

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

MICHAEL L. SHAKMAN, et al.,)	
)	
Plaintiffs,)	
)	Case Number: 69 C 2145
v.)	
)	Magistrate Judge Schenkier
COOK COUNTY RECORDER OF)	
DEEDS, et al.,)	
)	
Defendants.)	

**INTERIM REPORT OF THE SHAKMAN COMPLIANCE ADMINISTRATOR
FOR THE COOK COUNTY RECORDER OF DEEDS**

Cardelle B. Spangler, *Shakman* Compliance Administrator for the Cook County Recorder of Deeds (“RCA”)¹, by and through her attorney, Matthew D. Pryor, pursuant to Art. III.C of the Supplemental Relief Order for the Cook County Recorder of Deeds (“SRO”), submits this Interim Report as follows:

I. Introduction

On December 11, 2014, the RCA filed her Eleventh Report to the Court (“Eleventh Report”) in which she discussed Cook County Recorder of Deeds² Karen Yarbrough’s efforts to comply with the SRO. In that Report, the RCA updated the Court on the Recorder’s progress toward satisfying the five-prong definition of Substantial

¹ “RCA” hereinafter shall refer to the Recorder Compliance Administrator and/or her staff.

² The “Cook County Recorder of Deeds”, the “Recorder” and/or “Recorder’s Office” hereinafter shall refer to the Recorder, Karen Yarbrough, and/or her staff.

Compliance³ set forth in the SRO.⁴ The RCA detailed certain positive steps made by the Recorder – initiating Employment Plan (the “Plan”) training, completing a supplemental policies and procedures manual (the “Manual”) – but questioned whether a custom or practice exists in the Office of non-compliance with the SRO and/or making employment decisions relating to Non-Exempt employees based on political reasons or factors. The following week, the RCA and the parties appeared in Court to discuss the Recorder’s efforts to reach Substantial Compliance. In this Interim Report, the RCA provides a brief summary of that status hearing and updates on progress achieved since.

II. Updates Since December 19, 2014 Status Hearing

On December 19, 2014, the RCA, Recorder and her counsel, and Plaintiffs’ Counsel appeared before the Court for a status hearing (the “December 2014 Status Hearing”) on the Recorder’s progress toward Substantial Compliance. At the status hearing, the parties discussed several issues including: (1) concerns with the effectiveness of the Recorder’s Human Resources Division (“HRD”); (2) the need to fill the Director of Compliance (“DOC”) vacancy and ways to promote better success with the next hire; (3) the need to train employees on the Plan and Manual; and (4) the Recorder’s lack of

³ The SRO states that “Substantial Compliance means: (1) the Recorder has implemented the New Employment Plan, including procedures to ensure compliance with the New Employment Plan and identify instances of non-compliance; (2) the Recorder has acted in good faith to remedy instances of non-compliance that have been identified, and prevent a recurrence; (3) the Recorder does not have a policy, custom or practice of making employment decisions based on political reasons or factors except for Exempt Positions; (4) the absence of material noncompliance which frustrates the Recorder’s Consent Decree and the SRO’s essential purpose. The RCA and the Court may consider the number of post-SRO complaints that have been found to be valid. However, technical violations or isolated incidents of noncompliance shall not be a basis for a finding that the Recorder is not in substantial compliance; and (5) the Recorder has implemented procedures that will effect long-term prevention of the use of impermissible political considerations in connection with employment with the Recorder.” SRO at 13.

⁴ In her Eleventh Report, the RCA noted that she would structure future reports on the SRO’s 5-prong definition of Substantial Compliance. While the RCA will continue to structure her regular tri-annual reports in that manner, interim reports such as this one will not follow this structure.

response to an OIIG Summary Report. In advance of the next status hearing - currently scheduled for February 6, 2015 – the RCA provides updates on these issues below.

A. **HRD**

At the December 2014 Status Hearing, the Court discussed how a strong, supported and fully functioning human resources department has been necessary for all prior *Shakman* defendants who have reached Substantial Compliance with their respective SROs. While the Court acknowledged the problems with the Recorder’s HRD were not new, the Court directed the parties and RCA to attempt to solve the problems and soon.

Since the December 2014 Status Hearing, Recorder’s Counsel provided the RCA with proposed Job Description for a new *Shakman* Exempt Chief of HRD position and draft revisions to the Director of HRD Job Description. The RCA conducted a thorough review of the proposed Job Descriptions in comparison to the other HRD positions’ Job Descriptions and had a productive meeting with Recorder’s Counsel wherein she discussed her concerns with the Recorder’s proposal. On February 2, 2015, Recorder’s Counsel provided the RCA with revised drafts of these Job Descriptions; the RCA is in the process of reviewing the same.

