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12TH EPO SEMI-ANNUAL REPORT

Dear Ms. Carey and Inspector General Blanchard:

This is my 12th semi-annual report issued pursuant to Section IV.C.2 of the Cook County Health (CCH) Employment Plan (Plan). This report covers my office’s training, monitoring, auditing, and investigative activities from January 1 through June 30, 2020. Please note that due to the COVID-19 Pandemic and resulting diversion of resources to handle the pandemic, my office did not get to complete several audits that were in process, placed many investigations on hold, and many monitoring efforts were at a stand-still or slow trickle for a few months.

TRAINING

In previous reports, I have extensively outlined the multiple Plan training sessions that my office conducts; they are: (1) Employment Plan Training; (2) Employment Plan Interviewer Training; (3) Supplemental Policies & Procedures Training; and (4) Human Resources (HR) Annual Plan Training. With the exception of the HR Annual Plan Training, all trainings are provided online annually after all managers have been initially trained in a classroom course.

The following chart outlines the classroom trainings conducted by my office during this reporting period:

	Number of Sessions	Employees Trained
Interviewer/Hiring	6	23
Supplemental Policies	6	24
HR - Annual	0	0

During the previous reporting periods, it was noted that our Supplemental Policies and Procedures training would be changing and that Discipline Policy training would occur separately from the other Supplemental Policies. Due to forces outside our control, i.e. the COVID-19 Pandemic, we did not get the chance to implement that change. Discipline Policy training will continue to be a part of the Supplemental Policies training for the foreseeable future.

MONITORING

Hiring

During this reporting period, HR worked approximately 230 requisitions (sometimes representing multiple vacancies per requisition)¹. Of those approximately 230 requisitions posted, my office monitored (in various and often multiple stages) 30% of those. The decrease in numbers from the last several reporting periods (of both what was posted by HR as well as how much was monitored by my office) is the direct result of two major events this year. The first was concerted effort to reduce a budget gap by slowing the hiring of vacant positions to only those most needed for safe patient care, to reduce agency or contractor costs, to increase revenue, or to come into regulatory compliance. This significantly reduced the number of requisitions worked during this reporting period.

The second was the declaration of a National, State, and Cook County emergency due to the COVID-19 pandemic. The requirements to physically distance, minimize utilization of personal protective equipment (PPE) by teleworking, and the unavailability of staff limited our ability to monitor, audit and investigate. CCH employees began to slowly return to a new normal operation starting in early June with remaining staff returning to the worksite by mid-July, after the conclusion of this reporting period.

General and Actively Recruited Positions Hiring

My office monitored the following processes this reporting period: 28 postings; 8 validation (screening) processes; 17 interviews; 14 selection meetings; and 18 Decisions to Hire (DTH). In 10 of the processes monitored, approximately 15% (10 processes) had some action that was non-compliant with the Plan. In each case, management was notified of the error by my office or HR, and all errors were corrected prior to extending offers to the selected candidates.

The area with the most errors or non-compliance with the Plan was the interviewing stage. The most common issue was not using the approved interview questions appropriately by rephrasing the questions to some candidates. However, there were also two instances of collaborative scoring where panel members discussed what score to give a candidate's response. In both instances of collaborative scoring, the panel members were new to the CCH. This was immediately corrected with the panel, and there was no discernable impact in the final results. In each case, communication was sent to the panel and department leadership about how to remain compliant with the Plan processes moving forward.

Advance Clinical Position (ACP)

My office monitored only three ACP positions during this reporting period and no errors were noted during the processes monitored. The ACP process affords department leadership significant flexibility during the hiring process, and is only used for CCH positions which undergo a credentialing process with the Medical Staff Services Department. It is a more difficult process to monitor and audit due to that flexibility, and there are far fewer positions authorized to utilize this process, thus the low number of monitored ACP processes.

¹ This number represents the requisitions publicly posted during our reporting period; however, it does not represent the number of requisitions worked during that same time frame. In addition, this number does not represent the number of positions HR worked to fill during this same time frame, as multiple vacancies may be associated with one requisition number.

Direct Appointments

My office reviews all completed Direct Appointment requests to hire (RTH) pursuant to Plan Section VIII.G.3. This reporting period, the CEO, through HR, submitted 10 Direct Appointment RTHs. In the end, all complied with the Plan requirements and each of the selected candidates were hired. There was one process packet submitted for a Director position which proved difficult to identify if the candidate had the requisition experience and education. This led to an evaluation of the credentials required for the position and the creation of an amended job description which was submitted and approved pursuant to Section VIII.J.² Once the packet was resubmitted for review, the selection was approved and the candidate hired.

