

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

MICHAEL L. SHAKMAN, et al.,)	
)	
Plaintiffs,)	
)	No. 69 C 2145
v.)	
)	Hon. Sidney Schenkier
COUNTY OF COOK, et al.,)	
)	
Defendants.)	

**AGREED ORDER TO AMEND
COOK COUNTY RECORDER OF DEEDS' EXEMPT LIST**

Pursuant to the Supplemental Relief Order for the Cook County Recorder of Deeds, the parties agreed to enter the attached Amended Exempt List with corresponding Job Descriptions.

It is hereby ordered:

The attached Amended Exempt List, agreed by the Parties as of November 28, 2012 is approved and entered by this Court.

Dated: November 29, 2012



 Sidney Schenkier
 Presiding Magistrate Judge

EXHIBIT A

Exhibit A
Positions deemed *Shakman* Exempt for Recorder

The following employment positions listed herein are deemed Exempt¹ in accordance with the *Shakman* Consent Decree. Exempt Positions may be added, deleted or modified subject to the procedures of paragraph II. G of the September 14, 2010 Supplemental Relief Order or as otherwise agreed by the parties.

The following employment positions are deemed Exempt:

- | | |
|---|------------------|
| 1. Chief Deputy Recorder | Post Id. 9501858 |
| 2. Deputy Recorder | Post Id. 9501907 |
| 3. Deputy Recorder | Post Id. 9501859 |
| 4. Special Assistant to the Recorder – Government Affairs | Post Id. 9501863 |
| 5. Special Assistant to the Recorder – Civil Affairs | Post Id. 9501887 |
| 6. Labor Counsel | Post Id. 9501866 |
| 7. Counsel for Recorder’s Office | Post Id. 9501885 |

¹ A position deemed Exempt is a Cook County Recorder of Deeds employment position that is included on this Exempt List and meets the criteria for exempt status as provided in the *Shakman* Consent Decree, i.e., it is a job that “involves policy making to an extent or is confidential in such a way that political affiliation is an appropriate consideration for the effective performance of the job and that therefore hiring for or discharge from the job should be exempt from inquiry...”

EXHIBIT B

**EXEMPT POSITION HIRING PROCESS FOR
COOK COUNTY RECORDER OF DEEDS**

I. DEFINITIONS

A. Applicant: A person who has submitted an online application to the Department of Human Resources (“HRD”) for a Position.

B. Applicant Tracking and Application System (“ATAS”): The electronic employment application system used in the hiring of the Recorder’s employees.

C. ATAS: See Applicant Tracking and Application System.

D. CA: See Compliance Administrator.

E. Compliance Administrator (“CA”): The Recorder’s Shakman Compliance Administrator appointed pursuant to Section I of the SRO.

F. Consent Decree: The “Judgment Entered Upon Consent of Cook County Recorder of Deeds” in 1992 between plaintiffs and the Recorder in *Shakman, et al. v. the Democratic Organization of Cook County, et al.*, Case No. 69 C 2145.

G. Content Librarian: The HRD employee trained to prepare accurate Job Descriptions and develop and enter Notices of Job Opportunity in compliance with ATAS’ protocols and guidelines.

H. Department: A unit of the Recorder, including, but not limited to, a division, unit or section.

I. Director of Compliance: The Recorder employee in charge of compliance who shall perform all tasks and responsibilities as described in this Exempt Position Hiring Process and as may be assigned from time to time.

J. Exempt List: The list of all Exempt Positions, as such list may be amended from time to time as provided in this Exempt Position Hiring Process.

K. Exempt Position: A Recorder employment position that is included on the Exempt List because the degree of policy involvement or confidentiality of such position make political affiliation or activity appropriate requirements for the effective performance of the position as set forth in the Consent Decree.

L. HRD: See Human Resources Department.

M. Human Resources Department (“HRD”): The Department of Human Resources of the Recorder.

- N. Job Code: A code assigned to each job title.
- O. Minimum Qualifications: The specific minimum qualifications that an Applicant must possess to be considered for employment in a Position.
- P. Non-Exempt Position: Any Position that is not included on the Exempt List.
- Q. Notice of Job Opportunity: The publicly available written notice of a Position opening.
- R. Plaintiff's Counsel: The legal counsel to plaintiffs in the Shakman Case.
- S. Position: Any probationary, temporary, part-time, full-time, permanent, temporary or any other post of employment with the Recorder.
- T. Position Identification Number: The unique number assigned to a Position by Cook County.
- U. Recorder: The Cook County Recorder of Deeds.
- V. Shakman Case: Shakman et al. v. Democratic Organization of Cook County, et al., United States District Court for the Northern District of Illinois Eastern Division Case Number 69 C 2145.
- W. SRO: See Supplemental Relief Order.
- X. Supplemental Relief Order ("SRO"): The Supplemental Relief Order for the Recorder agreed to by the Recorder, and approved on September 14, 2010, in the Shakman Case.

II. EXEMPT POSITION HIRING PROCESS

A. Hiring Process. In order to document that all persons employed in Exempt Positions possess the Minimum Qualifications for the Exempt Position in which they are being placed, the following process will apply to the hiring of all individuals in Exempt Positions:

1. Creation of Job Description. The Head of the Recorder's Human Resources Department ("HRD") shall create a current and accurate Job Description containing a list of all Minimum Qualifications for each Exempt Position and, if applicable, Preferred Qualifications, as well as a description of the knowledge, skills, and abilities relating to each Exempt Position, provided HRD will confirm that any such Minimum Qualification, Preferred Qualification and knowledge, skills and abilities are, in fact, related to the Position's requirements. HRD shall post all Exempt Job Descriptions on the Recorder's website, when feasible.

