

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

<b>MICHAEL L. SHAKMAN, et al.,</b>	)	
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	)	
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	)	
<b>v.</b>	)	<b>Case No. 69 C 2145</b>
	)	
	)	<b>Judge Wayne Andersen</b>
<b>DEMOCRATIC</b>	)	
<b>ORGANIZATION OF COOK</b>	)	<b>Magistrate Judge Schenkier</b>
<b>COUNTY, et al.,</b>	)	
	)	
<b>Defendants.</b>	)	

**INITIAL REPORT OF THE COMPLIANCE ADMINISTRATOR**

Jan Carlson, Forest Preserve District of Cook County’s *Shakman* Compliance Administrator, by and through his attorney, Peter Monahan submits his initial report to the Court pursuant to the Order entered by this Court on March 5, 2009.

**INTRODUCTION**

On January 14, 2009 pursuant to the Preliminary Supplemental Relief Order (“SRO”), this Court appointed Jan Carlson, to serve as the Forest Preserve District of Cook County’s *Shakman* Compliance Administrator (“DCA”) to ensure the Forest Preserve District’s (“the District”) future compliance with the prior Consent Decrees entered in 1978 and 1994, (“Consent Decrees”) respectively. The 1978 Consent Decree prohibited the District from conditioning, basing or knowingly prejudging or affecting any term or aspect of government employment, with respect to one who is at the time already a government employee, upon or because of any political reason or factor. The 1994 Consent Decree incorporated the 1978 decree’s prohibitions and extended those prohibitions to include the District’s hiring practices, with certain exclusions.

## **SUPPLEMENTAL RELIEF ORDER**

The SRO, entered on March 5, 2009, orders, among other things, that the DCA file an initial report with the Court recommending (1) the powers the DCA should be given to ensure compliance, (2) necessary staffing needs, and (3) mechanisms for ensuring that employment actions are in accordance with existing court orders. The SRO mandates that the DCA study existing employment practices, policies and procedures for non-political hiring, promotion, transfer, discipline and discharge. Further, the DCA is to observe actual hiring sequences, assist in formulating a new hiring plan, aid in establishing a training program to educate and train supervisors and employees on non-political hiring practices, make recommendations to the Court as to how to resolve issues regarding *Shakman* exempt positions, monitor compliance, adjudicate pre-SRO claims, file periodic reports, and various other duties.

### **THE DCA'S OBJECTIVES AND PROCESSES**

Justice Louis Brandeis said, "Publicity is justly commended as a remedy for social and industrial diseases. Sunlight is said to be the best of disinfectants; electric light the most efficient policeman."

Much more recently in a directive to executive branch departments regarding Freedom of Information, President Barack Obama said that, "The Government should not keep information confidential merely because public officials might be embarrassed by disclosure, because errors and failures might be revealed, or because of speculative or abstract fears . . . ."

The DCA, under the supervision and orders of the Court is directed to study the District's existing employment practices, policies and procedures for hiring, promotion, transfer, discipline and discharge of employees. The DCA's authority includes observing actual hiring sequences for non-exempt employees and making recommendations for change, if warranted. After at least 90 days of monitoring experience the DCA is to make recommendations to the District with respect to their hiring plan. Employees covered by

the umbrella of the SRO are those employed by or for the District, or by or for any person or entity under the direction and control of the District, except for “exempt positions”.

In the sunset provisions of the Supplemental Relief Order entered by the Court in March of 2009, the District is permitted to file with the Court a Motion to Dissolve the 1994 Consent Decree and the current SRO on or after June 1, 2010. To do so, the District has the burden of showing that it is in “substantial compliance” with the terms of those documents. The President of the Board of Commissioners, the General Superintendent and the Director of Human Resources of the District must certify in writing that each of them believes that the District is in compliance and that there is no “material non-compliance” with the Consent Decree and SRO. Within 30 days thereafter the District Compliance Administrator must advise the Court whether or not, in his opinion, the District is actually in substantial compliance.

