

effort to cover up the problems caused by the Recorder's continuing unlawful political discrimination to protect the Employee.

To that end, the Recorder proposes to create a new Chief of HR position by transferring all of the duties and responsibilities from the Director of HR to the new Chief position, leaving the Director without enough work to justify a full-time position. As the RCA made clear in her Statement Concerning the Recorder's Motion to Amend the Exempt List ("Statement"), the Chief and Director positions cannot co-exist. (Dkt. 4471, at 9-10.) Acknowledging this fact, the Recorder also proposes to create the new Community Affairs position to transfer the Employee so that the Director of HR position can be eliminated. However, the Community Affairs position suffers from the same problem of creating a position for which there is insufficient work and for which political party loyalty is not necessary for the effective functioning of the position. There are already two employees in the Recorder's Office responsible for community outreach and public education, the Deputy Recorder – Communications and the Director of Public Information. The Court should not give its blessing to the Recorder's attempt to create an unnecessary position to protect a politically connected employee.

I. The *Branti* Standard

A governmental entity wishing to fill a position on the basis of political loyalty bears the burden of demonstrating "an overriding interest in order to validate an encroachment on protected interests." *Elrod v. Burns*, 427 U.S. 347, 368 (1976). The standard for determining whether an elected official can take into account political considerations when filling a position was set forth in *Branti v. Finkel*, 445 U.S. 507 (1980): "[T]he question is whether the hiring authority can demonstrate that party affiliation is an appropriate requirement for the effective performance of the public office involved." *Id.* at 518. Including the word "policy" or "confidential" in a job description is not enough. *Id.*; *see also, Garcetti v. Ceballos*, 547 U.S.

410 (2006) (rejecting suggestion that “employers can restrict employees’ rights by creating excessively broad job descriptions”). The policy that the employee is responsible for making must be of such a nature that political selection of the employee is necessary.

II. Plaintiffs Request Additional Time to Respond to Allow Discovery on the Community Affairs Position

Although not styled as such, the Recorder’s Motion is, in essence, a motion for partial summary judgment under Rule 56 of the Federal Rules of Civil Procedure. The Recorder is asking the Court to enter an order declaring, as a matter of law, that the Community Affairs position meets the *Branti* standard. Summary judgment is only appropriate when “there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law.” Fed. R. Civ. P. 56(a); *Celotex Corp. v. Catrett*, 477 U.S. 317, 322 (1986). When, as here, the parties have not had an opportunity for discovery, a court should delay ruling on the motion and allow discovery. Fed.R.Civ.P. 56(d); *Grayson v. O’Neill*, 308 F.3d 808, 815 (7th Cir. 2002) (“Summary judgment should not be entered ‘until the party opposing the motion has had a fair opportunity to conduct such discovery as may be necessary to meet the factual basis for the motion.’”) (citing *Celotex Corp. v. Catrett*, 477 U.S. 317, 326 (1986)). Rule 56(d) of the Federal Rules of Civil Procedure provides that “[i]f a nonmovant shows by affidavit or declaration that, for specified reasons, it cannot present facts essential to justify its opposition, the court may: (1) defer considering the motion or deny it; (2) allow time to obtain affidavits or declarations or to take discovery; or (3) issue any other appropriate order.” Fed. R. Civ. P. 56(d).

The question of whether a position is exempted from the protection afforded under *Elrod* and *Branti* is a factual one that should ordinarily be left for a jury to determine, or in this case, for the Court after an evidentiary hearing. *Allman v. Smith*, 6 F.Supp.3d 889, 898 (S.D. Ind. 2014) (citing *Pleva*, 195 F.3d at 912)). Here, the parties dispute whether the duties to be

performed by the Community Affairs position meet the *Branti* standard. Discovery is needed to gather evidence for the Court to make a determination of whether “party affiliation is an appropriate requirement for the effective performance of” the Community Affairs position. *Branti*, 445 U.S. at 518.

As discussed below, the job description for the Community Affairs position is unreliable. A copy of the job description is attached as Exhibit 1. The Recorder did not follow the process for creating a new Exempt Position and job description required under the Employment Plan. The Recorder also failed to give the required notice to the RCA and the Director of Compliance (“DOC”) so that they could monitor the creation of the job description. Because none of the “checks and balances designed to make the official job description accurate” were followed, the Court cannot rely on the job description “to determine whether the duties bring the job into the circle within which elected officials are entitled to demand political loyalty.” *Riley v. Blagojevich*, 425 F.3d 357, 362 (7th Cir. 2005). Because the Court cannot rely on the job description, it cannot determine whether political affiliation is a requirement of the job as a matter of law; the issue is a factual one requiring discovery. *Pleva v. Norquist*, 195 F.3d 905, 912 (7th Cir. 1999); *Greene v. Cook Cty. Sheriff’s Office*, 79 F. Supp. 3d 790, 802 (N.D. Ill. 2015).

Plaintiffs served document requests and interrogatories on the Recorder on January 8, 2016. The Recorder requested additional time to respond, so Plaintiffs do not have the benefit of that discovery in drafting this Response. Plaintiffs seek discovery to develop additional evidence to refute the Recorder’s claim that the Community Affairs position should be exempt. Exhibit 2. Plaintiffs need discovery to develop additional evidence showing how the Recorder violated the Employment Plan when the Office created new community outreach positions. In addition,

Plaintiffs need discovery to show the extent to which the duties contained in the job description are already being done by other employees. Similarly, Plaintiffs need to discover whether the Recorder's office has adequate work to justify the new position. Plaintiffs expect to obtain such evidence and more through further written discovery and depositions.

Plaintiffs respectfully ask this Court to deny the Motion to Amend the Exempt List without prejudice to allow adequate time for discovery. If the Court elects to address the merits of the Motion now, the Motion should be denied. As shown below, the Recorder has not met her burden of proving that "political loyalty is 'essential to the discharge of the employee's governmental responsibilities.'" *Tomczak v. City of Chi.*, 765 F.2d 633, 640 (7th Cir. 1985) (quoting *Branti*, 445 U.S. at 518).

III. The Community Affairs Position Was Manipulated to Protect the Employee

For years the RCA has reported on the problems with the HR Department and how the lack of a professional HR Department has made it impossible for the Recorder to make progress toward substantial compliance. As the Court noted during the September 1, 2015 hearing, the Recorder's Office has danced around the question of whether the Employee is able to perform his current job and whether political connections have protected the Employee. The Recorder admits that the Chief of HR position and the Community Affairs position were created in an attempt to address the problems created by the Employee. Because this issue has now come to a head, Plaintiffs believe the parties should stop dancing around the issue and lay out the facts available to Plaintiffs through public records and in reports issued by the RCA and OIIG. The extent of the Employee's clout, the history of the manipulation of the Chief of HR and Director of HR job descriptions, and the metamorphosis of the Public Outreach Coordinator position into the Community Affairs position show that the Community Affairs position does not meet the *Branti* standards.

A. The Employee Has Strong Ties to the 13th Ward Democratic Organization

Since 1999, the Employee has contributed more than \$27,000 to Democratic organizations and candidates. The Chicago 13th Ward Democratic Organization and candidates backed by Illinois House Speaker Michael Madigan received over \$21,000. Other recipients included Recorder Yarbrough herself and Cook County Assessor Joseph Berrios, Chairman of the Cook County Democratic Party. IIG14-0408, p.15-16. The two largest donations to Speaker Madigan's 13th Ward Democratic Organization were made immediately after the Employee was interviewed by the OIIG as part of investigations into allegations that the Employee had violated the SRO and Employment Plan. *Id.*, p.16 n.15.