A similar process is used when the CEO and Board of Directors appoint someone to a Department, Division or Section Chair of the Medical Departments of the Medical Staff (Plan Section VI.B). HR submitted one Medical Department appointment RTH this reporting period. It complied with the Plan requirements and an internal candidate was promoted.

Executive Assistants

HR did not submit any RTH packets for an Executive Assistant position this reporting period.

Summary

It was an unusual reporting period with far fewer requisitions to monitor and opportunities to monitor positions in process. Nonetheless, although we observed the occasional error made, that is to be expected with such a complex hiring plan; there was no observed pattern of intentional noncompliance with the Plan. In fact, the checks and balances put in place by the Plan proved to work well as HR worked with the departments when errors were made and reported violations to my office when more pervasive or concerning issues arose (of which there were very few during the first six months of 2020). In general, our monitoring efforts focused on assisting management in maintaining compliance during this difficult time which resulted in finding creative ways to maintain compliance with the Plan requirements.

Supplemental Policies

Interim Assignment (#02.01.16)

During this reporting period, HR submitted 34 approvals for Interim Assignment/Interim Pay. Seven of the Interim Assignment approvals were requests from leadership to extend previously approved Interim Assignments. Of the new submissions, one had to be rescinded due to lack of qualifications for the position. The employee did not have the supervisory experience required of the Interim Position.

There were six other packets that had technical errors in need of correction; all were corrected and leadership was able to proceed with assigning the Interim Position. The errors included partial or incorrect justifications, incomplete reasons for vacancy; and attaching the wrong or incomplete documents. These were all easily remedied and each of the individuals met the requirements for the Interim Assignment.

² This section outlines the process for changing the Direct Appointment Positions which includes submission of the changes to the Office of the Independent Inspector General (OIIG) for approval. If the OIIG objects to the change and does not provide approval, the change cannot be made.

Layoff (#02.01.17)

In June, in an effort to close a well documented and publicized budget gap, CCH implemented a layoff of 42 non-union employees. This office monitored the process from start to finish. Senior Leadership impacted by the lay off completed the necessary forms and signed the required No Political Consideration Certifications (NPCC) as did HR who assisted in the implementation. In most cases, the layoff was decided by seniority when there was more than one individual in the position classification within the department. However, in a few cases Senior Leadership exercised its right to use performance and productivity as a deciding factor. The layoff was compliant with the Layoff Policy.

Demotion (#02.01.20)

Although the demotion of one employee was completed during this reporting period, the paperwork was submitted during the autumn of 2019 and documented in the last semi-annual report submitted in February 2020. No additional demotions have been submitted for review nor identified by this office for this reporting period.

Classification of Grade 24 Positions (#02.01.21)

Whenever a new Grade 24 Position is created, HR is required to perform a market study and make a determination of what the salary will be for the newly created Grade 24 Position. This reporting period, three Salary Determination forms were submitted. Overall, there were no concerns with the submitted documentation. However, several new positions were created just prior to and during the COVID-19 pandemic. Due to other priorities during the pandemic, the packets were not submitted with the Direct Appointment RTHs as expected, and this office is working with HR to obtain the additional positions. A review and analysis will be provided during the next report.

Discipline (02.01.15)

Between January and June of 2020, there were approximately 170 Disciplinary Action Forms (DAFs) issued to CCH staff.³ Of these DAFs, approximately 30% were related to tardiness or attendance issues, and 8% were terminations. My office monitored the discipline process by randomly selecting a variety of DAFs to review for compliance with the Discipline Policy. We monitored 50 DAFs which was approximately 30% of the total DAFs submitted. Of those 50, 39 had errors which needed to be corrected such as missing signatures, rule violations or attachments. However, of those, 18 had substantive issues which needed to be corrected then re-issued to the employee in order to come into compliance with the policy. The high percentage of errors and noncompliance noted during this reporting period led to a decision by HR to begin using a revised DAF system-wide. Previously, the revised DAF was tested with 3 departments. During the pilot study, the departments did well, and I anticipate it will correct many of the mistakes and errors found during the random audit of DAFs.

³ This approximated number was generated for the first time using the Oracle EBS system (EBS). It is an approximate number for two reasons: 1) it is probably that not all of the DAFs from this reporting period were entered by the time the report was run; and 2) the reporting from EBS cannot identify discreet DAFS for the same employee receiving multiple DAFs on the same day if the level of discipline is the same.

