

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

MICHAEL L. SHAKMAN and)	
PAUL M. LURIE, et al.,)	Case No. 69 C 2145
Plaintiffs,)	
)	
v.)	
)	
DEMOCRATIC ORGANIZATION OF)	Sidney I. Schenkier
COOK COUNTY, et al.,)	United States Magistrate Judge
Defendants.)	

TENTH REPORT OF THE SPECIAL MASTER

On November 18, 2014, the Court directed the Special Master, along with her staff and appointed legal counsel, to: (i) investigate the scope and reason for any violation of the 1972 Decree regarding the Illinois Department of Transportation (“IDOT”); (ii) recommend measures that may be necessary or appropriate to prevent any recurrence; (iii) assess the implementation of those efforts to ensure that they are effective; (iv) address whether positions in IDOT labeled as *Rutan*-exempt were properly exempt under applicable legal principles; and, (v) make recommendations for how to remedy any violations of the 1972 Decree. *See* Order Appointing a Special Master for IDOT, Dkt. 4202 ¶ 3.¹

Since filing the Ninth Report of the Special Master (“Ninth Report”) on February 26, 2019 (Dkt. 6222), the Special Master’s Office, the Parties, and the Office of Executive Inspector

¹ On May 1, 2017, the Court expanded the Special Master’s responsibilities to include working with the Parties to develop a list of exempt positions for all agencies under the jurisdiction of the Governor and to make recommendations for how individuals placed into positions treated as *Rutan*-exempt in violation of the 1972 Decree should be treated going forward. *See* Agreed Order, Dkt. 5004. The Special Master’s work regarding agencies other than IDOT is addressed in separate reports to the Court. *See e.g.* Fourth Report Regarding Statewide Identification of *Rutan*-Exempt Titles (“Fourth Statewide Report”), Dkt. 6306.

General, Hiring & Employment Monitoring Division (“HEM”) continued to collaborate to achieve or make significant progress regarding the Special Master’s previous recommendations to IDOT.

I. SPECIFIC ACCOMPLISHMENTS SINCE NINTH REPORT

This Tenth Report of the Special Master (“Tenth Report”) summarizes the following progress and accomplishments IDOT has made since the last report filed with the Court.

- The Parties filed with the Court the statewide Exempt List that includes all current properly exempt positions at IDOT on June 19, 2019.
- IDOT, the Special Master, and HEM agreed on the list of truly “technical” positions that should remain excluded from the Personnel Code under Section 4c(12).
- IDOT and HEM, with participation of the Special Master’s office, have been creating minimum required qualifications (“MRQs”) that demonstrate the technical nature of those positions and revising them as necessary.
- IDOT, the Special Master, and HEM agreed on the list of positions that should be reclassified as Personnel Code-covered. IDOT presented a preliminary reclassification plan and discussions between IDOT, the Special Master’s office, HEM, and CMS are ongoing with respect to the implementation of the reclassification process.
- IDOT, in collaboration with CMS, the Special Master’s office, and HEM, established Personnel Code position descriptions for non-technical, Exempt positions, such that those positions can be included on the Exempt List.

A. Finalized IDOT Exempt List

As reported in the Ninth Report regarding IDOT and the Fourth Report regarding the Special Master’s work at other agencies under the Governor’s jurisdiction, on January 22, 2019, the Court entered an Agreed Order approving the statewide Exempt List. *See* Dkt. 6180. The statewide Exempt List was developed as the result of years of work to identify appropriately exempt positions at all agencies under the jurisdiction of the Governor. *See generally* Fourth Statewide Report, Dkt. 6306; *Branti v. Finkel*, 445 U.S. 507, 518 (1980) and *Rutan v. Republican Party of Illinois*, 497 U.S. 62, 78 (1980) (holding that, to correctly classify a job as exempt, the

hiring authority must be able to demonstrate that party affiliation is an appropriate requirement for the effective performance of the position).²

1. Titles Deemed Properly Exempt

The Exempt List filed on January 22, 2019, included positions at IDOT that the Parties agreed are properly *Rutan*-exempt; however, additional positions were still being evaluated and discussed for exempt status. *See* Ninth Report at 4-5 (discussing the review of positions at IDOT and that final determination was contingent on technical or non-technical status). After IDOT identified which of its remaining proposed exempt positions will stay technical and which will convert to code-covered, on April 12, 2019, the Court entered an Agreed Order amending the Exempt List with additional positions at IDOT that the Parties agreed are properly exempt. *See* Dkt. 6294. On June 19, 2019, the Court entered an Agreed Order, submitted by the Parties, to update the previously filed statewide Exempt List. Dkt. 6384. All current properly exempt positions at IDOT are included on that list.

