

POST-SRO COMPLAINT PROCESS

Pursuant to the

SUPPLEMENTAL RELIEF ORDER FOR THE COOK COUNTY RECORDER OF DEEDS (“SRO”)

Entered in *Shakman, et al. v. Cook County Recorder of Deeds, et al.*
(the “Shakman Case”)

If you believe that you have been subjected to unlawful political discrimination in connection with an employment decision with the Cook County Recorder of Deeds (“Recorder”) **on or after September 14, 2010**, you may seek relief for the alleged unlawful political discrimination as described below:

“Employment decision” includes, but is not limited to, any decision involving hiring, firing, promotion, job assignment, transfer, disciplinary action and overtime.

“Unlawful political discrimination” means the making of any employment decision by the Recorder because of any political reason or factor such as an individual’s political affiliation, political support or activity, political financial contribution, promises of such political support, activity or financial contributions, or political sponsorship or recommendations.

1. You may elect to use the specific Post-SRO Complaint Process and the Post-SRO Arbitration Procedure established by the SRO in order to pursue possible remedies for alleged political discrimination. You **must** submit a Post-SRO Complaint Form (Form 3) to the Inspector General to participate in the Post-SRO Arbitration Procedure. The Post-SRO Complaint Form must be received by the Inspector General or be post-marked by a United States Post Office within **180 days** after you knew or should have known of the alleged unlawful conduct. The Inspector General will investigate all timely submitted Post-SRO Complaints.

2. You may pursue whatever rights or remedies that may be available to you under state or federal law without submitting a Post-SRO Complaint to the Inspector General. ***There are important statutes of limitation that set important deadlines for filing federal lawsuits regarding allegations of political discrimination in employment with the Recorder.*** For example, lawsuits seeking to enforce the SRO without first submitting a post-SRO Complaint Form to the Inspector General must be filed within **180 days** after the alleged victim knew or should have known of the alleged unlawful conduct. You should consult an attorney right away if you intend to file any legal action in a court of law.

3. You may also submit a Post-SRO Complaint Form to the Inspector General to conduct an investigation before deciding whether to submit the complaint to arbitration under the SRO Arbitration Procedure or to file a lawsuit in a court of law. However, once you submit a Post-SRO Complaint Form, you must (1) wait for the Inspector General to complete its investigation and (2) participate in a settlement conference prior to seeking arbitration or filing a federal lawsuit.

Please note that if you are seeking to pursue a claim against the Recorder based on alleged unlawful conduct occurring **on or before September 14, 2010**, then you should not submit a

Post-SRO Complaint Form. Instead, you may submit to the Recorder Compliance Administrator, Cardelle Spangler, either: (i) a notarized Pre-SRO Claim Form and Release (Form 1) or (ii) an Opt-Out Request Form (Form 2). These Forms are available from the Recorder Compliance Administrator, the Recorder, Plaintiffs' Class Counsel, and the Inspector General. These Forms can also be obtained from the websites of the Recorder Compliance Administrator and Recorder.

Eligibility for Filing a Post-SRO Complaint

An individual may submit a Post-SRO Complaint of unlawful political discrimination in connection with any aspect of government employment with the Recorder alleged to have occurred **after September 14, 2010** and during the period that this SRO is in effect.

If you would like to have the Inspector General conduct an investigation of your unlawful political discrimination complaint you must file a Post-SRO Complaint Form (Form 3) with the Inspector General. If so, please use and follow the rest of the instructions and forms.

The Inspector General's Investigation

The Inspector General is responsible for conducting or directing the investigation of all timely Post-SRO Complaints. Post-SRO Complaints are confidential and will not be disclosed to anyone outside the Inspector General except as provided in the SRO.

The Inspector General will investigate Post-SRO Complaints expeditiously and will attempt to complete its investigation within 180 days. If any investigation is not completed within 180 days, the Inspector General will notify you, the Recorder Compliance Administrator, the State's Attorney's Office-Civil Action Bureau, and Plaintiffs' Class Counsel, of the reasons for its failure to complete the investigation within 180 days.

