan and Policy Manual. During the period of this report, there was a new hire, a promotion and two Cross Training assignments which required 30, 60, 90 Day Performance Evaluations. Therefore, the DOC conducted Performance Evaluations training, based on the current policy, for five members of the management staff. As the DOC monitored these Performance Evaluation processes subsequent to the training, the DOC identified areas of concern which will require additional training for CCRD's management staff. Training will be conducted for all management staff who will be issuing Performance Evaluations. The DOC will work with HR to ensure that this training is completed prior to August 2018.

Regarding the concerns identified, the DOC issued a Notice of Violation memorandum regarding the timeliness of a Performance Evaluation which will be discussed later in this report. Additionally, the DOC issued an Incident Report, 18-002, involving violations regarding the accuracy of two Performance Evaluations and the failure to provide the DOC and RCA with notice of the Employment Action, which will be discussed later in this report.

From the DOC's perspective, Performance Evaluations should be timely, accurate and meaningful to the Employees. Based on the observations of the recent Performance Evaluations, the DOC has serious doubts about the Supervisors' ability to conduct Performance Evaluations consistent with the Employment Plan and the Policy and Procedures Manual. While the Performance Management policy is being revised, discussions should be had on how to ensure



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that management staff receives training that addresses the issues observed in recent Performance Evaluations. The DOC encourages HR to closely monitor and assist with the implementation of the Performance Evaluations to provide the highest likelihood of success.

### **HUMAN RESOURCES DIVISION:**

The following is a summary of HR related Employment Actions in which the DOC had no compliance related concerns.

#### No Longer With CCRD:

There were six retirements and one termination during the period of this report. The DOC was present and monitored the exit interview of all Employees who left CCRD.

#### Requests to Hire / Job Postings:

During the time period of this report, a *Human Resources Generalist* and a *Supervisor of Satellite Offices* were hired. The DOC did not have any compliance related concerns with either of these hiring processes, other than described below as it pertains to one Candidate. The DOC and RCA will monitor the training, evaluations and probationary periods of these two Employees.

The Positions of *Satellite Cashier* and *Supervisor of Database Management* were posted and have been validated by HR and the DOC. A final selection has been made for one Position while the other Position requires to be reposted by HR. The DOC and RCA will monitor the training, evaluations and probationary periods once these Employees begin in their Positions.

It should be noted that a new practice of HR is to meet with any CCRD Employee who applied for a Position but did not receive it in order to explain why they did not prevail in the process. The conversation allows for a discussion regarding the General Hiring Process, its requirements and gives the Employee the opportunity to ask any questions. This level of transparency and the thoughtful approach by HR is indicative of the improved practices of this HR staff. The DOC is extremely pleased with this development and it has been very appreciated by the CCRD Employees who have been involved in these discussions.

The Position of *Investigator II* was posted. The DOC issued a Notice of Violations memorandum concerning this posting to HR which will be discussed later in this report.

Two Shakman Exempt Positions were filled during the period of this report, *Special Assistant to the Recorder – Community Affairs* and *Special Assistant to the Recorder – Government Affairs*. The Job Descriptions and the list of Exempt Positions were posted on the Recorder of Deeds website. The DOC monitored all steps of the Exempt Position Hiring Process and had no compliance related concerns.

#### Recalled Employee(s):

In CCRD's continued efforts to fill any possible vacancies by utilizing the recall list, one former CCRD Employee was recalled during the period of this report.



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The following is a summary of pending HR items that the DOC will continue to monitor.

### Quarterly Report:

As required by Section 4.B of the Employment Plan, HR has yet to post on the Recorder's website quarterly reports of the total number of hires, Promotions, Transfers and Terminations by Division during the preceding three month period. HR has not satisfied this requirement since September of 2015.

### Employee Inquiry:

The DOC previously reported in her last semi-annual report that an Employee reported that after a promotion, she has been in the wrong salary grade for several years. This issue was forwarded to HR. HR has informed the DOC that prior HR Employees did not maintain proper paperwork to reflect whether or not a grade bump is warranted. As of today's date, the issue is still pending.

### Compensatory Time:

The DOC is consistently reminded by HR that the time and attendance system is not operating or configured properly for CCRD. System administrators have worked with HR in attempt to address the issues but the efforts have seemingly been unsuccessful as there are still system allowances that are creating unauthorized accrual of compensatory time in violation of CCRD's current compensatory time policy. The DOC urges HR to ensure that these matters are addressed swiftly and efficiently. With the onboarding and training efforts for the HR Generalist, improvements in these areas are possible.