In order to certify substantial compliance to the Court, it will be necessary to make major changes in an organizational culture that has taken many, many years to develop. It is a culture so thoroughly ingrained that, in the minds of many, patronage is the right and the only way to conduct business “as usual.” The policy making leadership (elected commission members and the board president) have publicly endorsed a change in this culture through its ordinances and an Executive Order. The appointed leadership (managers) are responsible for carrying out the assignment.

Change is difficult for many, and resistance is to be expected. Resistance, both active and passive, will be found at all levels and as a matter of practicality can be overcome only from within. It is critical that District management lead by example.

Most people come to work every day wanting to do a good job. Managers, then, must clearly communicate their expectations. Training managers to communicate clear expectations is critical to success. Perhaps the best way to remove inappropriate political influence is to establish and reinforce clear criteria for decision making – that means clarifying the mission of the District. It also means pushing decision making authority down to the lowest appropriate level. A lack of clarity about mission and goals can cause the organization to lose direction, spending scarce resources in a disorganized manner.

Adopting sound principles makes it easier for management to withstand inappropriate political pressure, whether it is in hiring or the letting of contracts. In keeping with these principles, some but not all of the DCA's expectations are listed in the following paragraphs.

Education and training are key ingredients to substantial compliance. Training is referred to in the SRO, and the DCA is directed to "train the trainers." A permanent team of trainers developed from within the organization whose role is to reduce non-compliance will be expected if there is to be a finding of substantial compliance.

Procedures that will prevent political discrimination in hiring promotion, transfer, discipline and discharge of public employees, and any form of retaliation, must be a part of the Hiring Plan. Procedures that provide transparency, together with a means to audit, monitor and review the process must be created and be designed to survive the transition from the DCA to a compliance officer or to the Independent Inspector General before substantial compliance can be acknowledged.

A fair and objective hiring system will require the introduction of Human Resource MIS (Management Information System) computer software. The objective of such a system is to provide transparency, reduce human error and ensure an equitable evaluation process. The software must be able to track overtime, attendance records and disciplinary actions. Security measures imbedded in the system should be able to identify any unauthorized person who attempts to enter the system or everyone who creates or changes a record.

Transparency is a way of protecting fairness and will be an important part of substantial compliance. When citizens know what their government is up to, there is a better chance of ensuring that decisions treat everyone equally and protect everyone's welfare. Government that is not transparent is prone to undue influence because there is no public oversight of the decision making. The process should be transparent to the point where it would be embarrassing for a political organization to attempt to influence the hiring of public employees.

There is a fine line between “political hiring” and “word of mouth hiring”. There is no harm in an elected official recommending a constituent for a job so long as it is in accordance with County ordinances. County ordinances already provide that an elected or appointed public official may provide a written recommendation provided it is based upon their personal knowledge of the applicant’s or employee’s work skill, work experiences or others job related qualifications. This process is quite similar to the “networking” that goes on every day in the private sector, and it is a valuable part of the hiring process. To promote the goal of transparency, any such written recommendation should be a public record.

Simply put, if the goal of *Shakman* is to be realized, transparency and the ability to audit the process must be put on a firm foundation. The DCA has set for himself and his staff the goal of bringing transparency to the Forest Preserve hiring process, and the task of supporting, guiding and partnering with the Forest Preserve District of Cook County to assist them on their journey to substantial compliance.

In order for this endeavor to be successful, the District must open its employment processes to the DCA. The DCA recognizes that outside scrutiny can be difficult and resistance is not unexpected. If the DCA is to be in a position to certify substantial compliance, the District must openly communicate with the DCA, quickly and completely respond to reasonable requests, readily provide non-privileged information, abstain from obstructing the DCA from performing his duties and demonstrate a willingness to make necessary changes. It is the intention of the DCA to work with the District in partnership. The DCA does not envision this process to follow a litigation/adversarial model. Clearly, this process will be quicker, less expensive and more effective if the District truly adopts the *Shakman* principles prohibiting illegal political considerations in employment. It is the intention of the DCA to get this job done in the shortest time possible and with the least expense to taxpayers; both are directly contingent upon the level of cooperation received from the District.