At the conclusion of its investigation, the Inspector General will provide you with a written report. A copy of the investigative report will also be provided to the Recorder Compliance Administrator, Plaintiffs' Class Counsel, and the State's Attorney's Office-Civil Action Bureau. If the Inspector General finds at the conclusion of its investigation that impermissible political factors were considered in an employment decision, the Inspector General's report will include the names of all individuals who were victims of the unlawful political discrimination and the names of the individuals responsible for such political discrimination. The Inspector General will send a Notice of Rights and Settlement Conference Demand Form (Form 4) along with this report.

Mandatory Settlement Conference

If you file a Post-SRO Complaint Form with the Inspector General, you must participate in a mandatory settlement conference before you can seek relief through arbitration or a federal lawsuit. Within **30 days** of receiving the Inspector General's Report, you must submit a Settlement Conference Demand Form (Form 4) to the States-Attorney's Office-Civil Action Bureau.

Within **60 days** from the date upon which the State's Attorney's Office receives a Request for Settlement Conference, the State's Attorney's Office and you must hold an in-person Settlement

Conference. The time period for conducting this settlement conference can be extended by agreement between you and the State's Attorney's Office. Any statements made and the positions taken during the Settlement Conference cannot be disclosed in any later arbitration or federal action. You may receive a settlement offer at the discretion of the Recorder or State's Attorney's Office. Settlement offers may include, but are not limited to, monetary damages, reinstatement, or other equitable relief. If you accept this offer, the Inspector General, Recorder Compliance Administrator and Plaintiffs' Class Counsel will receive copies of the executed settlement agreements. You and the State's Attorney's Office can continue settlement discussions by agreement.

If you do not accept the settlement offer or the settlement discussions have reached an impasse and you still wish to proceed with your claim, you must either submit an Arbitration Request Form (Form 5) or file a lawsuit **within thirty (30) days** of the termination of the settlement conference procedures.

You must choose between arbitration and filing a lawsuit, you cannot do both.

Arbitration Process

If you submit an Arbitration Request Form, you must also include a copy of the Post-SRO Complaint Form that you previously submitted to the Inspector General and the Inspector General's Report.

Within 7 days of receiving an Arbitration Request Form, the State's Attorney's Office shall provide a copy of the Arbitration Request to the Inspector General, Recorder Compliance Administrator, and Plaintiffs' Class counsel.

The State's Attorney's Office-Civil Action Bureau shall notify one of the arbitrators on the Arbitration Panel of his or her selection within 14 days of receipt of your Arbitration Demand Form by sending a copy of the Arbitration Demand Form and accompanying documents. Arbitrators shall be selected on a rotating basis from an established panel of arbitrators approved by the Court.

The Arbitrator will send written notice of his or her selection and a proposed arbitration schedule within ten (10) days of being notified of her or his selection. The exchange of information by the parties through discovery and the arbitration should be completed within 120 days of the selection of the Arbitrator. You and the Recorder, with the Arbitrator's approval, can agree to extend the time for completing the arbitration.

You must pay a \$100 filing fee to the arbitrator within **ten days** of the date that the arbitrator issues his or her confirmation of selection as arbitrator. You and the State's Attorney's Office will receive a confirmation receipt of the filing fee. If you are found to be the prevailing party, the arbitrator shall award you the \$100 filing fee along with any other reasonable relief.

The arbitrator's fees and any costs of administration in excess of \$100 shall be paid by the Recorder. The proceedings may be electronically recorded at the request of either party, the cost of which will be paid by the requestor. Either party is responsible for the costs of compensating its own witnesses and the costs of any transcript, if desired. You may appear on your own

behalf, be represented by an attorney, or be represented by any other representative of your choice.

The Arbitrator must issue a written decision within **30 days** of completing the arbitration hearing.

You or the Recorder may file a motion to vacate, modify, or correct the Arbitrator's award as provided under the Illinois Uniform Arbitration Act, 701 ILCS 5/11-5/15, before the judge whom the *Shakman*, 69 C 2145 case has been assigned, within **90 days** after delivery of a copy of the award to you.

If you proceed under the Arbitration Process, you waive any and all rights you may otherwise have arising from the alleged violations of the Consent Decrees or the SRO set forth in your written Arbitration Request Form.

Instructions for Completing the Post-SRO Complaint Form

Post-SRO Complaint Forms should include as much detail as possible about your claim that you were a victim of unlawful political discrimination in connection with any aspect of employment with the Recorder.

