



EDWARD M. MOODY

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

March 10, 2020

Edward M. Moody, 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: 2018/2019 Report – December 16, 2018 through December 15, 2019

Dear Recorder Moody and Ms. Spangler:

This is the fifth report issued by the undersigned Director of Compliance (DOC). Section IV.C.1 of the Cook County Recorder of Deeds Employment Plan states that the DOC will issue semi-annual reports every June 15, and December 15 to the Recorder and the Recorder Compliance Administrator (RCA), while acting, describing his or her activities during the prior six months. These reports will include (i) auditing activities as required by the Plan; (ii) any violations of the Plan discovered; (iii) any remedial actions recommended; and (iv) any corrective action taken by the Recorder or his or her Designee to address the violations.

The role of the DOC, an office of one, is extensive. It includes the responsibilities of overseeing compliance with the Plan and the CCRD Personnel Policy and Procedures Manual; maintaining and reviewing the Exempt List to ensure continued compliance; accepting complaints related to Employment Actions, the Plan, and Manual; cooperating with the OIIG in OIIG investigations; implementation of training programs and preparing training materials; reviewing the Manual; and working with HRD to train all Employees on the Plan and Manual. HR, the RCA and I have expressed that the office of the DOC requires additional personnel in order to effectively conduct all duties assigned. I submitted a Request to Hire to HR in accordance with the Employment Plan on December 17, 2018 and was informed that I would be notified if there were any developments. There have been no developments regarding this request.

Due to the duties and responsibilities of the DOC, and several prioritized compliance items requiring monitoring in 2019, I was unable to complete the 2019 semi-annual reports as required by the Plan as timely as intended. The compliance items include but are not limited to:

- The finalization and distribution of office-wide Job Descriptions;
- The monitoring of the office's implementation of the updated Performance Management policy by way of Performance Evaluations;



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- Continued engagement regarding the finalization of the Personnel Policy and Procedures Manual;
- Assisting in the preparation and finalization of extensive office-wide Manual training materials;
- Participation in the multiple office-wide training sessions of CCRD staff on the updated Manual;
- The monitoring of the office's implementation of the updated Manual as a whole; and
- The continued monitoring of overall compliance with the Plan including accepting complaints related to violations of the Plan and Manual throughout 2018/2019.

Therefore, I submit this report to be posted on the Recorder of Deeds website as required by the Plan which covers the period from December 16, 2018 to December 15, 2019. Updates when applicable, that extend beyond the reporting period, will be included. This report will summarize CCRD's progress as significant steps were taken towards substantial compliance during this reporting period. This report will also cover the weeks and months following the effective date of the new policies in July/August 2019 where significant issues arose with CCRD's consistent and transparent application of the policies, specifically including Time and Attendance, Discipline and Performance Management. Various reasons and factors contributed to these shortcomings and will be the subject of later, pointed discussions in this report.

EMPLOYMENT PLAN TRAINING:

As required by Section IV.F of the Employment Plan, office-wide training sessions occurred in 2019 on February 22, April 24, April 25, May 9, and September 25. All active Employees received Employment Plan Training during this reporting period.¹ The Employment Plan training sessions included presentations by the former Chief of HR, the former Director of HR, the Chief Deputy Recorder, a representative from the OIIG when available, and the DOC.² As previously reported, the training material was a collaborative effort of the Chief Deputy Recorder, the former Chief of HR, the DOC and the RCA. Overall, Employment Plan training continues to be successful and meaningful. As of the date of this report, Employment Plan training for 2020 has yet to be scheduled. Annual Employment Plan training as prescribed by the Employment Plan must commence on a timely basis.

CCRD POLICY AND PROCEDURES MANUAL TRAINING:

CCRD's policies were revised to ensure long-term prevention of the use of impermissible political considerations in connection with employment with CCRD. As I have noted in previous reports, the revision process was extensive, requiring a meeting of the minds of various

¹ One Director-level Employee who has been on an extended Leave of Absence did not receive Employment Plan or Policy and Procedures Manual training in 2019.

² The former Chief of Human Resources, Patricia Fallon, resigned her Position effective July 24, 2019. Letitia Dominici was appointed to the Position of Chief of Human Resources effective September 3, 2019. The former Director of Human Resources, Yolanda McDonald, resigned effective December 26, 2019. This position remains vacant.



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stakeholders including CCRD management staff, the DOC, the RCA and Plaintiffs' Counsel. Upon completion of the revisions, the finalization of the training materials was a collaborative effort of the Chief Deputy Recorder, the former Chief of HR, the DOC and the RCA.