## **ACTIVITIES OF THE DCA OFFICE**

The SRO mandates that the DCA study existing employment practices, policies and procedures for non-political hiring, promotion, transfer, discipline and discharge. Further, the DCA is to observe actual hiring sequences, assist in formulating a new hiring plan, aid in establishing a training program to educate and train supervisors and employees on non-political hiring practices, make recommendations to the Court as to how to resolve issues regarding *Shakman* exempt positions, monitor compliance, adjudicate pre-SRO claims, file periodic reports, and various other duties. The DCA has begun review of specific aspects of the District's employment practices, such as its reclassification process, discussed below. The DCA believes that the use of desk audits will prove to be extremely informative and anticipates conducting more in the future in addition to the HR desk audit, discussed below. In addition, the DCA has initiated discussions among the other Compliance Administrators as to how best share information and experiences.

## **DESK AUDIT OF DISTRICT HUMAN RESOURCES DEPARTMENT**

The following is a report regarding the desk audit of the Cook County Forest Preserve District Human Resources Department ("HRD") conducted over a period of months, from approximately March through June, 2009. The audit is pursuant to the District's Shakman Compliance Administrator's mandate under the Supplemental Relief Order in Case Number 69 C 2145, entered January 14, 2009, which authorizes the DCA to study the District's hiring practices, policies and procedures for nonpolitical hiring, promotion, transfer, discipline and discharge, to make recommendations to the District that the DCA believes are necessary to modify the existing hiring practices and procedures of the District, and to suggest changes as appropriate. The audit is central to the DCA's responsibilities because the HRD is responsible for processing applications, posting job openings, testing applicants and finalizing hiring, promotion and transfer decisions for all employment positions within the District. As a result, the activities of

the HRD are critical to the District's compliance with the SRO. It should be noted that this report is focused on the organization and operation of the HRD, and not on the quality of the work it performs or the caliber of its staff. Nevertheless, it should be noted that there are many experienced and qualified individuals employed by the District, and they should be commended for their dedication and hard work.

### **Desk Audit Process**

The desk audit process included a number of steps aimed at getting as comprehensive and accurate a picture of the operations of the HRD and the District as possible. Those steps included the following:

1. The District was asked to provide an organization chart of the HRD and all departments within the District, including job titles, lines of reporting and incumbents.
2. The District was also asked to provide job descriptions for those positions within the HRD.
3. Interviews were conducted with employees assigned to the HRD who are responsible for performing duties associated with the hiring, promotion and transfer of District employees. Those individuals include the Director of Human Resources (the "Director"), and three Administrative Assistants assigned to her direct supervision.
4. All employees of the HRD were given questionnaires to complete. Those questionnaires contained questions regarding their experience, education, job duties and supervision.

### **Findings**

The following are Shakman-related issues regarding the HRD's operations that are based on the information gathered by the means listed above:

1. Recruiting, hiring, promotion and transfer activities are all funneled through the Director, who drafts/approves all postings, schedules, prepares/approves all eligibility lists, attends and actively participates in all applicant interviews and conducts all post-interview meetings where hiring decisions are made.

