



practices embodied in the Shakman decrees. Trainings were conducted over the course of multiple sessions and included training regarding the Monitor's role in overseeing hiring and promotions for the Court, changes in hiring that were implemented by the Monitor, and the new certification process to ensure ongoing City compliance with the decrees. Employees who were trained during these sessions included all City Commissioners and department heads; personnel liaisons and other employees within the hiring departments with hiring responsibilities; employees within the Department of Personnel (now known as the "Department of Human Resources"); Mayoral office employees; employees within the Office of Intergovernmental Affairs; and City of Chicago Aldermen. Each session included a presentation by the Monitor and/or her counsel, and a question and answer session during which employees were encouraged to voice any questions about the decrees, the interim changes in hiring practices, and the Monitor's activities. With the exception of training sessions provided to the Aldermen, these trainings were provided concurrently with the Department of Human Resources' own detailed training on practices and procedures for City hiring.

## **II. Ongoing Monitoring of City Hiring**

The Monitor currently employs four individuals who are responsible for monitoring day to day practices regarding City hiring and employment at the direction of the Monitor, with the objective of alerting the Monitor to any specific issues relating to compliance with the Shakman decrees. These individuals provide the Monitor with reports of their work on a regular basis and the entire monitoring team meets on a weekly basis to report on ongoing issues and potential problem areas.

In general, the oversight work conducted by these individuals includes reviewing the various steps of the hiring process for various hires throughout the City to ensure integrity in the process and compliance with the principles of non-political hiring in public employment. The stages of the hiring process which have been monitored include the screening of applications by personnel analysts for minimum qualifications for the position being filled, the creation of referral lists of qualified applicants for the hiring department to use, the administration of tests to job applicants, and the interview and scoring of applicants.

The purpose of reviewing the hiring process in this manner is two-fold. First, irregularities in the process can be discovered and corrected before the hiring decision has been made. In this regard, the City has been both cooperative and responsive to the Monitor's recommendations regarding such issues and the Monitor and her staff have worked cooperatively with personnel within affected departments and within the Department of Human Resources to remedy any issues. Second, through this direct observation, the Monitor and her staff have been able to identify impediments to the implementation of the decrees that arise from deficiencies in the current hiring processes in place. This has permitted the Monitor to make recommendations to the parties and the Court about necessary procedural changes in the hiring process.

The individual monitors focus on departments which historically have hired more employees or which have been alleged to be potentially vulnerable to problems with the implementation of the decrees. The monitors have been present at interviews for several different positions within the Aviation, Water, Streets and Sanitation, Fleet and Transportation departments. The monitors also have attended interviews at the

Departments of Public Health, Housing, Library Personnel, Buildings, OEMC, Revenue, Zoning, General Services, Procurement Services, Finance, Environment and Cultural Affairs. In all, these four individuals have monitored 740 interviews of candidates for City employment. In addition to this work, one of the monitors assisted the Department of Human Resources in its own hiring, working closely with the Commissioner to advertise and interview qualified candidates. The Department of Human Resources also requested that this individual conduct interviewing skills training to interested City employees which has been attended by fifteen City employees to date. Finally, the monitoring staff also attended testing of motor truck drivers at the Department of Streets and Sanitation and the application process for the Chicago Police Department Examinations.

**III. Auditing of Shakman Certifications**

Pursuant to the Agreed Order entered on November 2, 2005, the City has supplied the Monitor and her staff with the first group of Shakman Certifications and Employee Certifications for hires completed after September 6, 2005. The City will supply the Mayor's Office Certifications in the near future. The Monitor, her counsel and staff are in the process of reviewing and auditing those Certifications for completeness and accuracy. Upon completion of this first review, all Certifications for new hires completed during the interim hiring period will be furnished to the Court on a rolling basis, as previously agreed to by the Parties. Further, any information regarding incomplete or inaccurate certifications will be provided to the parties for comment and recommendations for resolution. The Monitor will keep the Court apprised of these issues, as necessary.

**IV. Investigation of Complaints**

To date the Monitor has received numerous complaints through several different channels. The majority of those complaints are forwarded to the Monitor from the City's Shakman Complaint Officer, Mr. Robert Keller. In addition, a smaller number of complaints are received through the Monitor's website, direct contact with the Monitor's office, and complaints made to Michael Shakman's office. Many of these complaints are outside the Monitor's jurisdiction, are anonymous, and/or are non-Shakman covered complaints and therefore are not actively investigated.

According to internally developed protocol, each complainant who provides an address has received or will receive a letter acknowledging receipt of the complaint and indicating whether we expect to conduct any further investigation in light of the Monitor's assignment.