2. Titles Deemed No Longer Exempt

The process of evaluating IDOT's formerly *Rutan*-exempt positions to determine their appropriate status reduced the number of exempt positions at IDOT. IDOT must convert its formerly *Rutan*-exempt positions that were determined not to qualify for the Exempt List to *Rutan*-covered. There are more than 90 such positions, and approximately two thirds of those are filled by incumbents. The Special Master recommends that IDOT develop and implement a conversion process to convert these positions. The Special Master will report on the conversion process in an upcoming report.

B. Identified and Agreed Upon Technical and Non-Technical Positions

Historically, IDOT's over-designation of technical positions created an environment in which Shakman violations, such as the misuse of the Staff Assistant position, abounded. Section 4c(12) of the Illinois Personnel Code excludes from Jurisdiction B, "The technical and engineering staffs of the Department of Transportation, the Department of Nuclear Safety, the Pollution Control Board, and the Illinois Commerce Commission, and the technical and engineering staff

² *See also*, Third Report Regarding Statewide Identification of *Rutan*-Exempt Titles, Dkt. 5992; Second Report Regarding Statewide Identification of *Rutan*-Exempt Titles, Dkt. 5822; and Initial Report Regarding Statewide Identification of *Rutan*-Exempt Titles, Dkt. 5132 (all discussing the Special Master's work regarding the statewide Exempt List).

providing architectural and engineering services in the Department of Central Management Services.” ILCS 415/4c(12). As a result, “technical” positions are not subject to the same CMS hiring policies and practices that code-covered positions are required to follow. To prevent the opportunity for future manipulation, the Special Master recommended reclassifying positions that are not truly technical to be covered by the Personnel Code. IDOT, the Special Master, and HEM have agreed on the titles that will remain technical and those that will convert to the Personnel Code.

1. Technical Position List

Previously, IDOT provided lists that identified current technical positions and proposed future designations on a rolling basis until it completed its initial review of all of the currently designated technical positions. Ninth Report at 4. IDOT provided a master list of technical positions under consideration on November 15, 2018 that included each position IDOT proposed to remain technical.

Since filing the Ninth Report, the Special Master and HEM completed the review of currently designated technical positions at IDOT. In March and April 2019, the Special Master and HEM submitted recommendations to IDOT regarding which positions appeared to be properly designated as technical. On May 22, 2019, the Special Master’s office and HEM met with IDOT’s Bureau of Personnel Management (“BPM”) to discuss the recommendations and resolve any questions or disagreements regarding the appropriate designations. This meeting was extremely productive, and agreement was reached on the vast majority of positions.

To facilitate moving forward to finalize the technical list, keeping track of these positions and their proposed future designations is critical. To that end, on May 23, 2019, the Special Master’s office requested that IDOT provide the following lists reflecting what was agreed upon at the May 22 meeting:

- A list of all currently technical positions that will convert to code-covered;
- A list of all positions that will remain technical; and,
- A list of the positions where the status remains undecided, indicating the follow-up action that will be taken.

The Special Master and HEM renewed the request by memorandum to IDOT on June 14, 2019. IDOT submitted a preliminary response to the request on June 29, 2019, which included

stating the intent to provide the lists in July 2019. On July 8 and 9, 2019, IDOT submitted the requested information.

The Special Master is pleased that agreement has been reached regarding the majority of positions that should remain technical. A small number of positions are being reconsidered in light of the Parties' discussion and agreement that all positions with the same title, regardless of work location, should have the same designation as either technical or Personnel Code-covered. In addition, IDOT indicated that it would like the Special Master and HEM to reconsider the status of some positions within the Realty Specialist classification. These positions were previously recommended to convert to code-covered based on information provided by IDOT. Final determination on the undecided Realty Specialist positions has not been made.

The final list of technical titles at IDOT will be submitted to the Court in a future filing. Reaching agreement on the status of numerous positions is truly a noteworthy accomplishment and an important milestone toward future achievement of substantial compliance with the 1972 Decree.

2. Technical Position Minimum Required Qualifications

IDOT proposed MRQs for each technical position on the November 2018 master list of then technical positions, as discussed above. As part of the technical review process, the Special Master's Office and HEM reviewed the proposed MRQs. This review revealed several issues with the MRQs. Consistency across similar working titles and between each level of position classifications was identified as one area which needed improvement. Additionally, as reported in the Ninth Report, IDOT posted some technical positions with MRQs inconsistent with those that were proposed as part of the technical review process. *See* Ninth Report 6-7.