2. There is some question regarding the Director's reporting relationship. On her questionnaire, the Director failed to provide information in response to the question, "Who is your immediate supervisor?" She also responded, "N/A – Work is not assigned to me," to the question, "How is work assigned to you and by whom?" During the interview, however, the Director stated that she reports to the President of the Board of Cook County or his assistant. The headquarters for the District and the location of all its departments and management employees (except the Director and her staff) is at 536 North Harlem Avenue in River Forest, Illinois. All job interviews have traditionally taken place at the District's headquarters. Interviews of applicants are temporarily being conducted at the County building because of renovations at District headquarters.
3. The HRD moved out of the District's headquarters approximately two years ago and is now located in the offices of the Cook County Bureau of Human Resources (the "BHR") on the 8<sup>th</sup> floor of the Cook County Building at 118 North LaSalle Street in Chicago.
4. The great majority of personnel records for employees of the District that have been reviewed by the DCA's staff are incomplete, in many cases lacking applications and any record of basic personnel actions such as transfers, assignments, discipline, promotion, etc.
5. Personnel records reviewed by the DCA's staff and the statement of the Director confirm that District employees have not received performance evaluations for a significant period of time. None of the personnel records reviewed contained an evaluation dated 2000 or later.
6. Employees of the HRD work closely with and rely heavily on the support of the BHR, whose staff conduct desk audits and assist in drafting postings and job descriptions. Personnel records of District employees are also intermingled with those of other County employees, and the District uses the same employment forms that are used by the County.
7. All District job openings are posted at the BHR and on the County and District's website. However, the job postings are difficult to find on the District website as one must first click on "About Us" and then click on "Administration" to find the job postings.
8. With some minor exceptions, all applicants for jobs at the District are required to come to the BHR office to submit applications for posted jobs. Applicants are not allowed to submit applications at District headquarters or any location other than the BHR's downtown office.



9. The Director stated that, during the application screening process when she is attempting to determine whether an applicant who is a current or former District or County employee has the minimum qualifications for the position, she will contact the applicant's supervisor or former supervisor to get information about the applicant's work experience and/or to obtain information about an applicant that has not been provided on the application form.

### **Recommendations**

Based on the above, the following actions are recommended:

1. Reintegrate the HRD into the District

In the interests of efficiency, transparency and common sense, the Director and her staff should move back to the District's headquarters. The Director indicated that she spends the vast majority of her time on hiring activities. Her relocation to the place where hiring activities are initiated, interviews are conducted and hiring decisions are made means that she and her staff will spend much less time traveling and more time concentrating on actual job responsibilities. Furthermore, and more importantly, her increased accessibility to managers of the District will allow her to assist them in performing their hiring responsibilities in an orderly and consistent manner. For similar reasons, the personnel files of the District should be relocated to the District's headquarters where they can be accessed more easily and where it will be easier to assure that important documents are included and retained in them. This relocation will not mean that certain functions, such as payroll and legal support, cannot still be available from the County's downtown offices.

2. Establish an Independent Hiring Identity and Expand Applicant Accessibility.

District job openings should be posted on its website as well as other locations that will assure it will receive a broad range and diversity of applicants. While they may continue to be posted on the County's website, it is important that the District establish an independent identity as an employer and be able to attract people who are interested in working in this specialized area. Additionally, applicants should be allowed to submit applications electronically and at offices of the District, as well as the BHR in order to maximize the pool of applicants from all areas of the County.

3. Reinstitute Regular Performance Evaluations.

The practice of conducting regular performance evaluations of all District employees should be reinstated and organized by the HRD. In many cases, District employees have not received a performance evaluation for a decade or more. Such evaluations are a basic and critical function of any organization. Without a working evaluation system, it is impossible to establish objectively whether an employee is performing his/her job duties, whether a proposed transfer or promotion is appropriate.

4. Clarify/Alter the Reporting Relationship of the Director.

Generally, the human resources director of an organization reports to a higher level person within the organization. Based on the Director's statements on the questionnaire and in her interview, it appears that she does not report to District management. If this is in fact the case, the reporting relationship should be changed so that she reports to the head of the District or his designate. Accountability for performance of human resources must lie with the management of the District because it is District management that initiates hiring activities and makes hiring decisions. This shift will also prevent hiring processes from being funneled through one individual, which can lead to manipulation of outcomes as well as delay in hiring.