2. Entry of Job Description on Applicant Tracking and Application System. When feasible, the Recorder shall enter the Exempt Job Descriptions on the Applicant Tracking and Application System ("ATAS"), and the Content Librarian shall create a Notice of Job Opportunity for all Exempt Positions on ATAS and as approved by the Head of HRD; entry on ATAS of the Exempt Position does not require public posting for Exempt Positions. The Head of HRD or his or her designee will provide written copies of all completed Notices of Job Opportunity for all Exempt Positions to the Director of Compliance and the Compliance Administrator, while acting, within five days of receipt.

3. Submission and Screening of Application. The individual selected to fill the Exempt Position shall complete an employment application on ATAS when feasible, but until then, in paper form. The Head of HRD shall review the application and confirm that the individual possesses the Minimum Qualifications and, if applicable, any licenses or certifications, required for the Exempt Position. If the individual does not possess the Minimum Qualifications or any applicable required license or certification, he or she shall not be placed in the Exempt Position.

4. Interim Process. Until it is feasible for the Recorder to enter Exempt Positions on ATAS, the Recorder will post Job Descriptions for all of its Exempt Positions on the Recorder's website within fourteen (14) days of this hiring process being entered with the court in the Shakman Case. After screening pursuant to Section II.A.3 above, the Head of HRD shall certify in writing that any individual selected to fill an Exempt Position meets the Minimum Qualifications and, if applicable, possesses any licenses or certifications required for the Exempt Position. Such certifications shall be completed within five (5) business days of an individual becoming a Recorder employee in an Exempt Position and a copy of such certifications shall be provided to the Director of Compliance, the Head of HRD, and the Compliance Administrator, while acting.

5. Confirmation of Exempt Position. Prior to the hiring of an Exempt Applicant, the Head of HRD shall obtain written confirmation from the Director of Compliance that the Position Identification Number and the Position Title for the Exempt Position is contained on the Exempt List.

B. No Other Specific Selection Process Required. Except as specifically provided in this Exempt Position Hiring Process, the Recorder and HRD are not required to follow any other selection process in filling an Exempt Position and may consider any factor in making his or her and its decision, so long as it is not an illegal factor.

C. Changes to Exempt List. The Recorder may from time to time change the Exempt List by adding Exempt Positions, deleting Exempt Positions, or amending the titles of Exempt Positions contained on the Exempt List. Such changes will be made as follows:

1. Request to Change. The Recorder or his or her designee shall send written notice of any proposed change to the Exempt List, along with supporting documentation, including but not limited to (a) the identity, Job Code and Position Identification Number of the Exempt Position (including a copy of the current Job Description) and (b) a

description of the basis on which the change is proposed to the Director of Compliance. Until the effective date of a court order terminating the SRO, a copy will also be sent to Plaintiff's Counsel and the Compliance Administrator, while acting. The Director of Compliance shall provide a written approval or objection to the proposed change within ten (10) days of receipt. If the Director of Compliance provides an objection to the change, the Recorder or his or her designee and the Director of Compliance will then meet to discuss the matter. If the Director of Compliance does not rescind his or her objection following such discussion, the proposed change will not be implemented unless otherwise approved by a court of competent jurisdiction.

2. Notice to Plaintiffs' Counsel. Until the effective date of a court order terminating the SRO, if the Compliance Administrator approves the proposed change, the Recorder shall send confirmation of the Director of Compliance approval to the Plaintiffs' Counsel. Proposed changes to the Exempt List will not be implemented until after five (5) business days of providing confirmation of the Director of Compliance approval to the Plaintiffs' Counsel. If Plaintiffs' Counsel sends a written objection of the proposed change to the Exempt List to the Head of HRD, Recorder and Director of Compliance within five (5) days of the Recorder providing notice of the Director of Compliance's approval of the Exempt change, the Position will not be placed on the Exempt List and the matter shall be referred to the Compliance Administrator, while acting, for a recommendation and then to the court having jurisdiction in the Shakman Case for final resolution. Upon objection by the Plaintiffs' Counsel, the Exempt List will not be changed until final resolution by the court.

D. Posting of Exempt List. The Recorder will post the then-current Exempt List at HRD Headquarters, at Recorder satellite offices and on the Recorder's website (on which the Recorder's Annual Appropriation Ordinance is accessible). The postings will include (i) the name of the Department to which the Exempt Position is assigned, (ii) the job title and Position Identification Number, (iii) the name of the incumbent, and (iv) the grade level. A copy of the Recorder's then current year's Annual Appropriation Ordinance will also be posted on the Recorder website. The Recorder will repost and update the Exempt List within ten (10) days of the occurrence of any applicable change made pursuant to this Exempt Position Hiring Process.

E. Removal. A Recorder employee holding an Exempt Position may be terminated or subject to any action covered by this Plan for any reason or without reason, so long as it is not an illegal reason.

F. Maintenance of Exempt Position Status. Any Recorder employee who is appointed to an Exempt Position shall continue to be considered exempt, even if subsequently placed into a Non-Exempt Position, and his or her exempt status shall not change unless he or she is subsequently hired into a Non-Exempt Position that is filled through the General Hiring Process.