As required by Section IV.F of the Employment Plan, office-wide training sessions covering topic-specific portions of the newly updated CCRD Policy and Procedures Manual occurred throughout 2019. Specifically, Time and Attendance office-wide training sessions occurred on June 19, June 21, July 11, August 1, and September 18. Discipline office-wide training sessions occurred on June 26, June 28, July 12, August 1, and September 18.³ Presentations of the training material were conducted by the Chief Deputy Recorder, the former Chief of HR, the former Director of HR, the DOC and Labor Counsel.

As required by Section IV.E of the Employment Plan, for the first time ever, Supervisors were trained during this reporting period regarding their specific roles as it pertained to portions of the newly updated Manual including the Time and Attendance and Discipline policies. Completing this training signified CCRD's commitment to consistent implementation of the new policies with the direct involvement and assistance of Supervisory staff. All active management-level Employees received Supervisor Training during this reporting period. Following the multiple training sessions, CCRD began the implementation period, effective July/August 2019.

Finalizing these policies and conducting topic-specific/Supervisor trainings were integral steps towards substantial compliance. As of the date of this report, CCRD Policy and Procedures Manual training and Supervisor training for 2020 have yet to be scheduled. Annual Manual training as prescribed by the Employment Plan must commence on a timely basis. Additionally, it is imperative that the training materials adequately address the issues we have seen over the last several months which will be discussed below. Enriching the training materials for Supervisors will ensure that the training itself is meaningful and will result in long term successful implementation.

JOB DESCRIPTION REVISION PROJECT:

During the period of this report, CCRD continued its efforts in finalizing outstanding Job Descriptions. As previously reported, a small amount of Job Descriptions remained incomplete. The Position of Supervisor of Microfilm Library is still outstanding and was included as a subject in a union grievance which was resolved during this reporting period. The resolution called for the Supervisor of Microfilm Library Job Description to be updated along with a handful of other Positions which were affected by the agreement between the union and CCRD. Therefore, the Job Descriptions which require updating remain, an issue that has lingered for several months. Once each Position at CCRD has a complete, updated and finalized Job

³ One active Non-Exempt Employee has yet to receive Time and Attendance training and Discipline training. The Employee was reinstated effective August 15, 2019 therefore missing several of the initial training sessions. Additionally, this Employee called off sick for the September 18, 2019 training date.



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Description, CCRD will have sufficiently completed a significant step forward in the CCRD's overall compliance efforts.

As previously reported, five Shakman Exempt Positions were filled upon the change in administration in December 2018. The five Positions filled in 2019 were: Chief Deputy Recorder, Chief Legal Counsel, Labor Counsel, Chief of Human Resources, Deputy Recorder of Finance and Special Assistant to the Recorder – Community Affairs. A new Deputy Recorder of Communication and a new Chief of HR were appointed in 2019. Commendably, within her first month, the new Chief of HR confirmed that each Shakman Exempt Employee received and signed their Job Descriptions, illustrating that they acknowledge the scope of their respective roles at CCRD. While the Exempt Employees are not required to receive Performance Evaluations, I reiterate my request to be notified of any training or performance matters regarding these Employees.

PERFORMANCE EVALUATIONS:

Following the completion of the vast majority of Job Descriptions, CCRD continued with the process of issuing Performance Evaluations to cover a 90 Day rating period following the Employees' receipt and signature of their respective finalized Job Description. Additionally, during the period of this report, there were eight New Hires/Promotions which required the completion of 30, 60, 90 Day Performance Evaluations. Following the initial 90 Day rating period, these Employees and all others, will be evaluated annually thereafter.

As I previously reported, Performance Evaluations must be done in accordance with the CCRD Policy and Procedures Manual. Two separate training sessions were held in 2019, on April 17 and October 3 in an effort to ensure that the expectations on how to implement the Performance Management policy were communicated clearly given the challenges we saw in 2018 including participation by required parties, scoring provisions and overall timeliness. Following the training sessions, participation by Employees who were required to attend the various meetings improved while other significant hindrances remained.

During the preliminary review stages, otherwise known as Supervisor's Meetings, the former Chief of HR, the current Chief of HR, the former Director of HR and I attempted to allow the meetings to be a discussion between the Supervisor and their Director/Deputy Recorder as is required by the policy. It was communicated clearly during the training sessions that this would be the expectation as our participation in the initial Performance Evaluations in 2018 was excessive. The hope was that the Supervisors and their Director/Deputies Recorder would facilitate these meetings in accordance with the policy without much needed direction from HR or the DOC.

There were improvements made in the first half of 2019 regarding the overall timeliness of the Performance Evaluations. This is due in large part to the former Chief of HR whose electronic notices of deadlines, responsiveness to policy questions, participation by way of



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clearer instruction, and an overall hands-on approach was exactly what Supervisory Employees needed following the April 2019 training session. While some issues remained regarding content and preparedness by CCRD management staff, improvements were evident following the training. Unfortunately, the momentum built under the former Chief of HR did not continue following her departure.