Although the Employee lives in the south suburbs, he regularly performs political work at the direction of the 13th Ward Democratic Organization. IIG14-0408, p.16. The Employee takes direction from Kevin Quinn, the brother of 13th Ward Alderman Martin Quinn. Kevin Quinn tells the Employee where he is to volunteer. The Employee has done volunteer work for candidates as far away as Kankakee, Joliet, Bourbonnais and Bradley, Illinois. *Id.*

The Employee's political activities were also highlighted by the Recorder's Office in support of its claim that the Employee met the minimum qualification for the Community Affairs position. The Recorder's Office explained that that the Employee had:

[V]olunteered with a number of local government officials regarding various programs/legislative initiatives/voter registration initiatives over the past 20 years (since 1995). Examples include:

1. Chicago Alderman Mike Zalewski
2. Representative Mary Flowers
3. Late Chicago Alderman Joann Thompson
4. Representative Kathy Willis
5. Representative Michael Madigan
6. Chicago Heights Mayor David Gonzalez

When he volunteered, he generally did so on evenings/weekends. On average, he

did this during approximately 6 months out of the year. His volunteer work involved door-to-door outreach to constituents of the local official that he was volunteering for. As a result, he frequently had to give presentations to members of the public to promote government services or promote legislation that would impact the community. While volunteering, he would give presentations dozens of times in a week.

The Employee was hired into a non-Exempt position at the Recorder's Office in 1995, the year he began performing work for political campaigns.

B. The Employee Has a Long History of Violating the SRO and the Employment Plan and of Poor Work Performance

The Employee has repeatedly obstructed OIIG investigations, provided false and misleading information to the OIIG and RCA, and been protected from being discipline for his poor job performance. As the RCA noted, the treatment of the Employee stands in stark contrast to the discipline imposed on employees without political connections. (Dkt. 4471 at 4-5.)

SRO Complaint No. IIG13-0292. In a report dated February 26, 2014, the Inspector General found that the Employee violated Section V.A.6 of the SRO by making false statements to the OIIG during the investigation of a Post-SRO Complaint. The Inspector General also found that the Employee violated the SRO and the Employment Plan by hiring an Executive Assistant based on unlawful political factors. IIG13-0292, p.1. In August of 2013, the Employee submitted a hiring packet to the RCA that raised concerns as to how the Employee knew the candidate. (Dkt. 3616 at 16.) The new Executive Assistant was a Trustee of Proviso Township (the "Proviso Trustee"), the township in which the Recorder lives and is the Democratic Committeeman. IIG13-0292 at 7.¹

Under the terms of the Employment Plan, the supervisor hiring an Executive Assistant

¹ The Recorder and the Proviso Trustee both claim they have no political affiliation because they are members of opposite parties, but both are politically active in Proviso Township. The Proviso Trustee has donated to campaigns that have, in turn, donated to the Recorder. IIG13-0292 at 3. He has hosted fundraising events with the Recorder and is listed as an Independent with the Board of Elections. *Id.*

must submit a written description of the basis on which the candidate was selected, for example, the supervisor's knowledge of the candidates employment history. (Dkt. 3512, § IX.D.) The Employee explained that he met the Proviso Trustee in early 2012 while commuting either to or from work on the South Shore Line. IIG13-0292 at 4-7. The Proviso Trustee lives in Proviso Township and does not commute on the South Shore Line. The Employee stated the Proviso Trustee was either going to or returning from visiting a relative in Michigan City, Indiana. The Employee and the Proviso Trustee coincidentally got on the same train car and found seats next to one another. *Id.* During the approximately 40-minute train ride, the two exchanged "friendly discussions" that included "professional experiences." The Employee told the OIIG investigator that after meeting on the train, the Employee spoke to the Proviso Trustee on their cell phones approximately twice a month from early 2012 until May 2013 when the Employee contacted the Proviso Trustee to offer him the Executive Assistant position. *Id.* at 4-5. During these approximately 30 phone calls, the two would discuss work, among other topics. *Id.* at 4. In a June 2013 draft Request to Hire the Employee provided to the RCA, the Employee stated that he called the Proviso Trustee "for professional advice and updates." IIG14-408, at 13 n.10. The Employee stated that he only saw the Proviso Trustee one other time on the South Shore Line in the fall of 2012. IIG13-0292 at 4-5.

The information the Employee provided to the OIIG and to the RCA was false. The Employee's phone records proved that he had not made a single call to the Proviso Trustee before the Employee called to offer him the Executive Assistant position in May of 2013. *Id.* at 6. When confronted with the telephone records, the Employee's memory dried up. He could no longer remember when he met the Proviso Trustee or when or how often the two spoke on the phone. *Id.*

Based on the statistical improbability that an employee of the Recorder, who is herself an elected official from Proviso Township, would happen to get on the same car of the same train and sit next to a Proviso Township Trustee going to or coming from visiting a relative in Indiana, and on the documentary evidence of the telephone records that proved beyond any question that the Employee had lied on the Request to Hire form drafted in the weeks after the Proviso Trustee was offered the position and had lied to the OIIG during its investigation, the OIIG found by a preponderance of the evidence that unlawful political considerations effected the Executive Assistant hire. The Recorder's Office rejected the OIIG's findings after conducting a disciplinary hearing. The OIIG was not informed of the hearing, was not invited to participate in the hearing, and was not allowed to offer testimony contradicting the Employee.

SRO Complaint No. IIG13-0289. In a report dated February 26, 2014, the Inspector General found that the Employee violated Section V.A.6 of the SRO by making false statements to the OIIG during the investigation of a Post-SRO Complaint. In April and May of 2013, the Employee participated in a hiring sequence that resulted in two individuals being offered a position on the basis of unlawful political considerations.

The first individual hired into the position was the son of an Illinois State Representative and member of the Majority Leadership. IIG13-0289 at 10. When that individual left the Recorder's Office after a few weeks, a second individual was hired.

The second hire was a woman who had performed political work for, and had been paid by, both Friends of Henderson Yarbrough Sr.(the Recorder's husband and former Mayor of Maywood) and Citizens to Elect Karen Yarbrough. Press reports described this woman as a "Yarbrough Staffer." *Id.*, p.11. An online bio posted by this woman represented that she was a "Special Assistant to State Representative Karen A. Yarbrough." *Id.*, at 12. The Employee was

a member of the interview panel for this position. One of the RCA monitors attended the interviews. When the woman entered the interview room, the Employee greeted her by saying, "I remember you now." *Id.* When interviewed by the OIIG, the Employee denied having made this statement. *Id.*, at 24. The OIIG found the testimony and report of the RCA's monitor more credible than the Employee's denial. After holding a disciplinary hearing at which neither the OIIG nor the RCA's monitor was invited to participate, the Recorder's Office accepted the Employee's testimony.

The Employee Received Favorable Treatment. The OIIG reviewed the files for all disciplinary cases in which an employee was found to have provided false information to the OIIG or the Recorder during an investigation. In five of the seven cases, the employees were terminated. Only the Employee and the Proviso Trustee were not terminated. IIG14-0408, at 9.

The Employee Has Been Protected for His Poor Work Performance. The OIIG reviewed a number of known instances where the Employee's poor work performance was noted but no discipline was issued.

- 1) December 3, 2012: [The Employee] approved the hiring packet for an exempt employee despite that the application failed to establish that the exempt employee met a particular Minimum Qualification;
- 2) February 20, 2013: [The Employee] submitted a Request to Hire (RTH) to the RCA which contained the following errors:
 - a. The RTH incorrectly stated the process in use was promotional/internal;
 - b. The RTH stated the salary was \$75,248 despite that the position was budgeted for \$70,308;
 - c. The RTH stated requirements for the position that were not listed in the Job Description;
 - d. The Notice of Posting associated with the RTH omitted a particular Minimum Qualification;
 - e. The RTH failed to include the required written description of the basis on which the candidate was selected;
 - f. Post offer procedures regarding this RTH were instituted prior to the RTH being approved by the RCA as required under the Employment Plan.