Ineligible For Hire List:

We made five updates to the Ineligible For Hire List (List) during this reporting period, adding 22 individuals and removing 11. Each were removed because their time on the List expired. There were no appeals submitted during this time frame.

Discipline Audit:

In March, my office continued to audit discipline by department. We audited one of CCH's larger nursing departments. This department was previously audited 2017 and 2018 and had significant noncompliance issues during those audits. This audit was done to determine if improvements were made in the department's implementation of the Discipline Policy. However, due to the pandemic, we were not able to complete the audit in March. Instead, we completed our review at the end of June and are compiling the report now. A detailed analysis will be provided in the next report.

NON-COMPLIANCE NOTICES

When technical violations of the Employment Plan and policies occur and an extensive investigation is unnecessary, my office issues a Notice of Non-Compliance⁴ (Notice) to the manager and Department Head. The Notice alerts management to the issue(s) well as instructions on how to correct or avoid the situation in the future. During this last reporting period, I issued five such Notices sent to three departments.

All but one of the Notices was issued for technical violations of the hiring provisions of the Plan. Three of the Notices were sent for failing to provide the required advance notice of interviews and selection meetings, one for collaborative scoring efforts and not individually the interviewed candidate, and the other was for not following the discipline policy approval process. The one department with multiple violations received additional training related to both hiring and discipline; additional errors have not occurred since the supplemental training was provided.

INVESTIGATIONS

During this reporting period, we received 28 new complaints. Of the 28 complaints filed, 13 were closed during this reporting period, including eight (8) which were forwarded to other department(s) for handling. In all, 19 cases were closed (including the 13 new complaints); summaries provided below.

New Complaints

EPO2020-2: Employee filed a complaint alleging that he had been denied training opportunities previously afforded to other employees in the department. *Pending*.

EPO2020-3: Human Resources reported an employee working outside of the scope of her position under an unofficial position title. *Pending*.

EPO2020-4: Employee filed a complaint alleging that employees from a department other than her own, but with whom she encounters during the course of the performance of her duties, created a hostile work environment and interventions by her department's leadership exacerbated the situation. This matter was referred to Equal Employment Opportunity Team (EEO). **Closed**.

⁴ These Notices of Non-Compliance were formerly referred to as Violation Letters.

EPO2020-5: Anonymous employee submitted a complaint to Corporate Compliance's hotline alleging that an Employee A was working in an area of the department she was not qualified to work in and had been working a lot of overtime. The employee further alleged that Employee A was of the same national origin as the department head and that the department head was "racist." Corporate Compliance referred the submission to both the EPO and EEO. The EPO deferred to EEO regarding the alleged national origin discrimination. An ongoing departmental audit conducted by this office will identify any employees who do not meet the qualifications for their positions. *Pending*.

EPO2020-6. Employee filed a complaint alleging that her department head created a hostile work environment and was not supporting her in operations and the staffing of her area. She further alleged that her supervisor made false accusations against her. *Pending*.

EPO2020-7: Anonymous employee submitted a complaint to the EPO via email alleging that union employees in a specified department were permitted to work through their lunch breaks. There was insufficient information to conduct an investigation or determine that any policy was violated. **Closed.**

EPO2020-8: Employee submitted a complaint to Corporate Compliance's hotline alleging that her manager had been harassing her and created a hostile work environment. The EPO deferred to EEO for handling of the complaint. **Closed.**

EPO2020-9: Employee filed a complaint alleging that she was treated unfairly due to her national origin. She alleged that she had not been hired into any of the internal positions to which she applied despite possessing the qualifications; that she was unfairly disciplined; and that, unlike her colleagues, she was used as a floater rather than being limited to certain work locations. The EPO referred the allegations of discrimination based upon national origin to EEO. The remaining allegations were determined to be duplicative of another pending case. **Closed.**

EPO2020-10: Employee filed complaint alleging that a colleague had sought out details of a personal tragedy she had suffered from sources outside of CCH and shared the information with individuals throughout the worksite. The EPO notified HR and contacted leadership to ensure proper handling. No violation of the Plan or policies alleged. **Closed.**

EPO2020-11: Employee alleged harassment and retaliation following decision not to continue optional second year of training. *Pending*.

EPO2020-12: Employee filed complaint alleging that the department was not implementing recommendations made by the EPO. *Pending*.

EPO2020-13: Employee alleged that her supervisor directed her to perform a duty she was unqualified to perform. The process at issue was changed, the accused has since separated from CCH, and the complaint was withdrawn. **Closed.**

EPO2020-14: Operations Counsel forwarded email correspondence between HR and a department regarding an offer made to a candidate that suggested the department may have had prohibited contact with the candidate prior to the offer. *Pending*.