5. Institute Best Practices for Personnel Record Maintenance.

The maintenance of complete and current personnel records is essential for assuring that the human resources department operates smoothly. Accurate monitoring of personnel activities is not possible where records are incomplete or non-existent. Steps should be taken to organize, centralize and maintain the District's personnel records, and District management should be advised of proper procedures for completing and transmitting records to assure they are included in all employee personnel files on a timely basis.

### **EXEMPT POSITIONS**

The DCA acknowledges the lawful nature and the necessity of exempt positions as explained in the United States Supreme court case of *Branti v. Forti*. Exempt hires are inherently political and are typically filled outside the District's normal hiring processes.

Exempts occupy a crucial role in the lawful functioning of the District. While political factors may be considered in their hiring, once employed they are subject to the rules governing all at will employees including the various ordinances enacted by the

commission. Under the *Branti* standard these individuals are employed in high level policy making positions and the competent performance of their duties is essential to the efficient functioning of the District and the morale of those working under them.

To increase transparency and prevent concealed attempts at increased political hiring or unlawful designation of exempt positions, the DCA recommends that all positions that are deemed exempt be listed publicly on the District's website. The public disclosure should include the name of the individual holding the position, job descriptions for the exempt position as well as the qualifications and salary range for them. The list should indicate whether the position is open or available and should be updated regularly.

As with all other District employees, the DCA recommends annual performance evaluations for exempts.

The SRO sets forth a process for revising the exempt list which is under way. The District has submitted to Class Counsel a proposed exempt list and a set of job descriptions for the exempt positions. Class Counsel is currently analyzing these submissions to determine whether the proposed exempt positions meet the criteria set forth in *Branti*.

The DCA has requested of the District copies of the job descriptions for the positions on the proposed list as well as the minimum qualifications for each position. The District has refused to provide these to the DCA. The documents requested by the DCA are public records available to any member of the public via a FOIA request. The DCA can see no good faith basis for having refused this request.

The DCA has only just received the job descriptions for the proposed exempt positions from Class Counsel. Based on his preliminary review of the job descriptions, the DCA believes that a desk audit of a number of the proposed positions would provide better insight to the proposed actual role in policy making, if any.

Of particular concern to the DCA are five positions the District has unilaterally and arbitrarily designated as exempt. These positions are four deputy police commander

positions and an ADA compliance officer. Despite the lack of court approval or Class Counsel agreement the District has filled three of these positions without following its procedures for hiring such as posting a notice of job opportunity, publicly stating the minimum qualifications for the positions and other requirements of the hiring process set forth in the human resources ordinance. The DCA has requested the job descriptions, applicant files and other materials necessary to audit the hiring of the three deputy police commanders. To date, the DCA has not received these materials.

The District's lack of cooperation on this issue is in stark contrast to both the Sheriff's office and the County's. Both entities cooperated with their respective compliance administrators in revising their exempt lists.

Once the revised exempt list of positions is finalized it will be submitted to the court for approval. The list of positions will become a public record at that time and the DCA recommends that it be made available on the District's website, including the specific disclosures mentioned above.

### **OBSERVE, STUDY, REVIEW AND COMMUNICATE**

**1. Communication.** In fulfilling his obligations under the SRO to observe, study, review and communicate, the DCA and his staff have initiated communication with District employees, department heads, Superintendent Bylina and his staff, Forest Preserve Board Commissioners and Forest Preserve President Todd Stroger. In addition, the DCA and his staff have had meetings with District attorneys and the head of the District's HR department and meet periodically with Class Counsel.

The DCA has made communication with District employees a priority. As of this filing, the DCA has conducted Shakman training of District employees and is developing a multi-faceted approach to create opportunities for District employees to easily communicate with the DCA office. For instance, the DCA's website allows for individuals to provide information to the DCA on an anonymous basis. The DCA hopes to begin periodic meetings with departments which allow employees to air comments, ideas or grievances. The DCA and his attorneys have engaged in a number of conversations with current and former employees and members of the public.