The responsibility to provide notices of deadlines and provide Performance Management support to Supervisors fell on the former Director of HR. Even without the added sole responsibility of ensuring implementation of the Performance Management Policy and facilitating the accompanying performance evaluation processes, the former Director of HR struggled to manage payroll and struggled to adequately administer FMLA processes and ADA processes throughout 2019.⁴ The former Director of HR struggled to provide timely notifications of Performance Management deadlines to management staff, failing to do so at all after September 2019. This, combined with the lack of follow-up by management staff regarding their respective Employees' pending evaluations, resulted in a significant halt in Performance Evaluations being drafted. Additionally, the former Director of HR wavered on Performance Management policy questions and often came to Supervisor's Meetings unprepared or without the draft evaluations all together. The former Director of HR's own 90 Day Evaluation of one of her subordinate Employees displayed significant issues. The 90 Day Evaluation required extensive edits due to inaccuracies and was untimely overall.

During this entire reporting period, especially in the latter part of 2019, I spent an extraordinary amount of time preparing for Supervisor's Meetings due to the continued need for correcting and redirecting Supervisory staff during these meetings. Issues remained including lack of preparedness, inaccurate/insufficient content, the inconsistent implementation of the Performance Management policy with respect to multiple Supervisors, timeliness, and inconsistent applications of records in relation to the violations of the Time and Attendance policies and Discipline in general. Also as highlighted in my last report, reminding management staff of the scoring provisions outlined in the Performance Management policy and the training materials was still very much a necessary task. Supervisors continually struggled with identifying the appropriate evaluation scores and articulating the basis for those scores.

As previously reported, Performance Evaluations must be substantive and meaningful to the Employees. Based on the observations of the Performance Evaluations during 2019, a newfound commitment to completing these evaluations, and doing them well, must be made including buy in from the top levels of CCRD. Effective and meaningful Performance Evaluations allow for a thriving workforce. Completing Performance Evaluations as an extension of CCRD's compliance efforts following the updating and finalizing Job Descriptions is paramount. In some instances, Employees who worked at CCRD ranging anywhere from 10-40 years without ever having received a Job Description were, for the first time, presented with

⁴ These matters will be discussed in my next report as they pertain to ongoing investigations initiated in 2019.



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what was expected of them as government Employees. Following that, Employees' Performance Evaluations provide them with the opportunity to hear how they are performing and ways that they can improve by receiving meaningful and personal feedback from their Supervisors. While the processes were delayed for various reasons including HR personnel changes, the outstanding Performance Evaluations must be issued without delay. The breakdowns listed above have resulted in the Employees not receiving timely Evaluations and, as was noted in my previous report, receiving a Performance Evaluation several months after the rating period lessens the effectiveness of that evaluation and waters down its utility.

As of date of this report, the following 90 Day Performance Evaluations are outstanding:⁵

- The 90 Day Evaluations for two Employees whose rating periods expired on October 3, 2019 have not yet been issued.
- Two Employees who returned from Leaves of Absence in July and August of 2019 require their 90 Day rating periods to be set.
- One Supervisor's Job Description requires updating at which point his 90 Day rating period will be set.

As of the date of this report, the following Annual Performance Evaluations are outstanding:

- Three of four Satellite Office Employees, including one Supervisor, whose rating periods expired on September 17, 2019, have not yet been issued.
- Three of four Security Employees whose rating periods expired on October 3, 2019, have not yet been issued.
- The Database Management Supervisor, whose rating period expired on October 13, 2019, has not yet been issued.
- Eight of fourteen Database Management Employees, whose rating periods expired on October 24, 2019, have not yet been issued.
- All four Certified Copies Employees, whose rating periods expired on December 12, 2019, have not yet been issued.
- All six Title Express Employees, including one Supervisor, whose rating periods expired on December 18, 2019, have not yet been issued.
- All six Plat and Declaration Review Employees, whose rating periods expired on December 18, 2019, have not yet been issued.

As I continue to monitor and participate in the Performance Evaluation processes, I think it is clear that additional training for CCRD's management staff is needed. I cannot stress enough the importance of the consistent application of the Performance Management Policy.

⁵ I suggest that CCRD review whether or not the 90 Day Performance Evaluations are needed at this juncture. Given that the Employees who returned from Leaves of Absence 8/9 months ago, perhaps the Employees would benefit more from receiving an Annual Performance Evaluation which will cover the year following their return.



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Committing to implementing this policy is of utmost importance. Absent enormous improvements in this area, CCRD runs the risk of failing to achieve substantial compliance. CCRD is in the process of revisiting the Performance Management policy and updating the training materials to adequately address the issues seen in 2019. I look forward to continuing to work with CCRD and specifically HR on the updates to the policy, updates to the training materials, and the upcoming training sessions.