The Special Master's office and HEM are working with IDOT to establish consistent MRQs. In February 2019, IDOT, the Special Master's Office, and HEM agreed to an interim process for posting technical positions. The interim process was developed to ensure that any currently technical jobs posted have MRQs.³ Including position specific MRQs in job postings is a significant improvement for IDOT, as historically many titles had no *required* qualifications

³ As job postings are processed, IDOT has the opportunity to work with the Special Master and HEM to discuss and make revisions to the MRQs.

outside of a valid driver's license.⁴ While the process has not been completely smooth, IDOT staff has worked to conform its job posting practices with the Special Master's and HEM's recommendations.⁵

HEM has played an integral role in assisting IDOT with establishing standard technical position classification MRQs that are clear, objective, and consistent. On June 14, 2019, HEM and the Special Master's Office submitted a memorandum to IDOT detailing joint recommendations regarding MRQs for technical positions. The memorandum also identified additional questions that must be addressed before technical MRQs are finalized. After an initial delay, IDOT has been responding on a rolling basis and provided updated MRQs and answers to questions regarding the following classifications in late July and early August: Geologists, Chemists, Cartographers, Aircraft Technicians, Civil Engineers, Engineering Technicians, Line Technicians, Engineering Interns, Photogrammetrists, Landscape Architects, and Land Surveyors.⁶ IDOT has not responded to the Special Master's and HEM's recommendations regarding the MRQs for the Technical Manager classification series. The Special Master's Office and HEM are in the process of reviewing the newly received information. Final MRQs and their implementation will be reported on in a future filing.

3. Non-Technical Positions to Convert to the Personnel Code

Formerly designated technical positions that do not require STEM skills and technical MRQs to perform the functions of the position will convert to the Personnel Code.

a. Exempt List Positions to Convert to 4d(3) Status

Positions at IDOT that are on the Exempt List but that do not meet the requirements to remain technical under Section 4c(12) will come under the jurisdiction of CMS, subject to the Personnel Code. There are 53 such titles, which are converting to code classifications such as Senior Public Service Administrator ("SPSA") or Public Service Administrator ("PSA"). As

⁴ Positions generally had additional desired qualifications, but not required qualifications.

⁵ While the process of converting certain positions from technical to Personnel Code-covered is ongoing, IDOT is continuing to fill these positions through the technical hiring process if there is an operational need to fill them.

⁶ The Special Master and HEM recommended that the Line Technician classification convert to the Personnel Code. However, IDOT submitted MRQs for the classification on August 6, 2019. It will be necessary to discuss IDOT's position regarding the status of these positions and the recommendation.

discussed in previous reports, all Exempt List positions must be completely at-will; incumbents in positions for which political factors are an appropriate consideration for hiring must also have the ability to be terminated based on political considerations. The Personnel Code affords job protection to positions under its jurisdiction unless they are specifically excluded by its provisions. Accordingly, to remain on the Exempt list, the positions mentioned above must remain at-will through exclusion from the Personnel Code under section 4d(3)⁷ or another appropriate exemption, such as 4d(1).⁸ Section 4d(3) is the primary mechanism for exclusion from the Personnel Code for Exempt List titles. If positions that the Parties agree are properly *Rutan*-exempt and are currently listed on the Exempt List are unable to obtain 4d(3) status (or another appropriate means of exclusion from the Personnel Code), those positions cannot remain on the Exempt List.

At the May 22, 2019 meeting discussed above, the Parties agreed on the appropriate CMS classifications for each Exempt List position that will no longer be technical. IDOT and CMS worked together to: (1) create CMS 104 Position Descriptions for each position and establish the positions in the appropriate code classification; and, (2) submit the positions to the Civil Service Commission for 4d(3) determination. IDOT and CMS report that all but a few of these positions are on the agenda for the August 2019 Civil Service Commission meeting.

Pending exclusion under 4d(3), the positions will retain their current technical classification. If it is necessary to hire into these proposed 4d(3) Exempt List positions at this time, they must be filled pursuant to the exempt appointment process for all agencies under the jurisdiction of the Governor.⁹ Once the positions obtain 4d(3) status, the incumbents will transfer to the newly established 4d(3) positions and the current technical positions will be abolished.

⁷ “[P]ositions which, in the judgment of the Commission, involve either principal administrative responsibility for the determination of policy or principal administrative responsibility for the way in which policies are carried out.” ILCS 415/4d(3).

⁸ In each department with a location in Cook County and Sangamon County, “2 private secretaries for the director or chairman thereof, one located in the Cook County office and the other located in the Sangamon County office,” and for all other departments, “one private secretary for the director or chairman thereof...,” and for all departments, “one confidential assistant for the director or chairman thereof shall be exempt from jurisdiction B.” ILCS 415/4d(1).

⁹ Agreed Order Approving the Governor’s Employment Plan for Exempt Positions, January 7, 2019, (Dkt. 6158).

b. Non-Exempt Positions to Convert to Personnel Code

After the Exempt List positions that are not remaining technical are successfully converted to CMS classifications, IDOT and CMS will begin the conversion from technical to Personnel Code-covered for the remaining positions that the Parties agree do not qualify as technical. In the process of coming to an agreement regarding which positions would remain technical at IDOT, the Parties reviewed over 2,000 positions. More than half of these will convert to Personnel Code-covered classifications under CMS. The Special Master anticipates that the conversion will be a time intensive endeavor for IDOT and CMS. Future reports will address ongoing progress.