Communication between the DCA and President Stroger and Superintendent Bylina is essential. To that end, the DCA has met once with President Stroger, has met with three members of the Board of Commissioners and anticipates additional such meetings and has initiated regular meetings with Superintendent Bylina.

**2. Study and Monitoring of Human Resources Hiring Practices.** Monitoring of Human Resources activities is an essential duty under the SRO. Since February 2009 to the present, the DCA has monitored activity involving 101 positions. The DCA must report to the Court that the District has fallen short in its obligations in the area of assisting the DCA in his monitoring activities. For instance, of the 101 positions posted, the District has failed to provide the DCA with all but 27 “Request to Hire” forms; the DCA has received no “Authorization to Hire” forms; and none of the 101 hiring packets contain all required Shakman Certification forms. Notably, the Director of Human Resources has routinely failed to sign a Shakman Certification regarding her many activities involved in the hiring process. The DCA has recently written Superintendent Bylina with a request that he rectify the situation.

**3. Shakman Training.** The DCA and his staff have provided Shakman training to 339 out of approximately 500 employees of the District. In particular, the DCA provided training to 302 District employees on June 22, 2009. The DCA wishes to acknowledge the hard work of Superintendent Bylina and his staff in organizing these training events and coordinating the movement and accommodation of their people. The training includes an explanation of the Shakman Decree and activities which may constitute a Shakman violation, an explanation of employee obligations under District Ordinances, a description of the DCA’s duties and powers, an explanation of the Claims process, information and contact information regarding the DCA, the Office of the Independent Inspector General and the Shakman Complaint Administrator, and a review of current legal developments primarily arising out of the *Sorich* and *Sanchez* decisions. Participants at these meetings were given a pamphlet describing the duties of the DCA, facts which may constitute Shakman violations, rights and responsibilities of District employees and contact information. In addition, the DCA used these trainings to emphasize his intolerance for retaliation or retribution against any employee for

contacting or cooperating with the DCA. The DCA's training materials are available on his website.

**4. Development of New Hiring Plan.** Under the SRO, the DCA is charged with assisting the District in the development of a New Hiring Plan. The New Hiring Plan is intended to eliminate illegal political considerations in employment decisions including hiring, promotion, transfer, or discipline/grievance and reclassification and replace it with best business practices. In order to be successful, the District must implement the New Plan within a culture of transparency.

The DCA has retained the services of Ms. Sherrie Travis to assist in the creation of the New Plan. Ms. Travis is a recognized leader in the field of employment and labor law having decades of experience working with for-profit and not-for-profit organizations. Importantly, Ms. Travis is currently involved in working closely with the County and Class Counsel on the development of the County's New Plan. The DCA believes Ms. Travis' experience and current involvement with the County will prove to be invaluable, given the overlap between the County and District HR departments.

The DCA wishes to emphasize that, in his view, the District must actively and enthusiastically partner with the DCA in the development of the New Plan. The DCA views the District as an equal partner in this endeavor. Moreover, once the New Plan is adopted, the DCA believes that the District must perform its human resources duties with optimal transparency. The DCA believes that no New Plan will succeed over the long run without the public's ability to assess the fairness and professionalism of the operation. Therefore, the DCA will require both the adoption of a New Plan incorporating best business practices and the implementation of optimal transparency.

**5. Reclassification Study.** The Court has tasked the DCA with many duties, one being the job of studying the Forest Preserve District of Cook County's existing employment policies, procedures and practices and collaborating with its leadership to develop mechanisms to ensure that employment actions are free from unlawful political considerations. One employment practice that the DCA intends to study closely is the process by which existing Forest Preserve District employees receive upgrades or

reclassifications. Because upgrades and reclassifications almost always result in increased pay, it logically follows that the process by which the District determines who receives them could be vulnerable to unfair, politically-motivated application. The DCA's ultimate goal is to identify and eliminate all potential vulnerabilities. The DCA was recently provided with a list of all District employees currently under consideration for upgrade or reclassification. These employees were interviewed by the Cook County Bureau of Human Resources regarding the nature and scope of their duties. These interviews took place prior to the appointment of the DCA and were not monitored by his staff. Following those interviews, the BHR generated reports containing recommendations as to whether the proposed changes were warranted.