### **DISCIPLINE:**

The DOC is tasked with monitoring all facets of the discipline process including Discipline Hearings and Level III Union Grievances.

During the time period of this report, the DOC attended five Disciplinary Hearings, monitored the issuance of thirty-one Incident Reports and sixteen counseling sessions. The DOC has knowledge of one Level III Union Grievance. The DOC reiterates her request to be more informed of grievances, CCRD's responses and status of each.

The DOC has worked in conjunction with Labor Counsel to prepare training material for CCRD staff in an effort to formalize the current disciplinary process to ensure consistency. The DOC continues to work with Labor Counsel and management staff to ensure that the discipline is not only being done uniformly, but to establish criteria and procedures for such. Finalizing the discipline policy and training CCRD Employees on those changes and the processes established by Labor Counsel, will be a great stride towards substantial compliance.

Notably, during the period of this report there have been eight "Discipline Track" meetings in which Incident Reports and pending disciplinary matters are discussed. These meetings have been beneficial in that they ensure that disciplinary matters are reviewed and completed timely. It should be noted, however, that management staff who do not attend these meetings do not seem to understand the deliberative process on reviewing disciplinary matters. The DOC has learned that some members of management think that the DOC acts with autonomy in making



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decisions pertaining to pending disciplinary matters. The DOC works in conjunction with Labor Counsel, the Chief Deputy Recorder, Chief Counsel and the RCA in reviewing all pending disciplinary matters. This matter and others will be addressed when CCRD staff is trained on the updated discipline policy.

### **ADDITIONAL CCRD TRAINING:**

During the period of this report, all CCRD Employees completed an annual training facilitated by the Cook County Board of Ethics Department and all CCRD Employees received internal training on Courtesy and Professionalism.

Policy and Procedures Manual training is still pending.

### **RECOMMENDED / ONGOING TRAINING:**

- Employment Plan – Overall goal that HR, the DOC and Chief Counsel conduct Employment Plan training for any new hire(s) in accordance with the requirement in the Employment Plan.
- Performance Evaluations – HR, in conjunction with the DOC, outside counsel and the RCA, has drafted changes to this section of the Manual and upon approval will commence training all CCRD Employees of those changes.
- Time & Attendance – HR, in conjunction with the DOC, outside counsel and the RCA, has drafted changes to this section of the Manual and upon approval will commence training all CCRD Employees of those changes.
- Discipline – HR, in conjunction with Labor Counsel, the DOC, outside counsel and the RCA, has drafted changes to this section of the Manual and upon approval will commence training all CCRD Employees of those changes.
- Policies and Procedures Manual (policies not covered above) – Overall goal of annual training for all CCRD employees incorporating the changes that are to be agreed upon by CCRD, RCA, outside counsel & Plaintiff's Counsel.

### **DOC INVESTIGATIONS / NOTICES OF VIOLATION:**

During the period of this report, the DOC completed two investigations.

**DOC Report 18-002** involved a Director who administered Performance Evaluations without providing the DOC or RCA notice as required by Section IV.C.2 of the Employment Plan. Furthermore, the Director conducted the Performance Evaluations in a manner inconsistent with the CCRD Policy and Procedures Manual. The Director admitted to intentionally giving lower scores than the Employees deserved with the belief that that was required in order to leave room for improvement on future evaluations. Therefore, the DOC recommended that the Director be disciplined and receive training on how to properly conduct Performance Evaluations. Additionally, the Deputy Recorder utilized the wrong policy regarding a reassignment and the DOC recommended that the assignment be corrected utilizing the correct policy. CCRD agreed to implement all three recommendations, two of which were completed in a timely fashion. The finalized change in assignment, utilizing the correct policy, is pending HR's review.



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**DOC Report 18-003** involved a Candidate for the Human Resources Generalist Position who was not forthcoming or truthful with information related to her prior contact with CCRD Employees or her HR Generalist application and resume. Furthermore, the Candidate falsified a Recorder document and intentionally provided materially false information during an investigation by the DOC. The DOC recommended that the Candidate be disqualified for consideration and be placed on the Do Not Hire Without Further Consideration List. CCRD agreed to implement both recommendations and did so in a timely fashion.

The DOC issued three **Notices of Violation** per Section IV.M.2 of the Employment Plan.