HUMAN RESOURCES DIVISION:

HR, as a significant prong of CCRD's compliance efforts, has suffered from personnel losses throughout this reporting period. CCRD has historically been HR-centric in that Employees and management staff heavily relied on HR for a myriad of issues and instruction. With the loss of the former Chief of HR, the former Director of HR and the two former HR Generalists, CCRD's compliance momentum decreased by the end of 2019. While the current Chief of HR is extremely capable of not only performing her job in running HR, she is also an invaluable asset to CCRD in reaching substantial compliance. However, there simply are not enough hours in the day and the tasks ahead are an impossible feat for one person. CCRD must procure assistance in HR as soon as possible and it is my understanding that steps are being taken to ensure that help is on the way. I look forward to continuing to work with the Chief of HR and assisting in any way that is permissible under the Employment Plan.

Requests to Hire / Job Postings:

During the period of this report, there were eight New Hires/Promotions. Of the eight New Hires/Promotions, two were appointments into Shakman Exempt Positions, five followed the General Hiring Process as delineated in Section V of the Employment Plan, and one hiring sequence included the utilization of a Validated Eligibility List following a resignation. I am happy to report that there were few compliance concerns regarding these Employment Actions.

In February 2019, I raised a concern regarding HR's practice of calculating the combination of part-time experience to determine the equivalent full-time experience for applicants while the job posting specifically required full-time experience. After discussion, the former Chief of HR agreed that the practice created an inconsistency and ultimately part-time experience was not considered for the posting. Additionally, the former Chief of HR committed to incorporating clarifying language in future job postings if part-time experience will be considered going forward.

In July 2019, a concern was raised regarding an interview/test performed by the former Director of HR during a validation process. While monitoring the validation interview, I informed the Employee that he was not receiving a test. However, the RCA raised that the former Director of HR's interview questions were inconsistent with the agreed upon verification process. The current Chief of HR was made aware of what transpired and committed to following all requirements related to pre-employment tests as delineated in the Plan going forward.



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No Longer With CCRD:

There were eight resignations, six retirements, and six terminations during the period of this report. When possible, I monitored the exit interviews of these Employees.

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 continued posting 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. I previously reported that this requirement had not been met since 2015. I am happy to report that this was remedied by HR and was satisfied for all of 2019 as the four Quarterly Reports were completed and posted timely on the Recorder's website.

HRD Personnel Training:

As referenced in the last semi-annual report, per Section IV.D of the Employment Plan, HRD, in conjunction with the DOC, will provide comprehensive mandatory training programs for all personnel within HRD to ensure that they are aware of and knowledgeable about the Plan and Manual and will be able to administer relevant portions of the Plan and Manual and answer questions they may receive. The HR Generalist hired in 2019 never received such training.

TIME AND ATTENDANCE:

Upon the finalization of the updated Manual, Time and Attendance training sessions throughout 2019 emphasized the monitoring and enforcement responsibilities of management staff. Under the new policy, Supervisors are required to monitor their subordinate staff's attendance on a daily basis and enforce the Manual when there are violations. However, HR continued to provide management staff with regular notifications of violations of the Time and Attendance policy. This practice continued throughout 2019 but has ceased upon the HR Generalist's departure in February 2020. How this change will impact management staff's ability to enforce violations of the Time and Attendance policy, without any additional training or direction, remains to be seen and will be discussed in my next report.

The following is a brief summary of DOC Investigative Report 19-013 (issued on December 10, 2019) which was based on an audit of CCT and CCRD's practices regarding the Time and Attendance policy. This investigation involved findings of widespread non-compliance with CCRD's swiping policies by Employees, failure of Supervisors to monitor and track their subordinates' compliance with swiping requirements, and failure of Supervisors, Directors and Deputies Recorder to counsel or discipline their Employees when in violation consistent with the Discipline Policy. Based on my findings, I recommended:

1. CCRD issue Employees a written reminder of the swiping policies.



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2. CCRD provide a written reminder to all Supervisors, Directors and Deputies Recorder of monitoring and enforcement requirements.
3. CCRD counsel or discipline (a) all Employees who failed to swipe in on two or more days in a 30-day period and (b) all Supervisors, Directors, and Deputies Recorder who failed to monitor their subordinates' swipes.
4. CCRD review and revise the Manual to clarify whether the 30-day period for missed swipes represents a calendar month or rolling 30-day period.
5. CCRD review the practice of verifying Employees' missed swipes and revise the Manual as needed to provide further clarity HR is engaging in a practice of accepting a wide variety of verifications from management staff.