- 3) March 5, 2013: [The Employee] approved the hiring packet for an exempt employee despite that the application failed to establish that the exempt employee met a particular Minimum Qualification by possessing three years or more of experience in community outreach. When questioned by the RCA on this issue, [the Employee] asserted that the candidate had “a plethora of experiences in different areas that will be suitable for the office” and requested whether the RCA could waive the shortcoming of the candidate;
- 4) May 1, 2013: [The Employee] sent the RCA an expedited hiring packet for an Executive Assistant position. The packet failed to contain, among others, the required description of the basis for selection of the candidate;
- 5) May 8, 2013: [The Employee] sent an expedited hiring packet to the RCA for approval. The packet contained numerous errors in that it contained job requirements not specified in the Job Description and failed to attach appropriate verification of a bachelor’s degree as required in the application;
- 6) October 7, 2013: [The Employee] submitted a RTH and memo regarding an interim appointment of an Exempt employee to a different Exempt position. The RTH failed to include information that the employee in question met a particular minimum qualification. In subsequent communications with the RCA, [the Employee] asserted the reason why he, [the Employee], believed the employee met the minimum qualification. However, [the Employee], contrary to the Employment Plan, made these assertions based not upon any information contained in the RTH but based on an undisclosed source; the Recorder and the RCA eventually came to agree that [the Employee’s] asserted rationale was insufficient to establish that the employee possessed the required qualification and a new Job Description was agreed upon and utilized in a RTH dated November 8, 2013;
- 7) July 9, 2014: [The Employee] was part of a group conducting training for Recorder employees about the Employment Plan, Personnel Manual and Unlawful Political Discrimination. [The Employee], for the majority of the presentation, did not present in such a manner as would indicate strong understanding of the Plan but rather read verbatim from every slide. Following the presentation, employees were permitted to ask questions of [the Employee]. [The Employee] answered several questions incorrectly before Recorder Labor Counsel interjected and stopped the questioning, urging employees to submit questions via email. In discussions which ensued between Recorder Labor Counsel and the RCA, Recorder Labor Counsel agreed the question and answer session was problematic where [the Employee] was unable to supply correct information to questions posed. Subsequently, the RCA emailed the Recorder Labor Counsel thirteen questions which the RCA presented for clarification in light of the misinformation presented during the training;
- 8) July 17, 2014: In a hiring sequence for the position of Recorder Director of Compliance, [the Employee] failed to ensure an interview panelist scored each response of a particular candidate;

- 9) July 17, 2014: During a selection meeting attended by, among others, [the Employee], the Recorder, Recorder Labor Counsel and the Chief Deputy Recorder, the Recorder advised [the Employee] that she had made a decision whom to hire and inquired of [the Employee] what the next steps were in the process. [The Employee] was unable to provide an answer to the Recorder's question. The Chief Deputy Recorder then instructed [the Employee] to leave the selection meeting. When the RCA consulted with Recorder Labor Counsel after these events, the Recorder Labor Counsel first stated that he was not aware [the Employee] was going to be present at that meeting because [the Employee] stated he was not going to be in that day. Further, Recorder Labor Counsel stated that he was embarrassed that [the Employee] could not answer the Recorder's question;
- 10) September 9, 2014: The Recorder Human Resources Department advised the Director of Compliance, the RCA and Recorder Labor Counsel of a job posting being made. This was done despite that fact that the RTH packet for this position had never been circulated to or approved by the former Director of Compliance as required under the Employment Plan.

IIG14-0408, at 6-9

Confronted with these facts, the Recorder's Office had to admit that the Employee has not performed his job. In the Recorder's Report in Response to IIG# 14-408, the Recorder admitted:

In terms of the performance shortcomings of the [Employee], the Recorder's office has acknowledged that the [Employee] has been prone to mistakes that have affected the office's ability to enact efficient and consistent policies and practices.

Despite this admission, the Employee continues to be protected from discipline.

C. The Recorder's Office Manipulated the Chief of HR and Director of HR Job Descriptions

The RCA described the history of the reorganization of the IIR Department in her Statement. (Dkt. 4471 at 3-4, 9-10, Ex. A.) The Employee does not perform the duties in his job description, such as conducting Employment Plan training, drafting job descriptions, performing desk audits, and drafting employment policies. Instead, these duties are being performed by other employees in the Recorder's Office. The RCA objected to the initial draft job description for the Chief of HR because the assigned duties overlapped almost completely with the duties of

the Director of HR position. The Recorder's Office proposed revising the Director job description to remove more than half of the duties in the Director job description. The RCA objected because that left the Director position without enough work to justify a full-time position. The Recorder's Office continued to manipulate the job descriptions for the Chief, the Director, and other positions in the HR Department in an attempt to protect the Employee. In the end, there simply is not enough work to justify both a Chief and a Director of HR. For that reason, the RCA opposes adding the new Chief position without eliminating the Director position. Plaintiffs agree.

Thwarted in their efforts to manipulate the positions in the HR Department to protect the Employee, the Recorder's Office began looking for other positions that could be manipulated for the benefit of the Employee.

IV. The Community Affairs Position Does Not Meet the *Branti* Standard

With this background in mind, we turn to the question of whether the Community Affairs position meets the *Branti* standard. Even without the opportunity to conduct discovery, the evidence presented by the RCA and contained in the RCA's Reports filed with the Court and the OIIG's Investigative Reports establishes that the Recorder's Motion to Amend the Exempt List should be denied. The creation of the Community Affairs position is part of the Recorder's ongoing violations of the SRO, the Employment Plan and the Recorder's Personnel Manual to protect a politically connected, non-Exempt employee. As shown above, this Employee has shown time and time again that he is not able to perform the job he currently holds. He has been found by the OIIG and the RCA to have violated the SRO and the Employment Plan on multiple occasions. And he has been found to have provided false information to the OIIG and the RCA. A review of the method used in creating the Community Affairs job description, the job descriptions of the people who are already running the community outreach programs for the

Recorder's Office, and the history of violations and cover ups relating to the Employee who would fill the Community Affairs position establishes that the Recorder has failed to meet her burden of proving the Community Affairs position meets the *Branti* standard.

A. The Community Affairs Job Description Is Unreliable

The Court should not accept the Community Affairs job description and should instead look to the actual duties that will be performed by the position. While a court should normally begin its assessment by looking at the job description, looking at the job description is not enough when the job description is unreliable. *Riley*, 425 F.3d at 364 (“the job description, *if reliable*, is the correct basis for the court’s determination whether political affiliation is a legitimate requirement of the job.”) (emphasis added); *Powers v. Richards*, 549 F.3d 505, 510 (7th Cir. 2008) (“*as long as an official description is reliable*, we focus on the inherent duties of the position as listed in the description”) (emphasis added). Plaintiffs anticipate that the Recorder will point to the Community Affairs job description and ask the Court to accept the document at face value. But courts have consistently held that job descriptions should only be accepted if they are *reliable*. As the Seventh Circuit explained, none of their prior cases:

[S]tand for the proposition that every *Elrod/Branti* case can be resolved just by reading the job description. The description might leave the reader unclear whether the job confers any policymaking or confidential discretion, and then additional evidence would be necessary. Some job descriptions, perhaps, will have been altered by the elected officials not to reflect actual changes in the duties of a position but rather to enable them to fill jobs that do not involve such duties with their political favorites.

Riley, 425 F.3d at 365. When the challenging party demonstrates that the written job description is systematically unreliable, subjectively manipulated, or otherwise untrustworthy or

unauthoritative, courts are instructed to look past the official job description to the duties actually performed. *Allen v. Martin*, 460 F.3d 939, 944 (7th Cir. 2006).²

The reliability of a job description is determined by considering a number of factors, including: “how the description was created; how it is updated and thus kept realistic,” whether the description “has been manipulated by officials seeking to expand their power to appoint loyalists beyond the lawful bounds” and whether it has been “altered by the elected officials not to reflect actual changes in the duties of a position but rather to enable them to fill jobs that do not involve such duties with their political favorites.” *Riley*, 425 F3d. at 361, 365. Courts should

² The courts that have relied job descriptions for the *Branti* analysis found that the job descriptions were created and updated through the use of a systematic process of checks and balances based on objective criteria, then courts will presume, absent evidence to the contrary, that the description is reliable and authoritative. *See e.g. Killman v. Martin*, 2006 WL 2472262 (C.D. Ill. 2006) (“There is further no evidence that there were any irregularities in the process of promulgating the official job description for the Position”).