If you submit a Post-SRO Complaint Form, you must attach any supporting documentation in your possession to the Post-SRO Complaint Form. This includes documentation supporting any damages claim. However, a lack of documentation will not bar a claim.

The Post-SRO Complaint Form and these instructions should not be construed as legal advice. The Recorder Compliance Administrator is not able to provide legal advice about whether you should pursue any remedies under the SRO or in a court of law. Class Counsel are not able to provide you with legal advice about whether you should file a claim. If you wish to file a Post-SRO Complaint, you may consult with a lawyer of your choice about whether to submit a Post-SRO Complaint to the Inspector General.

Class Counsel recommend that you send your completed Post-SRO Complaint Form to the Inspector General via certified mail, return receipt requested, and keep a copy of the Form and of any documents that are sent with them.

Send completed SRO Complaint Forms to: Cook County Office of the Independent Inspector General, 69 W. Washington Suite 1160, Chicago, IL 60602-3007.

FORM 3

POST-SRO COMPLAINT FORM

SUPPLEMENTAL RELIEF ORDER FOR COOK COUNTY RECORDER OF DEEDS ("SRO")

Entered in *Shakman, et al. v. Democratic Organization of Cook County, et. Al*
(the "Shakman Case")

Date: _____

To: Cook County Office of the Cook County Independent Inspector General
69 W. Washington
Suite 1160
Chicago, Illinois 60602-3007

I, hereby declare, under penalty of perjury pursuant to the laws of the United States, as follows:

- 1. **Address:** _____

- 2. **Telephone:** _____
- 3. **Social Security Number:** _____
- 4. **Date(s) of Violation(s):** _____
- 5. **Current Position with the Recorder:** _____
- 6. **If Not Employed with the Recorder, State Last Position with the Recorder and Last Date of Employment, or Dates Applied for Employment:**

- 7. **Recorder Department or Agency Involved:** _____

9. **What Damages Did You Suffer and What Relief Are You Seeking:** (Include as much detail as possible about your damages and the amount you believe you are entitled to recover. For example, the following are examples of the sort of damages that might be applicable: lost wages, lost overtime, increased time and expense caused by being reassigned to a new location, etc.)

10. **Total Amount of Money Damages Sought:** \$ _____

11. **Documents that Support Your Claim:** (Identify any documents you believe support your claim of political discrimination and attach copies if the documents are in your possession.)

12. **Have you filed a grievance or lawsuit about any of the events listed in your Post-SRO Complaint in any court, administrative agency or before any other entity?** If yes, please explain, including case number, court or agency. Also, state the status or outcome of the claim, grievance, or lawsuit.

(Signature of SRO Complainant)

SUBSCRIBED AND SWORN to

before me this ____ day of _____, 20__.

Notary

Exhibit V.A.5

**NOTICE OF RIGHTS
POST-SRO COMPLAINTS AND ARBITRATION**

Pursuant to the

SUPPLEMENTAL RELIEF ORDER (“SRO”)

**Entered in *Shakman, et al v. Cook County Recorder of Deeds, et al*
(the “Shakman Case”)**

If you believe that you have been subjected to unlawful political discrimination in connection with hiring, promotion, overtime or any other aspect of employment with the Cook County Recorder of Deeds *after September 14, 2010*, you may seek relief for the alleged unlawful political discrimination as described below.

This Notice of Rights document should not be construed as legal advice. The Recorder Compliance Administrator is not able to provide legal advice about whether an individual should pursue any remedies under the SRO or in a court of law. Class Counsel in the *Shakman Case* (that is, the lawyers who represent the named plaintiffs and classes of plaintiffs in this case) are not able to provide individual legal advice about claims to persons who may wish to file claims.

You may consult with a lawyer of your choice and at your own expense about whether you should pursue any remedies under the SRO or any other rights you may have either through the SRO or in court.

I. What Happens Now that I Have Filed a Post-SRO Complaint (Form 3)?

For details regarding the Post-SRO Complaint process, please review Section V of the SRO, which is posted on the Recorder’s website, www.ccrd.info. A summary of the Post-SRO Complaint process is set out below.

The Inspector General is responsible for investigating all timely SRO Complaints (within 180 days that you knew or should have known of the alleged unlawful conduct). Once you submit a Post-SRO Complaint Form to the Inspector General, a copy will be provided to the Recorder Compliance Administrator. All Post-SRO Complaints are otherwise confidential and will not be disclosed to anyone other than the Court except as provided for in the SRO.