EPO2020-15: Employee applicant complained that she had applied for a number of positions but had not been invited to interview. **Closed.**

EPO2020-16: Employee filed complaint alleging that another employee in the department was hired despite failing to possess the Minimum Qualifications of the position. *Pending*.

EPO2020-17: Employee filed complaint alleging that training opportunities had not been fairly distributed and this resulted in a denial of the employee's vacation request. *Pending*.

EPO2020-18: Operations Counsel notified the EPO that the department attempted to put an employee on administrative leave based upon a complaint alleging threatening behavior, but that HR had become involved and determined that administrative leave was unwarranted. HR received multiple complaints about conflict in the department and that the recommendation had been made to the department's leadership to evaluate what discipline, if any, was warranted. *Pending*.

EPO2020-19: The Interim CEO forwarded a complaint received that had been filed with the Illinois Department of Human Rights (IDHR) alleging harassment, retaliation and discrimination. The EPO deferred to the EEO for investigation. **Closed**.

EPO2020-20: HR Organizational Development Team forwarded a complaint made by an employee alleging that she was denied a transfer, was being sexually harassed by her supervisor, that she had been disciplined and threatened with a shift change in retaliation for complaining about it. She also alleged that unqualified agency workers received the best work assignments and overtime. The EPO deferred to EEO with respect to the sexual harassment allegations. Complainant indicated at interview that she was not aware of the agency workers' qualifications and indicated that the overtime issue had been resolved. The accused employee has since separated from CCH and complainant withdrew the complaint. **Closed**.

EPO2020-21: FLSA-exempt employee filed complaint alleging that she was required to swipe twice per day and was required to use benefit time to take time off despite routinely working well in excess of 40 hours per week. The complainant verified at interview that the swiping issue had been rectified and the EPO found no violation of the Time & Attendance Policy as it relates to the required use of benefit time. **Closed**.

EPO2020-22: EEO advised the EPO that in the course of one of its investigations, there were allegations of an employee making political phone calls during business hours. The EPO referred this matter to the Office of the Independent Inspector General (OIIG). **Closed**.

EPO2020-23: Corporate Compliance forwarded a hotline complaint made by an anonymous complainant alleging that an employee had been given a position that had not been posted or otherwise made available to other employees and did not possess the proper credentials for the position. *Pending*.

EPO2020-24: Corporate Compliance forwarded a hotline complaint to both the EPO and EEO containing allegations of harassment and retaliation connected to the submission of an eMers alleging verbal assault. The EPO deferred to the EEO for investigation. **Closed**.

EPO2020-25: Employee filed a complaint alleging that leadership failed to properly address a workplace violence incident in the department. Complainant has also involved HR. *Pending*.

EPO2020-26: Former employee filed a complaint alleging that her probationary period termination was retaliatory. *Pending*.

EPO2020-27: The EPO identified a potential violation of the Interim Assignment Policy. A union employee was announced as having been given an interim role following another employee's separation. No interim assignment form was submitted, and another employee was given an interim assignment to handle the separated employee's managerial duties. *Pending*.

EPO2020-28: Employee filed a complaint with the Illinois Department of Human Rights alleging discrimination based upon race, gender and disability. Case referred to EEO for management and investigation. **Closed**.

EPO2020-29: Employee filed a complaint alleging that the decision to lay off the employee was retaliatory. *Pending*.

EPO2020-32: Employee filed a complaint alleging that the department's administrative assistant was performing management functions and made retaliatory decisions against the complainant. Employee further suspected that the vacant manager position may have been kept vacant until the administrative assistant, whose application for the vacant manager position had been unsuccessful, could meet the Minimum Qualifications of the manager position. *Pending*.

Additional Closed Cases

EPO2019-59/ 19-017: Referral from the OIIG. Allegation by employee that there was pay inequity in her department due to racial discrimination. Referred to EEO Team. **Closed**.

EPO2019-47: This case was a referral from HR. Information was sent to HR, and then to the EPO, indicating an employee may have intimidated an internal candidate that applied to and was selected for a positions within the employee's department. Upon preliminary investigation, it was determined that there was no violation of the Plan or policies and further review was unnecessary. **Closed**.

EPO2019-33/ 19-010A: Complainat of retaliation for providing information to EPO that Director violated the Plan during a hiring sequence. However, after the Director separated from the organization, complainant withdrew her complaint. Due to the separation of the Director, we had insufficient information to proceed. **Closed**.