While CCRD accepted my recommendations, I am in the process of reviewing their report and responding, seeking clarity regarding the implementation of my multiple recommendations. This matter will be discussed in my next report.

Another area of Time and Attendance which requires discussion is the accrual, approval, documentation and tracking of Compensatory Time. Management staff's efforts in improving CCRD's comp time practices by submitting comp time forms and the HR Generalists' efforts in generating workable reports were greatly appreciated; however, there is still work to be done.⁶ While HR improved in the area of collecting most of the required authorization paperwork for comp time accruals, timeliness and content of the forms are still significant issues. Furthermore, HR must schedule the meeting with the DOC and RCA to discuss the various comp time issues as the meeting has been pending for over a year. One significant item to be discussed is the policy's requirement that Supervisors will maintain a spreadsheet of Mandatory Overtime to ensure equitable distribution. Throughout the training sessions in 2019, HR represented that they would maintain the spreadsheet. To my knowledge, this is not being done. Supervisors implementing this tracking component alone could help solve a majority of the ongoing issues.

I acknowledge that as of the date of this report, HR continues to work with outside entities to address issues relating to CCT and comp time accruals. I will continue to monitor that system administrators work with HR in attempt to address the outstanding issues.

DISCIPLINE:

As previously reported, I am tasked with monitoring all facets of the discipline processes including monitoring Discipline Hearings and attending Level III Union Grievances. During this reporting period, I attended twenty-four Disciplinary Hearings and three Third Step Grievances. From January to July 2019, I monitored the issuance of Incident Reports and counseling sessions with few exceptions.

⁶ During this reporting period, two HR Generalists left CCRD effective March 5, 2019 and February 14, 2020. The position remains vacant.



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Upon the finalization of the updated Manual and the subsequent discipline training sessions throughout 2019, the significant changes to the discipline policy required constant monitoring and tracking. I, and presumably others, regularly fielded questions about the implementation of the discipline policy as management staff were adjusting to the changes. These changes included:

- Supervisors may provide counseling to Employees (rather than discipline) for Minor Cause Infractions. The counseling must be memorialized, via a Counseling Form, and provided to HR, the DOC, RCA and Labor Counsel.⁷
- Supervisors would provide Labor Counsel and I with drafts of all Incident Reports prior to issuance to the affected Employee.
- Labor Counsel and I were to review draft Incident Reports to ensure compliance with the discipline policy and consistency with past practice of like discipline at CCRD.
- Labor Counsel and I could meet to discuss the draft Incident Reports and Labor Counsel would decide on the course of action by way of rejecting the Incident Report, recommending counseling or progressive discipline.
- Upon receiving an approved Incident Report, Supervisors would issue the Incident Report electronically, via email, to the Employee.
- Notices of Verbal and Written Reprimands were to be provided electronically, via email, to the Employee.
- Verbal and Written Reprimands were to be delivered to the Employee in person, opposed to in a Pre-Disciplinary Hearing.
- Hearings would only be held for Suspensions/Termination.

As I noted in my last report, CCRD's goal was to ensure that discipline was administered consistently across CCRD. The review process in place under the updated Manual allowed Labor Counsel and I to be the safeguard to resolve the compliance issues we have seen in the past. Monitoring CCRD's compliance efforts regarding discipline continues to be a challenge, one I thought would have been eliminated upon the finalization and training on the updated discipline policy. Confusion arose regarding the intention of the policy changes and the implementation thereof. Labor Counsel represented to me that the office's position regarding the purpose of our Incident Report review and tracking of discipline differed from mine in that it was not our responsibility to question why a Supervisor chose to counsel versus discipline. I identified instances of inconsistencies including seemingly disparate discipline and following significant back and forth exchanges between me, CCRD and the RCA, we are navigating through those issues in real time. Importantly, in an effort to remedy these issues, CCRD has offered a suggested approach which will require changes to the policy, notification to all Employees, and subsequent training. We are in the process of continuing our discussions regarding the implementation of the discipline policy. The next few weeks and months are

⁷ It was raised that the updated policy did not require management staff to provide the memorialization of the counseling to Labor Counsel; this was remedied by adding Labor Counsel to the distribution list on the Counseling Form.



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critical in making progress towards overall compliance with discipline and developments in this area will be discussed further in my next report.