For example, in *Riley* the Seventh Circuit found that job descriptions for the State of Illinois were made and updated by the Department for Central Management Services (CMS), a state personnel agency authorized to write and update job descriptions for all employees in the executive branch, and reviewed by the Civil Service Commission. 20 ILCS 415/8a(1), 415/10(4); 80 Ill. Admin. Code § 301.20. The descriptions are “public records and shall be open to public inspection.” 20 ILCS 415/14. Illinois law also provides various methods and mechanisms for challenging the accuracy of a CMS job description. 20 ILCS 415/8a(1); 80 Ill. Admin. Code § 301.20. Accordingly, the court held that the government, and incoming administrations, may look to and rely on CMS’s official job descriptions to reveal the scope of the job holder’s duties and determine whether the duties bring a particular position into the penumbra within which elected officials are entitled to demand political loyalty. *Riley*, 425 F.3d at 362. Official job descriptions are afforded greater deference in Illinois because courts also assume that any job holder who thinks the official description of his/her job is inaccurate can challenge it, and if successful, get it changed. *Id.* at 361-62; 20 ILCS 415/8a(1); 80 Ill. Admin. Code § 301.20.

In *Moss v. Martin*, No. 04-3217, 2009 WL 302187 (C.D. Ill. Feb. 6, 2009), a former Chief of the Illinois Department of Transportation of Highway Sign Shop filed a 42 U.S.C. § 1983 claim alleging that the Blagojevich administration violated his First Amendment rights by firing him based on his political affiliation. *aff’d* 614 F.3d 707 (7th Cir. 2010). The administration argued it was entitled to qualified immunity because it relied on CMS’ official job description and conclusion that Moss’s job was “exempt” from the rule banning politically-based firings as established in *Rutan v. Republican Party of Illinois*, 497 U.S. 62 (1990). The court agreed, finding that CMS’s designation of Moss’s position as “Rutan-exempt” was reliable because CMS officials relied on objective criteria developed by Jenner & Block and Ernst & Young to identify positions for which political affiliation would be an appropriate consideration in making employment decisions. *Id.* at *1, 4. Additionally, the court noted that CMS had made the Rutan-exempt designation in 1992, long before Moss took the position, and long before Blagojevich became Governor. *Id.* at *3.

Unlike *Riley* and *Moss*, none of the procedures for creating the job descriptions for the Public Outreach Coordinator/Community Affairs position were followed.

look at “when the job description was promulgated, when and how it was last updated, and whether the written duties have been finessed, engineered, or deviated from so as to provide officials with expanded political powers.” *Vajner v. City of Lake Station, Indiana*, No. 09-245, 2011 WL 1671637 at *4 (N.D. Ill. May 3, 2011). Applying these standards here, the Community Affairs job description is unreliable.

How Was the Job Description Created? The creation of job descriptions is governed by the Employment Plan. Section V.B.2 provides that “[i]f no Job Description exists, . . . the Hiring Division and the Head of HRD or his or her designee, with notice to the Director of Compliance and the Recorder Compliance Administrator, while acting, will draft a new or updated Job Description that accurately reflects the requirements of the Position.” (*Id.*, p.19.) None of these procedures were followed.

As explained in the RCA’s Statement, the Community Affairs positions started out as the non-Exempt Public Outreach Coordinator. The job description for the Public Outreach Coordinator was created in late July/early August, 2015. (Dkt. 4471 at 11.) The job description was written by the Director of Public Information without the Director of HR as required under Section V.B.2. The RCA was not provided with the required notice that a new position was being created and, therefore, could not monitor the process to ensure that political factors were not considered.

When Was the Job Description Updated? The non-Exempt Public Outreach Coordinator was converted to the Community Affairs position after the September 1, 2015 hearing at which the Court made it clear to the Recorder’s Office that the problems created by the Employee had to be resolved:

And, you know, we’re all dancing around a little [bit on] an issue, right?
And the issue is in large measure who is in the non-exempt position and

what that person does or doesn't do and who that person's connections are or are not. That's an issue that at some point, someday, somehow you have to address, and you have to address it or else I don't know how you're going to move forward. I'm not saying how you address it, okay? But kind of submerging it is not addressing it.

(Dkt. 4471 Exhibit B, Sept. 1, 2015 Hr'g Tr. at 9.) Rather than address the issue, the Recorder's Office decided to try to submerge the problem once again by altering the Public Outreach Coordinator position to create a new Exempt position in which to hide the Employee. Two weeks after the September 1st hearing, the Recorder's Office proposed the "new" Community Affairs position.

How Was the Job Description Updated? The Community Affairs position reports to the Chief Deputy Recorder. Therefore, the job description should have been drafted by the Chief Deputy Recorder with the Director of HR or his designee. However, the job description was written by Labor Counsel and revised by the Chief Legal Counsel. Furthermore, neither the Recorder's Director of Compliance nor the RCA were given notice that a new Exempt Position was being created. Because they did not receive the required notice, the DOC and RCA were not able to monitor the process to ensure that the job description that was being created was accurate.

Has the Job Description Been Altered to Enable the Elected Official to Fill the Position with a Political Favorite? As shown above, the decision to change the non-Exempt Public Outreach Coordinator into the proposed Community Affairs position only occurred after the RCA objected to the addition of the Chief of HR position and after the Court made it clear that the problems in HR caused by the Employee had to be addressed. When a job description is modified in anticipation of litigation or as a political maneuver by officials to expand their power to appoint loyalists, then such conduct smacks of political manipulation requiring the fact-finder to look past the job description. *Milazzo v. O'Connell*, 151 F.3d 587, 590-91 (7th Cir. 1998).

In *Milazzo*, the Seventh Circuit reversed a lower court's order dismissing a former human resources administrator's (Milazzo) political patronage claim against the government. Milazzo submitted evidence that the county changed her job description, only after the lawsuit was filed, adding additional duties "in a transparent attempt to endow that office with duties that could be characterized as policymaking and confidential in order to prevail in this case." *Id.* at 590. The Seventh Circuit held that Milazzo was entitled to a jury trial—and if Milazzo could prove that the county added responsibility to her position requiring Democratic affiliation only after this suit was filed—*i.e.* manipulated the official job description, she would be entitled to recovery. *Id.*

As they did with the Director of HR and Chief of HR job descriptions, the Recorder's Office once again tried to manipulate a job description to protect the Employee. The Recorder's Office dropped the Public Outreach Coordinator position and instead proposed creating the Community Affairs Exempt position. The Community Affairs position would do all of the work the Public Outreach Coordinator was to perform. The Recorder's Office simply dressed up the Public Outreach Coordinator position with new language making the duties sound more complicated and added in duties other Recorder employees were already performing, without removing those functions from the other positions.

B. The Community Affairs Position Is Non-Policymaking and Non-Confidential

Having established that the Community Affairs job description is unreliable, the position should be evaluated in the broader context of the office and the duties performed by other employees. *Riley*, 425 F.3d at 364; *Powers*, 549 F.3d at 510. The Community Affairs position does not have meaningful input into politically sensitive policies and does not have access to politically sensitive information that would require party loyalty. The primary functions of the Community Affairs position are to (1) identify community outreach programs, (2) coordinate and

schedule staff to attend the events, and (3) attend the events to perform administrative tasks. Developing the actual policies, particularly with respect to property fraud and veterans affairs, is done by others. In other words, the role of the Community Affairs position is to coordinate public outreach, just like the proposed non-Exempt Public Outreach Coordinator position.

1. Identify Community Outreach Opportunities and Events

Both the Public Outreach Coordinator and the Community Affairs positions were responsible for identifying opportunities to educate the public about the Recorder’s policy initiatives. The Recorder’s Office regularly receives requests from community groups and organizations requesting the Office present on the Recorder’s initiatives. The Recorder’s Office stated that employees attend between 80 and 100 events each year. For the Community Affairs/Public Outreach Coordinator to know what type of events would be appropriate, the person would need to work with the other departments to stay abreast of the policy initiatives developed by the department heads and the Recorder and new legislation that might impact the Recorder’s policies. The individual would then look for community groups and associations at which Recorder employees could give presentations on these topics. Below is a side-by-side comparison of the duties contained in the job descriptions for the two positions. A copy of the Public Outreach Coordinator position is attached as Exhibit 3. Although the language used is different, the underlying duties are the same.