The Inspector General will investigate Post-SRO Complaints expeditiously. The Inspector General will attempt to complete its investigation within 180 days after it receives a Post-SRO Complaint. If any investigation is not completed within 180 days after its receipt, the Inspector General will notify you of the reasons for its failure to complete the investigation within 180 days.

At the conclusion of the investigation, the Inspector General will report in writing the results of its investigation to you, the Recorder’s Compliance Administrator, Class Counsel, and the State’s Attorney’s Office. If the Inspector General finds that impermissible political factors were

considered in an employment decision, the Inspector General's report will include the names of all individuals who, according to its investigation, were victims of unlawful political discrimination in connection with any aspect of government employment with the Recorder and the individuals responsible for such discrimination. A copy of the Inspector General's report will be sent to you with an a Request for Settlement Conference Form (Form 4).

II. What Happens After the Inspector General Issues its Investigative Report?

You have 30 days after you receive the Inspector General's Report to submit a Request for Settlement Conference Form (Form 4) to the State's Attorney's Office-Civil Action Bureau. Please note that you **must** participate in a settlement if you would like to seek any form of relief for any claims of unlawful political discrimination. Said differently, you cannot file a lawsuit or an arbitration demand without first participating in a settlement conference.

III. Mandatory Settlement Conference

If you file a Post-SRO Complaint Form with the Inspector General, you must participate in a mandatory settlement conference before you can seek relief through arbitration or a federal lawsuit. Within **30 days** of receiving the Inspector General's Report, you must submit a Settlement Conference Demand Form (Form 4) to the States-Attorney's Office-Civil Action Bureau.

Within **60 days** from the date upon which the State's Attorney's Office receives a Request for Settlement Conference, the State's Attorney's Office and you must hold an in-person Settlement Conference. The time for conducting this settlement conference can be extended by agreement between you and the State's Attorney's Office. Any statements made and the positions taken during the Settlement Conference cannot be disclosed in any later arbitration or federal action. You may receive a settlement offer at the discretion of the Recorder or State's Attorney's Office. Settlement offers may include, but are not limited to, monetary damages, reinstatement, or other equitable relief. If you accept this offer, the Inspector General, Recorder Compliance Administrator and Plaintiffs' Class Counsel will receive copies of the executed settlement agreements. You and the State's Attorney's Office can continue settlement discussions by agreement.

If you do not accept the settlement offer or the settlement discussions have reached an impasse, and you still wish to proceed with your claim, you must either submit an Arbitration Request Form (Form 5) or file a lawsuit **within thirty (30) days** of the termination of the settlement conference procedures.

IV. Choosing Arbitration or a Lawsuit

If you are unable to reach a settlement with the Recorder and State's Attorney and would still like to pursue a remedy for your claim of unlawful political discrimination, you may either submit your claim to arbitration under the Post-SRO Arbitration Procedures or file a lawsuit. If you submit a Post-SRO Complaint to the Inspector General, you may not file a federal lawsuit until after the Inspector General issues a report and you participate in a mandatory settlement conference. Once you submit a Post-SRO Complaint Form, however, this will toll the statute of

limitation on any claims up until the end of the settlement conference (which is explained in more detail below).

There are important statutes of limitation that set important deadlines for filing federal lawsuits regarding allegations of political discrimination in Recorder employment. For example, lawsuits seeking to enforce the SRO without first submitting a Post-SRO Complaint Form to the Inspector General must be filed within 180 days after the alleged victim knew or should have known of the alleged unlawful conduct. To facilitate negotiations, the parties agreed that the running of any statutory time limitations periods were stayed and tolled as of May 25, 2007. The tolling applies to all legal or equitable time-based defenses and doctrines for violations of federal and state law, and court orders entered in this case based on claims of political discrimination in connection with any term or aspect of governmental employment with the Recorder or defenses thereto. The tolling will be lifted at Final Approval of the SRO but will not affect any claims which may have expired between the date of Final Approval and the date of Opt Out. Class members who elect to pursue a remedy outside of the SRO should act quickly to protect whatever rights they may have.