The DCA has taken the opportunity to look into the recommendations concerning those employees whose potential upgrade or reclassification is not the result of a collective bargaining agreement. Through his staff, he has reviewed the BHR's reports and recommendations, including the bases for same. He has also reviewed and considered the personnel records of the subject employees. Although some questions remain, the DCA notified the District that, based upon his limited review, he had no objection to the implementation of the recommendations regarding the reclassifications subject to his further investigation and development of further information.

**6. Website.** The DCA's web site is an important tool with which to communicate to District employees and the general public. The web site address is prominently featured in every training session and in all printed (hand-out) material used at FPD employee training sessions.

The site features recent announcements by the DCA, such as the deadline for filing claims and the recent extension of that deadline for those who applied but were not hired by the District and who feel they were not hired because of unlawful political discrimination. The home page also contains a general welcome from the DCA.

Along the left side of the home page there are direct links to background information on the Shakman litigation, information on how to file a claim and the related forms, a brief explanation and copies of related court orders and important District documents, including the 1978 Consent Decree, the 1994 Consent Decree, the 2004 Plan

of Compliance and the 2009 SRO. Also published in this section are the FPD President's Executive Order 2009-1 and the current FPD List of Exempt Positions.

Many hours of work by the DCA's staff were involved in the development of the site. Keeping the site up to date is an on-going responsibility, and the DCA wishes to thank his staff for their attention and hard work.

**7. Claims.** The DCA has received 62 Pre-SRO claims to date. More claims are anticipated as applicants for jobs during the claims period may file claims with the DCA until August 7, 2009. The DCA wishes to acknowledge the administrative personnel of the District's Legal Department who put in many hours compiling the list of applicants and inputting the data into a usable form.

DCA attorneys will soon begin their document review and interview of witnesses. The goals of the claims investigation will be fourfold. First, the DCA will award monetary compensation to those individuals eligible pursuant to the SRO who can demonstrate they were injured by illegal political considerations in employment with the District. Second, the DCA will use the claims investigation to identify those individuals and processes which facilitated illegal political considerations in employment in the past, if any. Third, the DCA will look to the District to use information developed in the claims investigation as a starting point for the District's own investigation into current patronage, resulting in remedial measures where appropriate. Lastly, the DCA shall identify those individuals for whose benefit and at whose directive, illegal political considerations in employment were carried out at the Forest Preserve District of Cook County.

### **ADDITIONAL POWERS**

The SRO invites the DCA to make known to the Court any powers in addition to those provided by the SRO the DCA feels necessary to carry out his duties. The DCA will refrain from any such requests at this time but the DCA reserves the right to request additional powers at a later time.



## CONCLUSION

The purpose of the SRO and the appointment of the DCA is to effectuate a change in the culture in employment actions at the District such that unlawful political discrimination becomes a thing of the past. This will require structures, procedures and personnel in place that support the goals of the SRO. The DCA expects that President Stroger and Superintendent Bylina will do what is necessary to implement the goals of the SRO so that substantial compliance can be achieved. The District must actively participate and cooperate with the DCA so that the DCA can assure the court and the public that the District is and will remain in compliance with the law. To achieve substantial compliance by June of 2010 a much greater degree of cooperation and participation in furthering the goals of the SRO must be demonstrated by the District than that shown to date.

Respectfully Submitted,

/s/ Jan Carlson

Compliance Administrator

Office of the Forest Preserve District

Compliance Administrator

69 West Washington Street, Suite 840

Chicago, Illinois 60602

/s/ Peter A. Monahan

Counselor to the Compliance Administrator

Office of the Forest Preserve District

Compliance Administrator

69 West Washington Street, Suite 840

Chicago, Illinois 60602