<u>Community Affairs</u>	<u>Public Outreach Coordinator</u>
“responsible for developing and executing a strategic plan to implement, and participate in, a community outreach program that expands public knowledge and participation in programs that fall under the Recorder’s policy agenda	“Identifies and screens public outreach events and partnerships in conjunction with Director.”
“develop and maintain relationships with constituent, community and business	“Makes policy recommendations to the Director regarding the administration of

groups and other interested parties in an effort to create opportunities to further the policy goals of the Recorder”	CCRD public outreach programs and Fraud Section procedures”
“Develop and implement an overall strategic community outreach plan”	“Assists the Director in developing Section policies and makes recommendations on outreach policies”
“Develop and maintain relationships with advocacy and policy groups in volved in subjects related to the Recorder’s policy agenda”	“Assists the Director in identifying community outreach opportunities and assessing requests for participation in community events”
“Collaborate with Deputy Recorders and other Recorder staff regarding various Recorder policy objectives and possible community outreach possibilities relating to these policy objectives”	“Promotes the advocacy goals of the Recorder’s Office by coordinating community outreach activities”
“Analyzes data in an effort to target communities for community-based outreach programs”	“Develops and maintains an integrated contact database consisting of all our community, religious, business and governmental partners to best achieve communication and programmatic strategies”
“Works with all Veterans groups and groups representing the Armed Services to develop an outreach plan”	
“Research and analyze policy issues per the Recorder’s direction in an effort to establish and evaluate outreach programs involving aspects of the Recorder’s policy agenda”	
Develop and maintain relationships within the business and service industry, elected officials, community organizations and special interest groups.”	
“Review of new policy items and media reports related to Property Fraud and Veteran Outreach and other items related to other areas of the Recorder’s policy agenda’	
“Develop marketing plans involving the policy agenda of the Recorder”	

2. Coordinates and Schedules Attendance at Public Outreach Events

Once the Community Affairs/Public Outreach Coordinator has identified an event, the individual would work to schedule Recorder employees who would attend the event and give the presentations.

<u>Community Affairs</u>	<u>Public Outreach Coordinator</u>
"required to staff outreach events"	"Manages and administers the CCRD's public outreach programs, including locating and soliciting voluntary staff participation"
	"Coordinates the daily operations of the CCRD public outreach program"
	"Maintains an internal schedule of events, including pertinent setup instructions and volunteers assigned, and a repository of post-event reports for tracking purposes"
	"Promotes the advocacy goals of the Recorder's Office by coordinating community outreach activities"

3. Attend Community Outreach Events

Finally, the Community Affairs/Public Outreach Coordinator would attend the event, make sure the necessary equipment and handouts were on-site, coordinate with the host, and coordinate any follow-up. Significantly, the job description for the non-Exempt Public Outreach Coordinator envisioned the employee having some responsibility for presenting at the community events. Responsibility for actually giving presentations was removed from the Public Outreach Coordinator job description when it was revised into the Community Affairs position. Likely this reflects the poor performance of the Employee during training on the Employment Plan. *See infra* at 11; Dkt. 4036 at 5.

<u>Community Affairs</u>	<u>Public Outreach Coordinator</u>
“Serve as liaison between the Cook County Recorder of Deed’s Office and constituent groups at outreach events countywide”	“Informs the community about office programs through attendance and presentation at community outreach events, including but not limited to CCRD’s Property Fraud Alert and Veterans Service Office”
“Evaluates and participates in outreach events and represents the Cook County Recorder’s Office at community events, including but not limited to, events where the Office’s property fraud prevention and veteran’s service programs are to be promoted”	“Examines notes from outreaches to follow up on public requests for more information and assistance.”
	“Represents CCRD at off-site community outreach and educational events, using verbal presentations and office”

As the above analysis of the job descriptions make clear, the overwhelming majority of the Community Affairs/Public Outreach Coordinator’s time would be spent on the administrative tasks of evaluating requests for the Recorder’s Office to appear at events, identifying additional opportunities for the Recorder to educate the public, scheduling events, identifying and scheduling employees to attend these events, and attending the events to make sure the presenter has the materials he or she needs. The Community Affairs job description only contains one off-handed reference to making policy: “Working in conjunction with the Recorder’s Property Fraud Unit to develop new policies and programs that will effectuate the reduction of property fraud in Cook County.” Even if the Community Affairs position were to have some small role in helping others develop policy, the overwhelming majority of the duties performed by the position are ministerial. The Recorder’s Office already has a number of employees tasked with developing and implementing the Property Fraud programs. The Recorder, the Chief Deputy Recorder, the Deputy Recorder – Communications, with the assistance of the Director of Public

Information and the Property Fraud Unit are responsible for developing the Recorder's policies.

The Communication Division is responsible for community outreach and public education. The Communication Division is led by the Deputy Recorder – Communications who “is responsible for community outreach and informing the community and various interest groups about the office and how the office services them and how they man, individually or collectively, use the office.” *See* Exhibit 4. His Essential Job Duties include “[i]nform[ing] the community and various interest groups about the Office's functions and utility.” He also “[a]ssists in scheduling, coordination, and attendance of the Cook County Recorder outreach efforts.”

Below the Deputy Recorder – Communications, and reporting to him, is the Director of Public Information. *See* Exhibit 5. The Director of Public Information “[d]irects the activities of the Public Information Division.” He “performs a full range of administrative, public relations, and marketing duties.” He “[m]arkets the Cook County Recorder of Deeds' Property Fraud Section and Veterans Services Office to organizations, businesses and residents of Cook County.” He “[a]ssists in the organization of outreach events and represents the Cook County Recorder's Office at community events where the Office's property fraud prevention and veterans service programs are to be promoted.” The person currently holding the Director of Public Information position informed the RCA that he “is solely responsible for the entirety of the Recorder's public outreach program.” (Dkt. 4471, p.14.) The Director's responsibility for the outreach program is reaffirmed in his performance review. The Director's performance is measured by how well he assumed “[f]ull ownership of outreach program.” (Dkt. 4471, p.14.)

As the job description makes clear, the Community Affairs position is an administrative role that helps implement the Recorder's agenda of educating the public about the programs

developed by the Recorder's Office. The Community Affairs position is not tasked with developing the policies, creating the program content, or even presenting the materials. Instead the position is tasked with identifying possible events, scheduling and coordinating Recorder employees who present the materials at the events, and attending the events to facilitate the presentations. In light of the duties actually assigned to the Community Affairs position, the Recorder has failed to meet her burden of proving that the position should be exempt from the protections of the SRO, the Employment Plan, and *Branti/Elrod*.

WHEREFORE, for the foregoing reasons, Plaintiffs respectfully ask this Court to enter an order denying the Recorder's Motion to Amend the Exempt List (Dkt. 4426) outright, or, in the alternative, without prejudice to allow Plaintiffs to conduct the necessary discovery.

Dated: February 23, 2016

Respectfully submitted,

Michael L. Shakman, et al.

