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

Michael L. Shakman, Paul M. Lurie, *et al.*,

Plaintiffs,

v.

Democratic Organization of Cook
County, *et al.*

Defendants.

No. 69 C 2145

Honorable Wayne R. Andersen

AGREED ORDER

On August 2, 2005, the Court appointed a Monitor "to ensure future compliance" by the City of Chicago with the Court's prior orders in *Shakman et al. v. The Democratic Organization of Cook County, et al.*, Case No. 69 C 2145, in the wake of allegations and evidence that the City's hiring processes had been tainted by unlawful political considerations. On September 6, 2005, the Monitor filed an initial Status Report containing certain recommendations for immediate implementation regarding the City's employment practices. The City voluntarily adopted many of these recommendations to ensure integrity in its on-going hiring processes, including the recommendation that it "purge all existing eligible lists, referral lists and applications created or filed prior to January 1, 2004, for those positions to be filled during the interim period ... [and] notify all such purged applicants that they must reapply for employment with the City in order to be considered."

The City's voluntary adoption of this recommendation was memorialized in an Agreed Order entered by the Court on November 2, 2005 which expressly reflected the

City's representation that "all employee applications for any position within the City which predate January 2004 have been purged and are no longer under active consideration in the hiring process." *See* Order dated November 2, 2005.

The City's representations about the purge were not correct. On the afternoon of May 3, 2006, the City's Corporation Counsel contacted the Monitor to advise that the City had not purged all employee applications and eligibility lists. Specifically, the Monitor was advised that the City's Eligibility List for the position of "Hand Laborer" had not been purged. This list was created the last time that the City had posted job openings for the Hand Laborer position and was more than 6 years old. The list contains approximately 17,000 names of job applicants who had applied for the Hand Laborer position all those years ago.

The Monitor was informed that the City was in the process of attempting to fill approximately 60 Hand Laborer positions within the Department of Streets and Sanitation. The Monitor was also advised that for some period of time the City had been utilizing the un-purged Eligibility List to try to fill these 60 openings, even though many of the applicants on the list were no longer actually viable job candidates. Nevertheless, the City, through its Corporation Counsel, sought permission from the Monitor for the Department of Streets and Sanitation to continue the process it had already started and continue in its efforts to fill the 60 Hand Laborer openings by using the existing Eligibility List.

The Monitor brought the matter to the attention of the Plaintiffs and the Court by a Motion filed on May 4, 2006. The Motion presented the foregoing facts and also noted that the Monitor's office had received complaints of past improprieties by the City in

filling Laborer positions in Streets and Sanitation and that specific violations in filling Laborer positions in Streets and Sanitation were reflected in the Evidentiary Proffer filed by the Government in *USA v. Sorich, et al.*, 05 CR 644 on April 10, 2006.

The City and the Plaintiffs have voluntarily reached an agreement as to how to proceed in a fashion that both protects the integrity of hiring at the City and that enables the City to fill these 60 Hand Laborer openings as expeditiously as possible. Therefore, pursuant to the agreement of the City of Chicago and the Plaintiffs, it is hereby Ordered as follows:

1. For the limited purpose of filling these 60 Hand Laborer openings in the Department of Streets and Sanitation, the City will continue to utilize the existing Eligibility List, provided that the Eligibility List, which presumptively was randomly sorted upon its creation, is randomized anew in a process to be determined by the City. The process used to randomize the existing list shall be open and transparent and permit review by the Court and the Monitor, if necessary. This newly randomized Eligibility List shall only be used to fill the 60 Hand Laborer positions currently open within the Department of Streets and Sanitation. Upon completion of these hires, the Eligibility List shall be purged because it was created prior to January of 2004.
2. In anticipation of the City's likely need to fill additional Hand Laborer positions in the future, the City shall timely post any such anticipated job openings in order to reasonably permit the City to assemble a new Eligibility List so that future positions can be filled expeditiously and fairly.
3. The City represents that to the best of its knowledge, there are no other eligibility lists or employment applications that have not been purged, as provided for by the City's prior agreements and representations.
4. The Monitor shall voluntarily withdraw the Motion for Expedited Hearing filed on May 4, 2006.

Dated: May 5, 2006



Wayne R. Andersen
United States District Judge