DOC INVESTIGATIONS / NOTICES OF VIOLATION / REFERRALS:

In accordance with Section IV.M of the Employment Plan, the following is a summary of reports not previously mentioned regarding the DOC's investigative activity during this reporting period (this includes DOC Investigations, Notices of Violation and Referrals which resulted in findings of violations):⁸

ROD response to DOC Investigative Report 18-005 (issued on November 7, 2018): The investigation involved a finding that a former Non-Exempt Director conducted an unsanctioned investigation in violation of the Plan and intimidated and threatened an Employee. I recommended that the Director be disciplined for conducting an investigation in violation of the Plan and for intimidating an employee in violation of the Manual. I also recommended that the Manual and discipline policy be amended to be consistent with the Plan. CCRD issued a response that the Employee could not be disciplined as he resigned his Position and proposed changes to the Plan. Furthermore, CCRD represented and committed to neither condone nor allow management staff from engaging in unsanctioned investigative activity.

DOC Notice of Violation (issued on January 10, 2019): This notice involved a finding that two Exempt Employees failed to refer a complaint of alleged harassment as required by the Employment Plan.

DOC Investigative Report 18-006 (issued on January 19, 2018): The investigation involved an allegation of sexual harassment which was Not Sustained. I recommended harassment training for all Supervisory personnel. The training was incorporated into the Manual training sessions held in 2019.

DOC Investigative Report 18-009 (issued on February 5, 2019): The investigation resulted in a finding that an Exempt Employee violated the Courtesy policy. I recommended that the Exempt Employee receive discipline and that all Exempt Employees receive a reminder of their need to abide by professional workplace etiquette at all times. CCRD disagreed with my recommendation but agreed to remind Exempt Employees of their need to be professional at the workplace.

DOC Notice of Violation (issued on February 15, 2019): This notice involved a finding that a Non-Exempt Director failed to issue a timely 60 Day Performance Evaluation for a newly promoted Employee who was in a probationary status. I recommended the timely issuance of the

⁸ My practice of referring matters in 2018 and early 2019 which, based on my evaluation, did not require any/additional investigation ceased after March 28, 2019 due to concerns raised by the RCA that the referrals were not done in accordance with Section IV.M.4 of the Employment Plan as the recipients of the referrals had not received Investigations Training. Investigations Training was subsequently conducted by me on June 27, 2019.



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remaining 90 Day evaluation and that the former Chief of HR provide the information to the respective Deputy Recorder for consideration of further action. The Non-Exempt Director was disciplined for Poor Work Performance.

DOC Notice of Violation (issued on February 20, 2019): This notice involved a finding that the former Chief of HR violated the Temporary Assignment policy by not notifying Employees of the end of their respective Temporary Assignments and directing them to return to their original position. I recommended that HRD assign an HR Employee to track Temporary Assignment dates and be responsible for compliance with the policy. CCRD's response included that the Chief of HR would be responsible for tracking and notifying Employees of start and end dates for all Temporary Assignments. The Employees were successfully notified of the end of their Temporary Assignments.

DOC Notice of Violation (issued on February 22, 2019): This notice involved a finding that from 2016 through 2018, HRD violated the Employment Plan's requirement to post Quarterly HR Reports on the Recorder's website. CCRD acknowledged the ongoing violations and remedied them by posting Quarterly Reports throughout 2019.

DOC Investigative Report 19-001 (issued on March 27, 2019): The investigation involved a finding that a Non-Exempt Employee violated CCRD's anti-harassment policy and knowingly or willfully provided false information during an investigation. Also, Non-Exempt Supervisors failed to address this Employee's behavior when observed or made aware of such conduct. I recommended that the Non-Exempt Employee and one Non-Exempt Supervisor receive discipline, one Non-Exempt Supervisor receive counseling and all Employees receive training on the anti-harassment policy. CCRD accepted the DOC's recommendations and the training was completed as part of the Manual training sessions held in 2019.

DOC Notice of Violation (issued on March 29, 2019): This notice involved a finding that the former Chief of HR failed to refer a complaint to me as required by the Employment Plan. I recommended that whenever the former Chief of HR receives or becomes aware of potential violations of the Plan or Manual that they are referred to the DOC as required by the Employment Plan. Tangentially, it was agreed upon by all parties that if the complaint involves allegations against the DOC, those would be reported to the Office of the Independent Inspector General (OIIG). The Employment Plan was amended to that effect.

DOC Investigative Report 19-003 (issued on June 26, 2019): The investigation involved a finding that a Non-Exempt Employee knowingly or willfully provided false information during my investigation. I recommended that the Non-Exempt Employee receive discipline and that CCRD provide information regarding the prohibition of lottery playing during business hours. The subject Non-Exempt Employee retired prior to CCRD initiating discipline. She was subsequently placed on CCRD's Do Not Hire Without Further Consideration List and the memorandum regarding the prohibition of lottery playing was distributed.



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DOC Notice of Violation (issued on July 3, 2019): This notice involved two Deputies Recorder who failed to report to HR, the DOC and RCA changes in job duties and responsibilities for Non-Exempt Employees. I recommended that the changes to job duties cease until the proper processes in the Plan are followed. CCRD accepted my recommendation.