By: /s/ Brian I. Hays
One of Their Attorneys

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Brian I. Hays
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312-263-3700

Certificate of Service

I, Brian I. Hays, an attorney, state that on February 23, 2016, I caused a true and correct copy of the foregoing to be served via e-filing upon:

Lisa Meador
Cook County State's Attorneys Office
500 Richard J. Daley Center
Chicago, IL 60602

/s/ Brian I. Hays

Exhibit 1

**OFFICE OF THE COOK COUNTY
RECORDER OF DEEDS**

Human Resources

118 N. Clark Street, Room 230
Chicago, IL 60602
(312) 603-5095

STANDARD JOB DESCRIPTION

SPECIAL ASSISTANT TO THE RECORDER – COMMUNITY AFFAIRS

Job Code:	Department Budget No.:
Job Title: Special Assistant to the Recorder (Community Affairs)	Position I.D. No.:
Salary Grade: 23	Shakman Status: Exempt
Division: Administration	Salary:

Job Summary

Reporting directly to the Recorder and her/his Chief Deputy Recorder, the Special Assistant to the Recorder – Community Affairs is responsible for developing and executing a strategic plan to implement, and participate in, a community outreach program that expands public knowledge and participation in programs that fall under the Recorder's policy agenda. This is a high level executive position that will require the person holding the position to have the ability to work independently and also maintain the confidentiality of sensitive information. The Special Assistant to the Recorder – Community Affairs will develop and maintain relationships with constituent, community and business groups and other interested parties in an effort to create opportunities to further the policy goals of the Recorder. The Special Assistant to the Recorder – Community Affairs must maintain a working knowledge of pending legislation relating to issues that are a part of the Recorder's policy agenda, and will be required to conduct research regarding issues that are a part of the Recorder's policy initiatives. The Special Assistant to the Recorder – Community Affairs will also be involved in the development of policies and programs that will be geared at the reduction of property fraud in Cook County. The Special Assistant to the Recorder – Community Affairs is required to staff outreach events and will be required to work a flexible schedule in order to accommodate evening and/or weekend policy and outreach events.

Essential Job Duties

- Develop and implement an overall strategic community outreach plan that would expand public knowledge and participation in programs initiated under the Recorder's policy agenda.
- Develop and maintain relationships with advocacy and policy groups involved in subjects related to the Recorder's policy agenda.
- Collaborate with Deputy Recorders and other Recorder staff regarding various Recorder policy objectives and possible community outreach possibilities relating to these policy objectives.

- Serve as liaison between the Cook County Recorder of Deed's Office and constituent groups at outreach events countywide.
- Maintain up to date knowledge of new legislation passed at the State and County levels that would impact various policy objectives and program initiatives of the Recorder, including but not limited to legislation that relates to Property Fraud or Veteran's Services.
- Analyzes data in an effort to target communities for community-based outreach programs.
- Working in conjunction with the Recorder's Property Fraud Unit to develop new policies and programs that will effectuate the reduction of property fraud in Cook County.
- Working in conjunction with the Recorder's Property Fraud Unit to develop a property fraud working group consisting of educators, social service specialists, community-based advocates, real estate professionals, law enforcement, and other stakeholders.
- Works with all Veterans groups and groups representing the Armed Services to develop an outreach plan that will effectively implement the Recorder's policy agenda involving veterans' services.
- Research and analyze policy issues per the Recorder's direction in an effort to establish and evaluate outreach programs involving aspects of the Recorder's policy agenda.
- Develop and maintain relationships with professionals within the business and service industry, elected officials, community organizations and special interest groups.
- Review of new policy items and media reports related to Property Fraud and Veteran Outreach and other items related to other areas of the Recorder's policy agenda.
- Develops marketing plans involving the policy agenda of the Recorder and services within the office.
- Evaluates and participates in outreach events and represents the Cook County Recorder's Office at community events, including but not limited to, events where the Office's property fraud prevention and veteran's service programs are to be promoted.
- Willing and able to work a flexible schedule when required to accommodate evening and/or weekend policy and community outreach related events.

Minimum Qualifications

- Bachelor's Degree.
- A minimum of five (5) years of experience in public relations, communications, marketing, or civic or community outreach.
- Possession of a valid Illinois Driver's License.

Preferred Qualifications

- Proficiency in Microsoft Word, Excel & PowerPoint.

Knowledge, Skills, Abilities and other Characteristics

- Ability to formulate plans, strategies, and policies.
- Ability to network with advocacy and policy groups.
- Ability to work effectively with a variety of community groups, law enforcement agencies and private industry personnel.
- Familiarity with Chicago and the adjoining Cook County suburbs.
- Ability to maintain the confidentiality of specific strategic policy initiatives of the Recorder.
- Analytical and conceptual thinking.
- Strong project management skills.
- Ability to successfully work under pressure and meet deadlines.
- Ability to write in a clear and coherent manner.
- Ability to utilize problem-solving skills.
- Ability to make independent competent decisions.
- Knowledge of governmental processes.

The Duties listed are not set forth for purposes of limiting the assignment of work. They are not to be construed as a complete list of the many duties normally to be performed under a job title or those to be performed temporarily outside an employee's normal line of work.

THIS POSITION IS EXEMPT FROM THE GENERAL HIRING PROCESS AND THE SHAKMAN SUPPLEMENTAL RELIEF ORDER. AS SUCH, POLITICAL REASONS OR FACTORS MAY BE UTILIZED FOR ALL EMPLOYMENT ACTIONS RELATED TO THIS POSITION.

Exhibit 2

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

MICHAEL L. SHAKMAN, et al.)	
)	
Plaintiffs,)	
)	
v.)	Case No. 69 C 2145
)	
COOK COUNTY RECORDER OF DEEDS,)	Magistrate Judge Schenkier
et al.,)	
)	
Defendants.)	

DECLARATION OF BRIAN I. HAYS

I, Brian I. Hays, under penalty of perjury, pursuant to 28 U.S.C. § 1746, declare as follows:

1. I am over 18 years of age and, if called upon to do so, could and would competently testify to the matters set forth herein.
2. I am an attorney, duly licensed to practice law in the state of Illinois. I am admitted to practice before the United States District Court for the Northern District of Illinois. I am a partner with the law firm of Locke Lord LLP, and I represent Plaintiffs in this matter.
3. On or around December 16, 2015, the defendant Cook County Recorder of Deeds (the "Recorder") filed a Motion to Amend the Exempt List, proposing the addition of a new position to it, the Special Assistant to the Recorder – Community Affairs (the "Community Affairs Position").
4. Plaintiffs, however, do not possess adequate facts to determine whether such a position is an appropriate addition to the Exempt List or simply a ruse to protect a politically connected individual.

5. In September of 2015, Plaintiffs requested documents and information about how the Special Assistant to the Recorder – Community Affairs position was developed. Plaintiffs requested information the community outreach programs at the Recorder’s Office. The Recorder’s Office did not produce any documents and the answers provided at informal meetings were incomplete.

6. The Recorder Compliance Administrator (“RCA”) was not informed that the Recorder’s Office was creating new positions for community outreach. As a result, the RCA did not monitor the creation of the Public Outreach Coordinator position or the Community Affairs position. Plaintiffs have asked for all of documents, including email exchanges and drafts, relating to the development of these positions and the decision to drop the Public Outreach Coordinator position.

7. On January 8, 2016, Plaintiffs served discovery on the Recorder to obtain some of the facts necessary to determine the propriety of the current motion.

8. To date, the Recorder has not responded to the propounded discovery.

Under penalties as provided by law pursuant to 28 U.S.C. § 1746, I certify that the statements set forth in this affidavit are true and correct.

Dated: February 23, 2016

Brian I. Hays

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

MICHAEL L. SHAKMAN, et al.)	
)	
Plaintiffs,)	
)	
v.)	Case No. 69 C 2145
)	
COOK COUNTY RECORDER OF DEEDS,)	Magistrate Judge Schenkier
et al.,)	
)	
Defendants.)	

DECLARATION OF BRIAN I. HAYS

I, Brian I. Hays, under penalty of perjury, pursuant to 28 U.S.C. § 1746, declare as follows:

1. I am over 18 years of age and, if called upon to do so, could and would competently testify to the matters set forth herein.
2. I am an attorney, duly licensed to practice law in the state of Illinois. I am admitted to practice before the United States District Court for the Northern District of Illinois. I am a partner with the law firm of Locke Lord LLP, and I represent Plaintiffs in this matter.
3. On or around December 16, 2015, the defendant Cook County Recorder of Deeds (the "Recorder") filed a Motion to Amend the Exempt List, proposing the addition of a new position to it, the Special Assistant to the Recorder – Community Affairs (the "Community Affairs Position").
4. Plaintiffs, however, do not possess adequate facts to determine whether such a position is an appropriate addition to the Exempt List or simply a ruse to protect a politically connected individual.