B. **Director of Compliance**

At the December 2014 Status Hearing, this Court directed (1) the RCA to assume the role of the DOC on an interim basis until the position is permanently filled and (2) the RCA and parties to work to fill the DOC position permanently (including discussing whether the Job Description or hiring process needed amendment). Recorder’s Counsel and the RCA have made great progress on these two issues.

Within days of the December 2014 Status Conference, Recorder's Counsel and the RCA met to discuss the process of the RCA taking over the DOC role as well as possible changes to the DOC Job Description and hiring process. Over the following weeks, the following progress was made:

- Recorder's Counsel and the RCA met and discussed what duties the RCA would be adopting as DOC and how those duties could best be transitioned.
- The Recorder's Office dedicated a phone line and voice message system for Ms. Spangler in her capacity as DOC.
- The Recorder issued an all-office memorandum announcing Ms. Spangler as interim DOC and providing employees with the number to reach Ms. Spangler. The memorandum also announced that Ms. Spangler would hold weekly office hours in the former DOC's office.
- The RCA held her first office hours as DOC.
- Recorder's Counsel and the RCA had several collaborative conversations discussing possible changes to the DOC Job Description and hiring process.
- Recorder's Counsel circulated to Plaintiffs' Counsel and the RCA draft revisions to the DOC Job Description and DOC hiring process.

While the parties and RCA are still in the process of finalizing changes to the DOC Job Description and hiring process, the RCA anticipates an agreement will be reached in the coming week.

C. Plan and Manual Training

Another topic covered at the December 2014 Status Hearing was the Recorder's need to complete Employment Plan and Manual training for all Recorder employees. Given (1) the Court's direction that the RCA assume the role of the DOC and (2) the Plan's direction that "HRD, in conjunction with the DOC" conduct Plan and Manual

training, see Plan at Section IV.D-G, the RCA agreed to work with the Recorder's Office on finalizing presentation materials and presenting the same. Upon request by the Recorder's Office, Recorder's Counsel and the RCA also agreed that – due to the Director of HRD's problematic earlier Plan training (see Eleventh Report at 5) and considering the Recorder's pending proposal to make changes within HRD personnel – the Recorder could allow her Counsel to conduct the training despite the Plan's requirement that "HRD" do so.

In the ensuing weeks, Recorder's Counsel provided a draft training presentation and met with the RCA and OIIG⁵ to discuss the same. Recorder's Counsel, the RCA and OIIG reached agreement on the presentation topics. Nearly all Recorder employees were trained on the Plan and Manual on February 4 and 5, 2015.

D. Recorder's Response to OIIG Summary Report

The RCA's Eleventh Report discussed the Recorder's failure to respond to the OIIG's June 25, 2014 letter of recommendation to the Recorder⁶ wherein the OIIG made certain recommendations in connection with a finding that "impermissible political factors were considered in the employment decision to terminate the former Concourse Manager." Eleventh Report at 8. During the December 2014 Status Hearing, the parties discussed the Recorder's failure to respond to the OIIG's recommendation within 30 days

⁵ As with other prior Shakman defendants (Forest Preserve, County, Cook County Health and Hospitals System), the OIIG conducts training on certain topics during Plan presentations (e.g. Unlawful Political Discrimination, Political Contact Logs).

⁶ The OIIG's June 25, 2014 letter of recommendation was written in connection with an OIIG Post-SRO Complaint Summary Report (IIG13-0176) issued on June 19, 2014. Because the Summary Report was issued directly to the Post-SRO Complainant, appropriately the OIIG issued a separate letter of recommendation to the Recorder with recommendations instead of including the same in its communication to the Post-SRO Complainant.

of receipt – as required by Section IV.N.2 of the Plan and Section V.A.6 of the SRO. After a discussion on the issue, the Court inquired about – and Recorder’s Counsel affirmed - the Recorder’s ability to respond to the OIIG report by the end of January. On February 2, 2015, the Recorder issued her response to the OIIG report.

III. Conclusion

The RCA looks forward to continued cooperation from the Recorder’s Office on the above and related issues.

Respectfully submitted,

Cardelle B. Spangler
Recorder Compliance Administrator

By: /s/ Matthew D. Pryor
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