EPO2019-32: Employee filed a complaint that she was wrongfully disqualified for a position to which she applied. Employee had not checked the status of her application with HR, so referred her to the Recruitment Team to determine the application status. No further contact with candidate that there was a Plan violation and upon review of her application, there was no obvious Plan violation identified. **Closed**.

EPO2019-12: Employee alleged harassment and retaliation by her supervisor after she interviewed for a promotional position within the department. Complainant could not articulate additional information about how her current treatment was tied to the hiring process or any other Plan provision. Harassment allegation referred to EEO. **Closed**.

EPO2016-32: (Case closed a while ago, but found in pending status when entering it into the new case management system.) HR had referred a concern to this office alleging that a leader in the organization was promoting another employee in violation of the Plan. Case was pending for a while to determine if the alleged promotion would take place. That leader is no longer with CCH and the employee was never promoted. No employment action taken. **Closed**.

Summary

As in past reporting periods, some complaints contain more than one type of allegation and often that requires collaboration or partial referral to another department when the allegations fall within the scope of review shared by another department or entity. In this reporting period, harassment and retaliation allegations were the most frequent and many of these allegations were referred to the EEO Team.

The table below provides a more detailed breakdown of the allegations contained in the 2020 complaints received during this reporting period:

Category	Number
Harassment/Managerial Conduct	6
Retaliation	5
Hiring	5
Other	5
Discrimination	4
Discipline	4
Employee Qualifications	3
Training	2
Working Outside Job Classification	2
Political	1

It is worth noting that nine out of the 28 new cases involved allegations involving one Department. This department has consistently been the subject of a number of complaints over the years, and, for that reason, is the subject of a number of the carryover cases as well. It is our intention not only to investigate the pending cases, but also to work with HR to identify any systemic issues that may have given rise to the numerous complaints so leadership can address the root cause. In addition to those investigative tasks required for the individual cases, our office began the processes of conducting an overall evaluation of the pending cases and evaluating the results of an extensive departmental audit conducted with HR. The results of these ongoing efforts will be reported on further in the next Semi-Annual Report.

As you can see, the case and investigation closure rate was relatively low during the reporting period, requiring us to carryover many cases from previous years. There are several reasons for this. First, we received new complaints at a rate consistent with past reporting periods, but we faced investigative challenges presented by the National, State and County Emergency due to the COVID-19 pandemic. Second, during the pandemic, there was staff attrition while simultaneously training a new staff member in the department. Finally, we implemented a new electronic case management system which required time to provide extensive data cleaning of historical data as well as develop and train on new procedures related to the case management system. Despite these many challenges, we were able to close approximately half of the new cases filed due to a more efficient tracking system.

EMPLOYMENT PLAN AMENDMENTS

Plan Exhibit Amendments

My team works with HR on a monthly basis to review the different lists associated with the Plan. We focus regularly on the following exhibits: Exhibit 1 (Actively Recruited Position List), Exhibit 5 (Direct

Appointment Position List); and Exhibit 13 (Advanced Clinical Position Exhibit List). During this reporting period we made the following updates to these lists:

Exhibit 1: Five updates were made to this list. We added 15 new positions to the list, several of which were creating a bilingual requirement for positions already on the list and the addition of some of the new Contact Tracing Initiative positions pursuant to a grant awarded to Cook County Department of Public Health.

Exhibit 5: Four distinct updates were made to this list. Four new positions were added during this period, and one position had title modification to better align with the duties and market.

Exhibit 13: Three distinct updates were made to this list. Overall, we added two positions and transferred one position to Exhibit 1 consistent with the requirements of the Plan.

SUMMARY

Although CCH faced many unprecedented challenges during the last several months, we did not see any significant concerns or a trend toward noncompliance with the Plan and Supplemental Policies. In fact, there was significant increased collaboration between HR and the EPO as we worked through new processes and procedures to adapt to a new work environment due to the pandemic and anticipating many staff changes with layoffs while simultaneously planning for increased hiring in the Public Health and Health Plan Services Departments. I expect this collaboration will continue to grow as the challenges present early in 2020 continue to impact CCH and Cook County residents.

Sincerely,



Carrie L. Pramuk-Volk

cc: CCH Board of Directors *via* Deborah Santana, Secretary of the Board, CCH
Jeffrey McCutchan, General Counsel, CCH
Kent Ray, Associate General Counsel, CCH
Andrew Jester, Office of the Independent Inspector General