5. In September of 2015, Plaintiffs requested documents and information about how the Special Assistant to the Recorder – Community Affairs position was developed. Plaintiffs requested information the community outreach programs at the Recorder’s Office. The Recorder’s Office did not produce any documents and the answers provided at informal meetings were incomplete.

6. The Recorder Compliance Administrator (“RCA”) was not informed that the Recorder’s Office was creating new positions for community outreach. As a result, the RCA did not monitor the creation of the Public Outreach Coordinator position or the Community Affairs position. Plaintiffs have asked for all of documents, including email exchanges and drafts, relating to the development of these positions and the decision to drop the Public Outreach Coordinator position.

7. Plaintiffs also seek documents and information about how much work the community outreach positions perform to determine whether there is sufficient work for an additional position.

8. On January 8, 2016, Plaintiffs served discovery on the Recorder to obtain some of the facts necessary to determine the propriety of the current motion.

9. To date, the Recorder has not responded to the propounded discovery.

Under penalties as provided by law pursuant to 28 U.S.C. § 1746, I certify that the statements set forth in this affidavit are true and correct.

Dated: February 23, 2016


Brian I. Hays

Exhibit 3

Human Resources

118 N. Clark St, Room 230
Chicago, IL 60602
312-603-5095

STANDARD JOB DESCRIPTION

Public Outreach Coordinator

Job Code:		Department Budget No.:	
Job Title:	Public Outreach Coordinator	Position I.D. No.:	
Salary Grade:	18	Shakman Status:	Non-Exempt
Division:	Public Information	Salary:	\$49,538

Job Summary

Reporting to the Director of Public Information within the Property Fraud Section, promotes the advocacy goals of the Recorder's Office by coordinating community outreach activities. Assists the Director in identifying community outreach opportunities and assessing requests for participation in community events. Manages and administers the CCRD's public outreach programs, including locating and soliciting voluntary staff participation and maintaining physical custody, usability, and inventory of printed materials and equipment. Informs the community about office programs through attendance and presentation at community outreach events, including but not limited to CCRD's Property Fraud Alert and Veterans Service Office. Transports and sets up outreach equipment, when needed, to and from outreach events. Assists the Director in developing Section policies and makes recommendations on outreach policies. May assist with the intake of fraud complaints or suspicious documents and forward essential information to investigators within the Section. Works a flexible schedule to ensure representation at community events taking place in the evening or on weekends. Performs other duties as needed.

Essential Job Duties

This list represents the essential tasks performed by the position. Employee may be assigned additional duties by management as required.

- Coordinates the daily operations of the CCRD public outreach program.
- Identifies and screens public outreach events and partnerships in conjunction with Director.
- Represents CCRD at off-site community outreach and educational events, using verbal presentations and office literature.
- Maintains an internal schedule of events, including pertinent setup instructions and volunteers assigned, and a repository of post-event reports for tracking purposes.
- Maintains responsibility for and inventory of physical outreach assets and ensures materials checked out are returned in the same condition they left, and that outreach kits are reassembled for their next usage.
- Maintains a working knowledge of computers, laptops, peripherals, and audio/visual accessories, and their integration, and learns all new electronic equipment obtained for use by the outreach program.
- Examines notes from outreaches to follow up on public requests for more information and assistance.
- Ensures that program registration requests filled out off-site are processed, and registration confirmations are sent.
- Develops and maintains an integrated contact database consisting of all our community, religious, business, and governmental partners to best achieve communication and programmatic strategies

- Maintains a strong familiarity with laws and legislation regarding property fraud and veterans issues.
- May intake and process, as needed, veterans requesting enrollment in office programs and assist with the recordation and retrieval of DD-214 discharge records.
- May intake, as needed, complainants, victims of fraud, or persons attempting to commit fraud, either in person or through telephone or email, and relay information to an investigator or the Director.
- Makes policy recommendations to the Director regarding the administration of CCRD public outreach programs and Fraud Section procedures.
- Willing and able to work a flexible schedule to accommodate evening and weekend outreach events.

Minimum Qualifications

- High School Diploma or a General Education Development (GED) Certificate is **required. (Must provide proof to HRD at time of interview)**¹
- Two (2) years full time work experience in customer service, public relations, community outreach, or marketing **is required.**
- Possession of a valid driver's license and, a personally-owned automobile or access to an approved mode of personal transportation **is required. (Must provide proof of valid driver's license to HRD at time of interview)**
- Proof of current automobile insurance **is required. (Must provide proof to HRD at time of interview)**
- Twenty-one (21) years of age at time of application **is required. (Must provide proof to HRD at time of interview)**

Simply answering the disqualifying questions are not sufficient. To properly apply for this Position, the Applicant must identify in the text of their application or attached resume, that they meet, and identify all (each and every one) of these Minimum Qualifications for this Position, as they are identified in this Job Description.

Preferred Qualifications

- Bachelor's Degree¹
- Bilingual in Spanish
- Five (5) years work experience in customer service, community outreach, public relations or marketing.

[Preferred qualifications must be specifically indicated or referenced on application or resume to be considered]

¹**Degrees awarded outside of the United States with the exception of those awarded in one of the United States' territories and Canada must be credentialed by an approved U.S. credential evaluation service belonging to the National Association of Credential Evaluation Services (NACES) or the Association of International Credential Evaluators (AICE). Original credentialing documents must be presented to HRD, if selected prior to interview if selected.**

Knowledge, Skills, Abilities and other Characteristics

- General familiarity with the criminal justice system, specifically laws affecting public recording and property fraud, foreclosure, and mortgage fraud.
- General familiarity with the real estate industry.
- General familiarity with the mortgage industry.
- General familiarity with the recording process.
- Proven ability to successfully work under pressure and meet deadlines.

- Familiarity with Chicago and the adjoining Cook County suburbs.
- Ability to communicate well with others, especially speaking to large crowds.
- Possession of excellent writing skills; ability to clearly articulate through written narratives the circumstances of an alleged act of property or recording fraud.
- Ability to offer assessments of Section protocols and policies and recommend changes to Director.
- Ability to handle work of a detailed and confidential nature.
- Ability to maintain a positive demeanor, especially dealing with victims of fraud.
- Ability to read and interpret a road map or use GPS systems to reach unfamiliar locations.
- Ability to perform the essential job duties listed in the job summary.

The Duties listed are not set forth for purposes of limiting the assignment of work. They are not to be construed as a complete list of the many duties normally to be performed under a job title or those to be performed temporarily outside an employee's normal line of work.

Any offer of employment will be contingent on the applicant passing a drug screening test, background check and any required pre-employment testing.

COOK COUNTY IS AN EQUAL OPPORTUNITY EMPLOYER

Exhibit 4

OFFICE OF THE COOK COUNTY
RECORDER OF DEEDS

Human Resources

118 N. Clark Street, Room 230
Chicago, IL 60602
(312) 603-5095

STANDARD JOB DESCRIPTION

Deputy Recorder – Communications

Job Code: 0294
Job Title: Deputy Recorder - Communications
Salary Grade: 22
Division: Administration

Department Budget No.: 5710801
Position I.D. No.: 9501887
Shakman Status: Exempt

Job Summary

The Deputy Recorder – Communications position reports directly to the Recorder and his/her Chief Deputy Recorder. His or her first and foremost responsibility is to handle the press and media outlets, specifically addressing issues about and confronting the Office. He or she is responsible for community outreach and informing the community and various interest groups about the office and how the office services them and how they may, individually or collectively, use the office. The Deputy Recorder - Communications determines the procedures associated with addressing issues with the public through media outlets. The Deputy Recorder – Communications is responsible for project assignments given to him or her by the Recorder or the Chief Deputy. Last, the Deputy Recorder – Communications oversees the Communication Division within the Cook County Recorder of Deeds. The Deputy Recorder - Communications is an Exempt Position, and his or her employment will be subject to Political Reasons or Factors. The Deputy Recorder – Communications shall be selected by the Recorder.

