

EXHIBIT A

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RE: Recorder Proposal to Reorganize HRD

Dear Jim:

Thank you for your correspondence concerning the Recorder's proposal to reorganize the Human Resources Division ("HRD"). I very much appreciate the Recorder's recognition that a strong, professional, effective HRD is vital to reaching Substantial Compliance as it is key to ensuring long-term prevention of the use of impermissible political considerations in covered employment actions. I also appreciate the tone and content of the discussions we have had on this issue thus far.

I have carefully considered the Office's proposal to add an exempt HRD Chief, revise the job description for the Director of HRD, and tweak some job descriptions for other members of the HRD staff. As we discussed last week, in concept, I am not opposed to these changes. In practice, however, I must view the proposal with a focus on not just the *positions* at issue (as the Recorder's Office has urged me to do), but the reality of the intended effect on the *employees* currently filling those positions given the proscriptions contained in the various governing documents as well as the precedent set by this Office.

The lengthy discussions between our offices have centered on the proposed changes to the job description for the Director of HRD, a position currently occupied by [REDACTED]. The Recorder proposes eliminating nearly all of the high level "essential job duties" (and well over half of all job duties) assigned to [REDACTED] under his current job description, which this administration created for him in June 2013. [REDACTED] no longer would have responsibility for, among other things, developing and directing the implementation of HRD goals, policies and procedures; administering employee relations programs; assisting with procedures related to employee grievance and dispute resolution; advising the Recorder and executive staff members

on sensitive and complex personnel matters; ensuring the duties assigned to the Head of HRD in the Plan are fulfilled including conducting training and revising the policy manual; assessing and communicating human resources needs; and recommending organizational changes.

Of critical importance is that none of the duties the Recorder proposes taking from ██████████ is being eliminated from the Office. These duties, which are indispensable to the operation of a robust human resources department, are instead to be transferred to the proposed new HRD Chief. This fact, along with (among other things) the Office's willingness to allow ██████████ to simply not perform many of the above listed duties; its reluctance and, at times, refusal to discipline ██████████ for significant performance errors; its acknowledgement in court proceedings that HRD needs professionalization; and the Recorder's acknowledgment to me on more than one occasion that ██████████ is "not an HR guy", lead me to believe that the reason for the transfer of such duties is that ██████████ is not capable of performing them.

This is one of three main concerns I have with the proposed reorganization: It appears as though ██████████ is being treated differently from other Non-Exempt employees despite being covered by the same policies and procedures. This administration's response to others' poor work performance has been to discipline, suspend and even terminate them, not revise their job descriptions or reorganize their departments to accommodate their shortcomings. This is deeply problematic under the Plan and Manual.

My second main concern is the Office's justification for the proposed reorganization, namely that ██████████ job duties have increased so much due to Plan-related duties that there is a need for a Chief to take over these duties. As an initial matter, the proposal is not merely to remove oversight for certain Plan functions, but to remove nearly all of his high level duties without a concomitant decrease in title or pay. More to the point, a similar justification was used to gain approval in 2013 to hire an Executive Assistant for ██████████ and is not supported by ██████████ own account of his day-to-day activities.

On this latter point, as you know, in May of this year, ██████████ required all HRD employees (including ██████████) to complete daily job duties logs for a two-week period ending May 29th. A review of the logs indicates days that ██████████ performed virtually no or limited work. For example, on May 15, he had one single entry for the entire day ("instructed ██████████ to call DOC candidate"). On May 18th, he and his Executive Assistant reported that they spent a combined 12 hours working on a single, pre-approved Cashiering Posting that should not have taken them more than a couple of hours. Other days he had hour slots completely unaccounted for or spent several hours moving files and cabinets. Just in this two week period of time, there seemed to be huge swaths of time that ██████████ had available to him to perform Plan-related and other duties assigned to him under his current job description.

This leads me to my third main concern, which I have articulated on a number of occasions: I still struggle to see how the proposed Director of HRD Job Description, which largely consists of one-time, infrequent or non-labor intensive tasks (with the exception of desk audits), could constitute a full-time position for ██████████. I appreciate your sincere efforts to alleviate this concern in your correspondence and during our discussions, but it again was heightened after reviewing the HRD logs which indicate his current, more numerous and complicated duties do not seem to fully occupy his time.

Although for these main reasons I, unfortunately, cannot offer support for the Recorder's current reorganization proposal, I am committed to offering my assistance in exploring other ideas that would ensure the Recorder's HRD is sufficiently professional and robust to help move

it toward Substantial Compliance. The Recorder, for example, could engage an independent contractor with substantial experience in human resource management and organization to provide input and guidance on any future proposals. In fact, one of the reasons the Office has given for wishing to hire an HRD Chief is that it needs a person with such expertise to help it assess the needs of HRD including with respect to [REDACTED]. An independent contractor with the requisite HR experience could serve that same function, although he or she, of course, could not perform any substantive duties assigned to others in HRD.

As the Office previously acknowledged, such an assessment (whether performed internally or externally) may lead to the conclusion that [REDACTED] does not have the skills to adequately perform all the duties in his job description and to ensure the professional and robust HRD necessary to achieve Substantial Compliance. I understand from a prior conversation with the Recorder's outside counsel that this would be a difficult reality for the Recorder in light of her belief in the value of [REDACTED] institutional knowledge. It is important to note that such knowledge could be retained through an independent contractor relationship with [REDACTED].

Thank you again for your continued engagement on this important subject. Please let me know if you would like to discuss.

Sincerely,

A handwritten signature in cursive script that reads "Cardelle B. Spangler" followed by a large, stylized flourish and the letters "cx." to the right.

Cardelle B. Spangler
Recorder Compliance Administrator