

EXHIBIT A

MEMORANDUM

DATE: NOVEMBER 25, 2008
TO: MARA GEORGES, TONY BOSWELL, DAVID HOFFMAN, JAMIE RHEE,
HOMERO TRISTAN
CC: JOE GAGLIARDO
FROM: NOELLE BRENNAN
RE: SUBSTANTIAL COMPLIANCE

I have been asked to put together a list of items that I envision will be complete before the City is "substantially compliant" with the requirements outlined in the *Accord*. The *Accord* defines substantial compliance as the following:

- 1) the City has implemented the New Plan, including procedures to ensure compliance with the New Plan and identify instances of non-compliance;
- 2) the City has acted in good faith to remedy instances of non-compliance that have been identified, and prevent a recurrence;
- 3) the City does not have a policy, custom or practice of making employment decisions based on political factors except for positions that are exempt under the *Accord*;
- 4) the absence of material noncompliance which frustrates the *Accord*'s essential purpose. The [Monitor] and the Court may consider the number of post-*Accord* complaints that the Inspector General found to be valid. However, technical violations or isolated incidents of noncompliance shall not be a basis for a finding that the City is not in substantial compliance; and
- 5) the City has implemented procedures that will effect long-term prevention of the use of impermissible political considerations in connection with City employment. *See Accord*, Section I.G. (8).

See pages 11-12 of *Accord*.

After consultation with the Plaintiffs and the Court, the following is a list of items that we have identified that the City must complete before being deemed substantially compliant with the terms of the *Accord*. Some of the items included may be in progress already and/or completed. Many of these items have been under discussion for a period of time. If you believe any particular item is problematic and/or otherwise raises a concern, please feel free to discuss it with our office.

1. Establish and Implement Effective Anti-Patronage Policy

2. Discipline:
 - A. Issue appropriate discipline for past violations of *Shakman* Decree (independent of any action or investigation taken by the IG)
 - B. Create accountability and consequences for violations of Hire Plan, including issuance of discipline
3. Achieve a fully functioning and integrated Office of Compliance with both the authority and independence envisioned (as explained in the City's various Court filings) during the negotiation of the Hire Plan.
4. Department of Human Resources:
 - A. Create System for Ensuring DHR's independence from the Mayor's Office and Department of Law.
 - B. Complete Independent Job Analysis of all current job titles to ensure accurate job duties, appropriate minimum qualifications and screening/hiring criteria.
 - C. Post Job Descriptions for all current City job titles, including minimum qualifications and job duties on City's website.
 - D. Complete and implement comprehensive list of job titles that will use testing as part of hiring and include information in job posting.
 - E. Implement uniform testing practices including: creation of minimum, predefined threshold passing test scores; creation of library of validated, standardized test questions; and provision of test scores.
 - F. Provide comprehensive periodic training to DHR employees regarding DHR's role as gatekeeper of hiring process, including need for independent verification of hiring justifications and understanding of potential avenues for manipulation.
 - G. Create an automatic escalation procedure (either through Taleo or another mechanism) to HPCM for any instances of modification of: job descriptions (or job "specifications"); minimum qualifications; and screening/hiring criteria.
 - H. Create an automatic escalation procedure to report to the HPCM any instances in which DHR is asked to or does deviate from its established rules and regulations.
 - I. Determine and file list of interview titles for which DHR will rank order referral lists sent for interviews and list of interview titles for which DHR will randomize list of qualified candidates sent to hiring department.
 - J. Implement system that allows DHR to identify candidates previously fired for cause from the City.

- K. Create a Formal DHR rule prohibiting “Acting-Up” experience to be used to meet minimum qualifications.
- L. Create mechanisms in Taleo that will identify and prevent the use of subjective selection procedures that are subject to manipulation
- M. Work cooperatively with the Office of Compliance to ensure that all appropriate hiring information and/or complaints are forwarded to the Office of Compliance (even those that are submitted to the DHR “ombudsman”)

5. Office of Compliance

- A. Create System for Ensuring OC’s independence from the Mayor’s Office and Department of Law
- B. Implement system whereby OC reports publicly on 1. the number of reviews/investigations conducted; 2. the recommendations provided; and 3. the number of instances in which the recommendations were followed or rejected. In instances where the recommendations were rejected, the reason(s) for such rejections.
- C. Implement system whereby OC reports publicly on its Review and Audit of Hiring Data pursuant to XIII.F and reports publicly regarding its obligations under XIII.H, I and J of the Hire Plan.
- D. Draft Memorandum of Understanding detailing OC’s authority to “oversee[] the New Plan’s compliance and governance system.”
- E. Encourage all City departments to work cooperatively with OC and utilize expertise of that office.
- F. Complete transition of the Monitor’s duties and role to the Office of Compliance.

6. Identify and fill gaps in current Hire Plan

- A. Prepare and Implement Chicago Police Department Hire Plan
- B. Prepare and Implement Chicago Fire Department Hire Plan
- C. Prepare and Implement proposed Professional Hire Plan
- D. Revise Senior Manager Hiring Plan
- E. Finalize Department of Law and Office of Compliance Hire Plans
- F. Revise Student Hire Plan
- G. Implement a formal policy governing the use of “Detailing”
- H. Implement a formal policy governing the use of voluntary and involuntary transfers (both inter-department and intra-department)
- I. Implement a formal policy to prevent the reclassification process being used to circumvent procedures regarding promotions
- J. Implement a formal policy governing job assignments, including processes for auditing job assignments to ensure assignments are made on a non-political basis
- K. Identify any other problems, gaps and/or inconsistencies in Hire Plan and remedy same

7. Formalize a rule, including consequences for violations, prohibiting the use of contractors to subvert hiring rules.
8. Formalize a rule, including consequences for violations, prohibiting the use of 501(c) entities to subvert hiring rules.
9. Provide Annual Training for Non-Political Hiring
10. Create process whereby any modifications to Hire Plan must be approved by the IG and OC (or their respective designees) and by the City Council.
11. Any motion for substantial compliance filed with the Court shall include assertions from the Office of Compliance and the Law Department that the City is “substantially compliant” with non-political hiring process.