Essential Job Duties

- Develops procedures to address media outlets concerning issues related to the Office. Address the media concerning the same, as necessary.
- Informs the community and various interest groups about the Office's functions and utility.
- Provides oversight of the day-to-day operations of the Cook County Recorder's Communication Division.
- Assists in scheduling, coordination and attendance of the Cook County Recorder outreach efforts.

Minimum Qualifications

- Bachelor's Degree from an accredited college or university.
- Like or similar work experience in private industry, public or government.
- 5 or more years of full-time professional work experience in either: a) a supervisory role, or b) managing projects/initiatives.

- Computer literate with industry standard software, including Microsoft Office programs.

Knowledge, Skills and Abilities

- Knowledge of Microsoft Office and other relevant software.
- Knowledge of Cook County government programs and services and the real estate/mortgage industry.
- Skilled public speaker with excellent oral and written communication skills as well as interpersonal relationship building skills.
- Ability to establish and maintain effective cooperative working relationships with the community and other governmental agencies.
- Ability to interpret rules, regulations, and policies.

Any offer of employment will be contingent on the applicant passing a drug screening test, background check and any required pre-employment testing.

The duties listed are not set forth for purpose of limiting the assignment of work. They are not to be construed as a complete list of the many duties normally to be performed under a job title or those to be performed temporarily outside of an employee's normal line of work.

Exhibit 5

**OFFICE OF THE COOK COUNTY
RECORDER OF DEEDS**

Human Resources

118 N. Clark Street, Room 230
Chicago, IL 60602
(312) 603-5095

STANDARD JOB DESCRIPTION

Director of Public Information

Job Code:	6404	Department Budget No.:	1301154
Job Title:	Director of Public Information	Position I.D. No.:	0903540
Salary Grade:	20	Shakman Status:	Non-Exempt
Division:	Public Information	Salary:	\$70,308

Job Summary

Reports to the Deputy Recorder-Communications. Directs the activities of the Public Information Division. Under limited supervision, performs a full range of administrative, public relations, and marketing duties. Works with Local, County, State, and Federal law enforcement agencies, in connection with related investigations performed by those agencies. Markets the Cook County Recorder of Deeds' Property Fraud Section and Veterans Services Office to organizations, businesses and residents of Cook County. Ensures customers are professionally served when calling the office via telephone or emailing for assistance. Analyzes legislation affecting property fraud issues and recommends changes to Cook County Recorder of Deeds policies and procedures concerning property fraud issues. Additional responsibilities related to the Public Information Division include but are not limited to performing management activities, evaluating employee performance, addressing complaints and resolving employee issues, maintaining good customer service, and ensuring the professional image of the office.

Essential Job Duties

- Directs and oversees the staff of the Property Fraud and Customer Service Sections. Works with any administrative assistants assigned to the Division, as directed by the Deputy Recorder-Communications.
- Ensures the Veterans Service Office is staffed and operating in a professional manner. Maintains familiarity with CCRD veterans and customer service policies and County programs relating to veterans that interface with CCRD, including intake of DD-214s at Satellite Offices.
- Maintains general familiarity with overall duties of the Recorder's Office, so as to assist the Customer Service Department with their duties of answering general questions over the telephone.
- Determines support staff schedules; receives "Time Off Request" forms and approves or denies requests based on work load demands and available accrual time provided by payroll.
- Reports employees' daily attendance via e-mail to payroll by 9:30am.
- Recommends and enforces Division procedures as needed, upon the recommendation of the Deputy Recorder-Communications.

- Assists with the evaluation and implementation of best practices to intake customers who call CCRD customer service telephone lines, and assists in ensuring Office telephone call routing software is functioning properly.
- Prepares regular, bi-monthly production reports and attends administrative meetings.
- Works with contractual consultants, as directed, on the implementation of marketing plans involving services within the Division.
- Assists in the organization of outreach events and represents the Cook County Recorder's Office at community events where the Office's property fraud prevention and veterans service programs are to be promoted.
- Assists Property Fraud Section staff and law enforcement agencies in their respective investigations of property fraud cases. When needed, intakes fraud complaints and meets with complainants, both in person, via email and telephonically.
- Communicates directly with courts and law enforcement agencies following review and referral of suspected property fraud cases.
- Oversees the preparation and maintenance of records, reports, exhibits, and files utilized in property fraud review and referral cases.
- Maintains database of individuals and entities involved in suspected fraudulent transactions, as well as databases that track pending cases CCRD has offered before Cook County's Administrative Law Department.
- Maintains knowledge of changes in real estate legislation and current fraud case law.
- Oversees maintenance of an internal Property Fraud Alert Database if implemented.
- Willing and able to work a flexible schedule when required to accommodate evening and/or weekend educational outreach events.

Minimum Qualifications

- Bachelor's Degree or higher, OR
- High School Diploma or General Equivalency Diploma AND seven (7) years full-time work experience in Customer Service or Management.
- A minimum of five (5) years of full-time paid supervisory experience supervising a minimum of five (5) employees is required. **(Must demonstrate and identify specifically on resume and application.)**
- A minimum of two (2) years of paid customer service experience. **(Must demonstrate and identify specifically on resume and application.)**
- A minimum of two (2) years of experience conducting investigations or experience as a Sworn Law Enforcement Officer, or experience as a Licensed Attorney. **(Must demonstrate and identify specifically on resume and application.)**
- Possession of a valid Illinois Driver's license, personally-owned automobile with valid vehicle insurance. **(Must indicate possession of a valid driver's license in application and bring original if selected for interview).**
- Must be proficient in Microsoft Word and Excel. **(Must include reference to this proficiency on resume and/or application.)**

[Must indicate level of education on the application and resume, and bring documentary proof (original diploma/degree or official transcript) if selected for interview. Minimum

qualifications must be specifically indicated or referenced on the application and resume to be considered]

Preferred Qualifications

- Experience with civic and community involvement and outreach.
- Prior work experience involving the legislative process or legislative review.
- Prior experience supervising union employees.
- Bilingual in Spanish.

[Preferred qualifications must be specifically indicated or referenced on the application and resume to be considered]

Knowledge, Skills, Abilities and other Characteristics

- Knowledge of recording process, mortgage industry and real estate transactions.
- Ability to assist with the collection, assembly, analysis and evaluation of facts and evidence to draw logical conclusions and make sound recommendations.
- Utilization and interpretation of a variety of advisory data and information such as regulations, policies, state penal codes, statutes, local ordinances, police procedures/forms/ technical operations manuals, guidelines, law enforcement and other databases.
- Strong project management skills.
- General familiarity with the criminal justice system, specifically laws affecting public recording and property fraud, foreclosure, and mortgage fraud.
- General familiarity with the real estate industry.
- General familiarity with the mortgage industry.
- General familiarity with the recording process.
- Proven ability to successfully work under pressure and meet deadlines.
- Familiarity with Chicago and the adjoining Cook County suburbs.
- Ability to maintain confidentiality of subject's personal information.
- Ability to write in a clear and coherent manner.
- Ability to work effectively with a variety of law enforcement agencies and private industry personnel.
- Ability to display superior problem-solving skills.
- Ability to make independent competent decisions.
- Ability to speak clearly and concisely in front of groups both large and small.
- Ability to motivate employees in their work responsibilities.

BENEFITS PACKAGE

- Medical, Dental, and Vision Coverage
- Basic Term Life Insurance
- Pension Plan and Deferred Compensation Program
- Employee Assistance Program
- Paid Holidays, Vacation, and Sick Time
- You may also qualify for the Public Service Loan Forgiveness Program (PSLF)

For further information on our excellent benefits package, please click on the following link:
<http://www.cookcountyrisk.com/>

Any offer of employment will be contingent on the applicant passing a drug screening test and background check. The Duties listed are not set forth for purposes of limiting the assignment of work. They are not to be construed as a complete list of the many duties normally to be performed under a job title or those to be performed temporarily outside an employee's normal line of work.