DOC Investigative Report 19-002 (issued on July 15, 2019): The investigation involved a finding that a Non-Exempt Employee violated the anti-harassment policy and knowingly and willfully interfered in or did not cooperate in an investigation. CCRD accepted my recommendations that the Non-Exempt Employee receive discipline (the Employee received discipline and was ultimately terminated), two other Non-Exempt Employees receive Counseling for cell-phone usage, and all CCRD Employees receive training on anti-harassment policy. The training was incorporated into the Manual training sessions held in 2019.

DOC Investigative Report 19-006 (issued on October 1, 2019): The investigation involved a finding that a Non-Exempt Employee violated the anti-harassment policy. I recommended that the Non-Exempt Employee receive discipline. CCRD accepted my recommendations and the Non-Exempt Employee was terminated.

DOC Investigative Report 19-008 (issued on October 21, 2019): This Notice of Violation involved an Exempt Employee who failed to schedule a timely Pre-Disciplinary Hearing for a Non-Exempt Employee in accordance with the Manual. I recommended that this Exempt Employee review, log and track Incident Reports to prevent recurrence. CCRD accepted my recommendation and the Exempt Employee was counseled on his need to track Incident Reports to ensure compliance with the policy.

DOC Investigative Report 19-009 (issued on October 18, 2019): The investigation involved a finding that two Employees engaged in hostility toward one another. I recommended that the Employees receive discipline. CCRD agreed with my finding but opted to authorize Counseling, not discipline.⁹

DOC Investigative Reports 19-014, 19-015 and 19-016 (issued on December 4, 2019): These Notices of Violation involved findings that three Supervisors and a Deputy Recorder failed to timely counsel or discipline subordinate Employees. I recommended that the information be provided to the next level of management for consideration. The three Supervisors and the Deputy Recorder were counseled.

DOC Investigative Report 19-017 (issued on December 11, 2019):¹⁰ This investigation involved a finding that a Non-Exempt Employee knowingly or willfully interfered in my

⁹ While the Recorder's Response was issued timely on November 18, 2019, the two Employees were not Counseled until February 11, 2020.

¹⁰ This matter was originally referred for immediate action on March 1, 2019. 19-017 served to satisfy the reporting requirement of Section IV.M of the Employment Plan as CCRD has already implemented the recommendation.



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investigation and violated the anti-harassment policy. I recommended that the Employee be disciplined. CCRD agreed with the recommendations and the Employee received a seven day suspension.

DOC Investigative Reports 19-019 (issued on December 26, 2019): This Notice of Violation involved a finding that the former Director of HR violated the Employment Plan by providing insufficient notice of the right to appeal placement on the Do Not Hire Without Further Consideration List to a former Employee. CCRD accepted my recommendation that HR provide the Employee with a new notice and a new Notice was sent to the former Employee on February 11, 2020.

DOC Investigative Reports 19-020 and 19-021 (issued on December 26, 2019): These Notices of Violation involved findings that two Supervisors and their Supervisors (a Director and a Deputy Recorder) failed to timely counsel or discipline subordinate Employees. I recommended that the information be provided to the next level of management for consideration. The two Supervisors were counseled. No action was taken against the Director or Deputy Recorder.

As of the date of this report, I am currently reviewing seventeen matters at various stages. Whether these matters result in Investigations, Notices of Violation or Referrals, the status/findings of the matters will be addressed in my next report. In addition to the seventeen ongoing matters, there are approximately fifteen historic reports that are outstanding. As those reports are issued, they will be discussed in my next report.

REQUIRED / RECOMMENDED TRAINING:

Per Section IV.E of the Plan, HRD, in conjunction with the DOC, will provide comprehensive mandatory training for all Supervisors to ensure that they are aware of and knowledgeable about the Plan and Manual. Based on the issues noted above, I recommend that the following additional training occur without delay.

- **Performance Management** – As summarized above, based on my direct observations and participation in the Performance Evaluation Supervisor’s Meetings and Issuance Meetings completed during this reporting period, it is evident that additional comprehensive training is needed. Therefore, I suggest that CCRD review the issues and challenges seen in 2019 and train/re-train management staff accordingly. I will work with the Chief of HR to ensure that this training is completed as soon as possible as supplemental training materials and possible policy updates are currently under review at CCRD.
- **Time & Attendance** – As summarized above all Employees, including management staff require comprehensive training regarding all facets of the Time and Attendance policy. It is important, however, that the training is not merely a review of what the policy says but



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an interactive, hands-on approach which will allow Employees and Supervisors of all levels to navigate and fully comprehend the system (CCT). Without such training, management staff's ability to fulfill their monitoring and enforcement role and comply with the updates to the policy was significantly hindered.¹¹ This training also should emphasize the duties and responsibilities of both Employees and Supervisory staff, effectively eliminating or limiting the role of HR in identifying violations.

