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TONI PRECKWINKLE

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OFFICE OF THE INDEPENDENT INSPECTOR GENERAL

PATRICK M. BLANCHARD

INSPECTOR GENERAL

69 W. Washington
 Suite 1160
 Chicago, Illinois 60602
 PHONE (312) 603-0350
 FAX (312) 603-9948

December 18, 2014

Honorable Toni Preckwinkle
 President, Board of Commissioners of
 Cook County, Illinois
 118 North Clark Street, 5th Floor
 Chicago, Illinois 60602

Re: OIIG Summary Report No. IIG14-0461 (Employee Appeals Board)

Dear President Preckwinkle:

This letter is written in accordance with Sections 2-288 and 2-289(c)(2) of the Independent Inspector General Ordinance, Cook County, Ill. Ordinances 07-O-52 (2007), relative to a Cook County Office of the Independent Inspector General (OIIG) investigation assessing job descriptions for Members of the Cook County Employee Appeals Board.

Background

As part of the effort to achieving substantial compliance with the terms of the *Supplemental Relief Order* entered in the *Shakman v. Cook County* (N.D. Ill.), this office has been actively involved in, among other issues, reviewing Cook County hiring and discipline practices, Job Descriptions, Actively Recruited Lists and Exempt Lists. These reviews are undertaken to ensure transparency and to eliminate those circumstances that have resulted in violations of the SRO or otherwise implicate the spirit of the SRO and related consent decrees. We take this opportunity to bring to your attention a vulnerability that exists regarding the Cook County Employee Appeals Board ("EAB").

The EAB, established under Article II, Section 44-49 of the Cook County Code, exercises significant authority when reviewing employee disciplinary action. In conducting hearings regarding the appeals of career service employees, the EAB examines discharges, demotions and suspensions exceeding ten days. The EAB is empowered to uphold, reverse or modify disciplinary actions. The EAB issues rulings as a body while the ordinance permits the individual Members to administer oaths, conduct hearings, take testimony and receive other evidence, and certify findings to the EAB.¹ Additionally, the ordinance permits the EAB to be

¹ The EAB as a whole may accept or reject the certified findings of a Member.

called upon by the President, the Chief of the Bureau of Human Resources or the Cook County Board of Commissioners to prepare special reports or to provide advice concerning human resource issues. Accordingly, the EAB is a decision-making body vested with the authority to impose significant consequences.

Under your leadership, the Board of Commissioners amended the EAB ordinance in 2013 to eliminate the annual salary and benefits package previously awarded to Members in favor of a streamlined compensation package which more accurately reflected the amount of time Members typically devote to EAB proceedings. We believe this was a very positive reform. Additionally, we believe that Cook County has taken substantial steps toward eliminating even the appearance that an employee's political affiliation is more important than her ability to perform the duties of a position. A critical component has been the requirement under the *Employment Plan* that all *Shakman* exempt positions have job descriptions that possess relevant minimum qualifications for the positions.² As you are aware, the EAB ordinance provides that Members are appointed by the President. The ordinance, however, does not require that any appointee possess any relevant minimum qualifications for the position. Further, the Cook County website for the EAB indicates that no qualifications are necessary for appointment to a Member position.

The current *Employment Plan* requires job descriptions for all exempt employees. We believe that this important component should extend to Member positions with the EAB. These positions possess the same discretionary appointment status as exempt positions yet remain insulated from the protections that are afforded by having specific job descriptions and relevant minimum qualifications for such positions.

OIIG Recommendations

Based on all of the foregoing, this office recommends that Cook County adopt job descriptions for all EAB Member positions. The job descriptions should be made subject to the provisions of the *Employment Plan* regarding exempt employees (*Employment Plan*, Art. XII). We further recommend that the job descriptions account for the varied responsibilities of Members and incorporate minimum qualifications which reflect education and experience regarding employment law, Human Resources and contested evidentiary hearings. Finally, we recommend that the job descriptions require an amount of previous education and experience which recognizes the significant power and authority held by each Member to receive evidence at an evidentiary hearing and issue rulings on employee appeals.

In accordance with Section 2-285(e) of the OIIG Ordinance, we respectfully request notification within 30 days of any action taken in response to these recommendations. Thank you for your consideration to these issues. Of course, please do not hesitate to contact me if you have any questions or would like to discuss this matter further.

² Similarly, job descriptions for Commissioner Staff positions will further strengthen the compliance framework necessary to achieve substantial compliance. (See OIIG Summary Report No. IIG13-0303)

Hon. Toni Preckwinkle

December 18, 2014

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Very truly yours,

A handwritten signature in black ink, appearing to read "P.M. Blanchard". The signature is written in a cursive, slightly slanted style.

Patrick M. Blanchard
Independent Inspector General

cc: Honorable Members of the Board of Commissioners of Cook County
Ms. Kimberly Foxx, Chief of Staff, Office of the President
Ms. Tasha Cruzat, Deputy Chief of Staff, Office of the President
Ms. Laura Lechowicz Felicione, Special Assistant to the President
Ms. Tracey R. Ladner, Chief of the Bureau of Human Resources
Mr. Roger Fross, Locke Lord LLP
Mr. Brian Hays, Locke Lord LLP
Mr. Daniel Gallagher, Deputy State's Attorney
Ms. Letitia Dominici, Cook County Compliance Officer
Ms. Mary Robinson, Cook County Compliance Administrator
Mr. Mathew Pryor, Counsel to the Compliance Administrator