1. Violation Notice to HR – The DOC reported one violation regarding a Director performing an Employment Action without providing notice to the DOC and RCA as required by the Employment Plan. The DOC recommended disciplinary action for the Director. HR's response to this notice of the violation was due on June 5, 2018 and is still pending.
2. Violations Notice to HR – The DOC reported two Employment Plan violations regarding a job posting as the Job Description, in the opinion of the DOC, was not accurate as required by the Employment Plan and insufficient notice was provided to the DOC and RCA prior to posting the Position. The DOC recommended that the job posting be immediately taken down and that the job description be updated. The job posting was not suspended or removed from Taleo and the Chief of HR's response to this notice of the two violations is pending.
3. Violation Notice to HR – The DOC reported one violation regarding a Director failing to issue a Performance Evaluation timely as required by the CCRD Policy and Procedures Manual. The DOC recommended disciplinary action for the Director. HR's response to this notice of the violation is still pending.

The DOC referred five complaints regarding Manual violations to management staff. These referrals did not require a formal investigation. The DOC is in the process of completing training material for management staff as it pertains to their ability to conduct investigations in the event that the complaint requires additional investigative steps.

The DOC currently has two active investigations regarding two Job Descriptions. The investigations are ongoing and the status / findings of the investigations will be addressed in her next report.

During the period of this report, the DOC responded to a media inquiry and provided redacted documents in accordance with the Employment Plan. Furthermore, the DOC provided copies of the Do Not Hire Without Further Consideration upon receiving two external requests.



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### **OBSERVATIONS / AREAS OF RISK:**

#### **DOC Staffing:**

The DOC, HR and the RCA have expressed that the DOC requires additional personnel in order to effectively conduct all duties assigned the DOC. The DOC is currently in discussions with the Recorder regarding acquiring additional personnel.

#### **CCRD Operations:**

- Certified Copies – The DOC previously reported the reorganizing of an area of Operations due to a retirement which left four employees without a Supervisor. It has been over a year since the retirement and there has been no change in assignment of these four Employees as it is pending the process of the Job Description Revision Project. The Supervisor to absorb these four employees required a Job Description Interview and Desk Audit which was completed and finalized. If this is still the operational plan, additions must be made to the Job Description to include the duties the Supervisor will absorb upon reassignment of the four employees. Additional training for the Supervisor will also be required in accordance with the Plan.
- MyDec/ERecording – Duties, expectations and legal requirements of CCRD must be established and clearly communicated to CCRD staff regarding MyDec and ERecording. A committee was formed to assess the level of service CCRD was engaged in through MyDec and those discussions are still being had. The DOC has continued gathering this information and, from a compliance perspective, would like to ensure that the expectations for MyDec and ERecording are accurately reflected in the appropriate Job Descriptions.
- Outreach Program / Events – The DOC has continued gathering information pertaining to Outreach Events for the duration of the period of this report. There are many outstanding questions as it pertains to Outreach related duties, accurate Job Descriptions regarding Outreach duties and responsibilities, CCRD participation, and Time and Attendance practices surrounding Outreach Events. A meeting is scheduled with CCRD, RCA and Plaintiff's Counsel on this matter next week.

### **RELATIONS:**

The DOC continues to work well with the RCA. Daily conversations, collaboration and positive working relationships are integral in CCRD's compliance efforts.

The DOC has met with the OIIG approximately three times during the period of this report and looks forward to maintaining a positive working relationship as CCRD works towards overall compliance. The DOC and OIIG have will continue meeting at least one time per month.

The DOC requests to attend more of the Exempt Staff meetings which are integral in the DOC's understanding of CCRD's needs from their perspective. Additionally, meetings (perhaps monthly) with the Directors and or Deputies Recorder would be beneficial. Operationally, it is



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imperative that the DOC remains informed and is provided the opportunity to communicate with management staff regularly.

The DOC continues to have an extremely positive working relationship with CCRD staff. The level of collaboration and continued communication is integral in the DOC being effective in her role. The DOC is pleased with the feedback she receives from the Employees and hopes to continue to strengthen the level of trust that the Employees have in the DOC's effectiveness.

### **CONCLUSION:**

We have made great strides towards substantial compliance but there is much work to be done. With the expressed commitment by the Recorder to achieve compliance, the DOC is committed to continuing her work at CCRD to reach that goal.

Sincerely,

/s/ Alexis L. Serio

Alexis L. Serio

Director of Compliance

Cook County Recorder of Deeds

Cc: Matt Pryor, Counsel to the Recorder Compliance Administrator