These statements should not be construed as legal advice. You may consult with a lawyer of your choice about what decisions to make in this area. Neither the Recorder Compliance Administrator nor Class Counsel in the *Shakman* Case (that is, the lawyers who represent the named plaintiffs and classes of plaintiffs in this case) are able to provide legal advice about whether an individual should pursue any remedies under the SRO or in a court of law.

V. The Arbitration Procedure

For details regarding the Post-SRO Arbitration Process, please review Section V of the SRO, which is posted on the Inspector General's website, the Recorder Compliance Administrator's website, and the Recorder's website, www.ccrd.info. A summary of the Post-SRO Arbitration Process is set out below.

The Arbitration Request Form (Form 5) must be received by the State's Attorney's Office-Civil Action Bureau or be post-marked by a United States Post Office within **30 days** after the completion of the settlement conference process. Completed Arbitration Request Forms should be sent to:

State's Attorney's Office-Civil Action Bureau
500 Richard J. Daley Center
Chicago, Illinois 60602

The Arbitration Request should include as much detail as possible to inform the State's Attorney's Office of the claim being asserted and the conduct that is alleged to violate the SRO and the relief sought. The Arbitration Demand must also include:

- (1) a copy of the Post-SRO Complaint Form you submitted to the Inspector General to start the investigation **and**
- (2) a copy of the Inspector General's Report you received at the end of the investigation.

Timing of Arbitration. After you submit your Arbitration Demand Form, the State's Attorney's Office will notify the arbitrator within **14 days** of receipt of this form by sending the Arbitrator a copy of the Arbitration Demand and accompanying documents. Within **10 days** of receiving this notice, the Arbitrator will send you and the State's Attorney's Office confirmation of her or his selection and a proposed arbitration schedule. Arbitrators shall be selected on a rotating basis from an established panel of 6 arbitrators approved by the Court. The proposed arbitration schedule will provide time for the parties to exchange documents and information and the arbitration should be completed within **120 days** of the selection of the Arbitrator. The arbitration hearing will be scheduled at a time mutually selected by you, the Recorder and the Arbitrator. Failure to complete the arbitration within 120 days, however, will not affect the validity of the Arbitrator's award.

Arbitration Costs. You must pay a \$100 filing fee within ten (10) days of the date the Arbitrator issues his or her confirmation of selection as arbitrator. If you are found to be the prevailing party, the Arbitrator shall award you the \$100 filing fee along with any other relief. The Arbitrator's fees and any costs of administration in excess of \$100 will be paid by the Recorder. The proceeding may be electronically recorded at the request of either party, the cost of which will be paid by the requestor. Each party is responsible for the costs of compensating its own witnesses and the costs of any transcript, if desired. You may appear on your own behalf, be represented by an attorney, or be represented by any other representative of your choice.

Governing Rules. The arbitration shall be governed by the Illinois Arbitration Act, 710 ILCS 5/1, *et seq.* and the Arbitrator shall have all powers conferred by the Act.

Arbitrator's Decision. The Arbitrator will issue a written decision within 30 days of the completion of the arbitration hearing. The Arbitrator has no authority to modify any provision of the Recorder's Hiring Plan or the SRO.

Attorney's Fees. If you are found to be the prevailing party, the Arbitrator's award will include your reasonable attorneys' fees and costs as determined by the Arbitrator. Attorneys shall be compensated at the rates set forth in the Cook County Resolution for the appointment of Special State's Attorneys in effect at the time of the arbitrator's decision. For additional information governing the award of attorney's fees, see Section V of the SRO. Post-SRO Complainants may petition the Court for additional attorneys' fees in special circumstances, such as where the issues presented were complex justifying compensating the Post-SRO Complainant's attorneys at a higher rate. Awards shall be paid by Cook County.

Finality of Decision. The Arbitrator's decision is final and binding upon all parties. You or the Recorder may file a motion to vacate, modify, or correct the Arbitrator's award as provided under the Illinois Uniform Arbitration Act, 710 ILCS 5/115/15, inclusive, before the judge to whom the *Shakman*, 69 C 2145 case has been assigned, within **90 days** after the Arbitrator's decision is issued.

Waiver. If you participate in this Arbitration Process, you waive any and all rights you may otherwise have arising from the alleged violations of the SRO set forth in your written Arbitration Demand Form.