- Discipline – Based on my direct observations and tracking of all facets of discipline, it is evident that additional comprehensive training is needed emphasizing the duties and responsibilities of Supervisory staff. Additionally, it is imperative that Labor Counsel track and monitor instances of counseling and discipline to ensure consistent and transparent implementation of the discipline policy. As noted earlier, I have raised concerns about recent seemingly disparate disciplinary matters. Those matters are still under discussion and will be addressed in my next report.
- Supervisor Training – Based on the issues related above in the three major areas in which Supervisors, Directors and Deputies Recorder have increased responsibilities, each training session should emphasize the roles of the management staff whenever possible. As indicated in the RCA's 19th and 20th reports, unclear practices with respect to the implementation of the newly revised policies decrease CCRD ability to be proactive versus reactive. While my role as DOC is to assist the office in its compliance efforts by raising issues in real-time whenever possible, it is imperative that these issues are also acknowledged and resolved internally as a matter of second nature. I look to the management staff, Supervisors, Directors, Deputies Recorder and Division Heads to be actively engaged in the various processes and implementation of policies that come up in their various departments.

OPERATIONAL ITEMS:

CCRD Operations:

- Outreach Program / Events – While I have not actively monitored or attended any outreach events, to my knowledge, there have been no issues regarding the Outreach programs or the Employees with Outreach duties and responsibilities throughout 2019.
- Certified Copies – As previously reported the reorganizing of an area of Operations due to a retirement left four employees without a Supervisor since 2017. This matter is also subject to the settlement of a union grievance and the implementation of its resolution is still pending. There has been no change in assignment of these four Employees. The Job

¹¹ It must be noted that it was discovered in late 2019 that the multiple levels of Directors, Deputies Recorder and Division Heads did not have access to their respective chains of command in CCT. CCRD is working with the Bureau of Technology to gain access for the multiple levels of management.



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Descriptions of the affected Employees are in draft form and the Employees continue to report to a Director-level Employee. Because the Director-level Employee oversees three other operational sections, these four Employees are still lacking day-to-day supervision and support. The Supervisor to absorb these four Employees must receive an updated Job Description as soon as possible. Additional training for the Supervisor may also be required, given the new duties to be absorbed.

- Mail Room – Following a resignation effective on September 3, 2019, the reorganizing of this area of Operations is required. By default, the affected Employees continue to report to a Director-level Employee. As already noted, because this Director-level Employee oversees three other operational sections, these six Employees are also lacking day-to-day supervision and support. The Supervisor to absorb these four Employees must receive an updated Job Description as soon as possible. Additional training for the Supervisor may also be required, given the new duties to be absorbed.

RELATIONS:

I continue to work well with the RCA and OIIG. Collaborative approaches and preventative measures are integral in CCRD's compliance efforts. I continue to have a positive working relationship with Non-Exempt/Union CCRD staff. My availability and ability to complete reports suffered in 2019 due to the multiple areas requiring my attention as discussed throughout this report. However, I trust that Employees remain aware of my open-door policy and commitment to being supportive to them when needed.

I continue to work well with Recorder Moody in our compliance efforts as he has offered his ongoing support. In the latter part of 2019, meetings with Recorder and/or his compliance team (consisting of the Chief Deputy Recorder, the Chiefs of Human Resources and Labor Counsel) decreased. I hope that regular meetings with the Recorder and his compliance team will occur in 2020 as the meetings are informative and beneficial. Increasing the frequency of these meetings will allow for greater strides towards substantial compliance.

CONCLUSION:

While Recorder Moody's commitment is unwavering, there is much work to be done at CCRD. On February 28, 2020 I was able to discuss CCRD's compliance efforts with Recorder Moody and the meeting was extremely positive. Recorder Moody continually expressed that reaching substantial compliance is his top priority.

While the CCRD completed large tasks required for substantial compliance from December 2019 to July 2019 (Job Descriptions, Performance Evaluations, finalization of office policies, etc.) our progress towards slowed significantly during the latter part of this reporting period. We faced complex issues including the loss of multiple HR staff in 2019 and



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inconsistent implementation of our updated policies. Resolution regarding training needs, Performance Management issues, Discipline issues, and /Time and Attendance issues are needed in 2020. There is still much work to be done in a short time and I request that CCRD continue to engage with me regularly to work towards progress. We have had great success when our focus is on collaboration and teamwork. Recorder Moody's expressed commitment to achieving substantial compliance is greatly appreciated and I look forward to continue working with him and his compliance team to reach that goal. While the work ahead of us seems vast, dedication to our overall compliance goals can result in great achievements.

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