To date, approximately eighty of the complaint files have been closed because the claims do not implicate a Shakman violation, do not fall within the Monitor's jurisdiction as defined by the Court or because, after limited investigation, the Monitor's office has determined that no cause exists for further investigation. The Monitor's office has conducted approximately ninety interviews in investigating complaints. The Monitor has made periodic requests for documents in further investigation of certain complaints. All requests for information have been promptly honored by the City. The Monitor expects to continue to utilize document requests, and to use further interviews with complainants and other witnesses, in the ongoing investigation of active files. To date, the Monitor's office has issued no findings that conclude a Shakman violation occurred, with the exception of the findings in the December 15, 2005 report.

In those instances where an irregularity is noted during an ongoing hiring event, the Monitor will request additional information regarding the hiring event and, on occasion, ask that the hiring process be suspended until further investigation. The City has promptly complied with any and all such requests and has, on occasion, independently elected to re-evaluate and/or reverse hiring decisions on its own initiative.

The Monitor's office has met and coordinated with the City's Inspector General. After meeting to discuss their respective missions, the two offices have established a protocol for referring matters to each other's attention for follow up when appropriate. To date the Shakman Monitor has referred two matters to the Inspector General, and has asked the Inspector General to consider another six matters identified by the Monitor's office.

**V. Proposed Modifications to the Detailed Hiring Plan**

As requested, the City has proposed a new Shakman Exempt list of employees to replace the current list. In conjunction with the new proposed Shakman Exempt list, the City has proposed a modified hiring process for senior managerial employees. The Plaintiffs have similarly proposed a modified hiring process for senior managerial employees. The Monitor's office will formulate a proposal for senior managerial hires that combines principles from each plan to present to the parties. We anticipate filing an agreed modified hiring plan for managerial hires and an agreed new Shakman Exempt list before the end of February.

The Plaintiffs and the City's Inspector General's Office have worked together, with assistance from the Monitor, to modify hiring procedures for the Inspector General's

Office. A new plan has been tentatively approved and should be filed with the Court in the near future.

**VI. Department of Human Resources (f/k/a Department of Personnel)**

Effective January 1, 2006, the Department of Personnel was renamed the Department of Human Resources (hereafter the “Department”). Between October 17, 2005 and the present date, the City has increased staffing levels within the Department to better meet all existing mandates that City hiring proceed through fair, accessible, and open means. Ten new individuals have been added to the Department’s Employment Services Division. The Monitor and her staff provided support and assistance to the Department with these hires, as requested. The additional staff, along with existing Department employees and managers, play a critical role in the City’s ability to adhere to a fair and non-political screening process for job applicants for Shakman-covered positions.

Notably, the Commissioner of the Department of Human Resources and her Deputies have been leading proponents of increased accountability at all levels of the hiring/promotion processes as well as instrumental in instituting reforms in the hiring/promotion process. The Monitor and her staff have worked closely with the Department of Human Resources in ensuring ongoing compliance with the Shakman principles.

**VII. Ongoing Items Under Study**

As outlined in the September 6, 2005 Report, the Monitor has identified items that required additional study or review. Of the items identified in September Report, the

following actions have been taken by the Monitor's office as part of the additional study or review.

The Monitor and counsel for the Monitor have continued to interview individuals, including Commissioners, Department of Human Resources employees and others, in order to further identify weaknesses or opportunities for change in the current system. Moreover, information is received by the Monitor and her Counsel through the dedicated website wherein any individual can submit comments, suggestions and/or complaints for review. The Monitor's staff continues to canvass and review best practices used by other government entities to assess feasibility of incorporating those practices into the City of Chicago's hiring and promotion system.

The parties and the Monitor's office have been working together on developing an alternative to the current Detailed Hiring Plan that will ensure future compliance with the Shakman principles, streamline hiring and promotion practices, and provide adequate flexibility to the City's hiring and promotion procedures. Many of the agreed upon modifications have been incorporated in earlier filed Agreed Orders. Others, such as the anticipated new Shakman-Exempt list and the modified senior managerial hiring process should be submitted for approval to the Court in February. In reaching agreement on modifications to the Detailed Hiring Plan, the parties have focused on increasing transparency in the personnel decision-making process and increasing accountability for hiring Departments and the Department of Human Resources in ensuring future compliance.

**VIII. Continued Cooperation by All Parties**

In order to ensure communication and cooperation, the Monitor and her Counsel attend weekly meetings with the City's senior management staff, including the Chief of Staff, the Corporation Counsel, the Commissioner of Human Resources, among others. These weekly meetings allow the Monitor and the City to timely address new issues, discuss anticipated future developments and share relevant information. Moreover, the Monitor meets periodically with the Plaintiffs to seek input and direction and to provide reports of ongoing work. Both the City and the Plaintiffs continue to cooperate fully and promptly with the Monitor's on-going requests for information, records, and input. The parties have continued to express their good faith intentions to work towards an amicable resolution of the issues related to the pending litigation.

Respectfully submitted,

/s/ Noelle Brennan

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