II. ONGOING WORK REGARDING VARIOUS OTHER IDOT MATTERS

A. The John Doe Process

As previously reported, on December 4, 2017, the Court entered an Order Creating a Review Process for Applications of Former Staff Assistant for Positions at IDOT (“John Doe Process”) to address the issue of how the experience former Staff Assistants obtained as Staff Assistants should be treated when they apply for *Rutan*-covered jobs and are the proposed selected candidates after interviews. Dkt. 5644; *see* Seventh Report at 2-3, Eighth Report at 4-5. The process focuses on a determination of whether the former Staff Assistant was hired in violation of the 1972 Decree and to what extent such individuals should be credited with the experience gained as a result of that hire. The Special Master makes an initial finding regarding whether a *prima facie* case of a violation exists, and the candidate under review has the opportunity to present evidence to rebut that finding. Dkt. 5644; *see* Ninth Report at 7 (discussing rebuttal hearings of two former Staff Assistants).

As of the filing of this report, the John Doe Process has been invoked eleven times. Regarding those eleven instances: three were brought before the Court to determine the course of proceeding; two resulted in the selected candidate remaining the most qualified without considering Staff Assistant experience; one resulted in insufficient evidence of a *prima facie* case; four involved candidates who did not challenge the *prima facie* case; and one candidate requested an informal meeting to rebut the Special Master’s *prima facie* case but withdrew the request. The eleven instances involved ten candidates because one candidate applied for two of the positions at issue.

Since the Ninth Report, in which the Special Master reported about two hearings before the Court, one additional candidate challenged the conclusion that there is sufficient evidence to support a *prima facie* case that she was appointed to a Staff Assistant position in violation of the 1972 Decree. On June 18, 2019, the Court held a hearing to determine whether the candidate met her burden of rebutting the *prima facie* case. After considering the factors described in the John Doe Process, Dkt. 5644 ¶ 10, the Court ruled that the candidate failed to prove that her appointment did not violate the 1972 Decree. Therefore, IDOT is not required to credit experience she gained as a Staff Assistant when she applies for *Rutan*-covered postings.

B. 2019 Seasonal Engineering Technician and Technician Trainee Hiring

In 2016, the Special Master’s office reviewed the proposed hiring of 192 summer employees pursuant to IDOT’s seasonal Engineering Technician (“ET”) and Technician Trainee (“TT”) programs. The Fourth Report of the Special Master regarding IDOT (“Fourth Report”) detailed various concerns identified during the review. *See* Fourth Report, Dkt. 4631, at 4-12. The Special Master’s concerns included, but were not limited to, whether there was a verifiable need for the mass hires; position descriptions that were inconsistent, out of date and/or inaccurate; the limited applicant pool consisting to a significant degree of individuals with IDOT employee relatives or who previously worked at IDOT; and, the use of “temporary” positions to hire employees long-term, among other concerns. *Id.*¹⁰

The high percentage of TT candidates who were relatives of current IDOT employees “raised concerns regarding whether and how the job postings were disseminated and whether individuals without connections to IDOT were aware of job opportunities.” *Id.* at 5. For example, with respect to TTs, the percentage of individuals who were slated to be hired with IDOT relatives was at or exceeded 50% in all but two districts in 2016. *See* Fourth Report at 7-8. The Special Master recommended steps to address the various concerns. IDOT suspended its TT program for

¹⁰ “[T]he review of the underlying paperwork, applications, and interview process itself did not identify manipulation in the actual interviews and selection of particular candidates” for hire in 2016. *See* Fourth Report at 9. The historical misuse of these types of “temporary” positions to hire connected individuals long-term was discussed further in the Special Master’s Fifth Report. *See* Fifth Report at 34-37 (discussing Staff Assistants who were previously TTs or other “temporary” employees).

the summer of 2016 and committed to reassessing and revising the TT and ET programs going forward. *Id.* at 12.¹¹

In response to the Special Master's recommendations, IDOT revised its TT and ET programs for the summer of 2017. *See* Sixth Report at 3-4. The revisions included determining the number of proposed hires based on data and justifications from the districts; ensuring accurate position descriptions; and, expanding advertising of the programs to obtain a broader applicant pool, among other improvements. *Id.* at 4.

Since that time, the Special Master's office continued to monitor the ET and TT hiring processes to ensure IDOT complies with the processes put in place. *See* Eighth Report, Dkt. 5920, at 5-6. In 2018, IDOT conducted ET and TT hiring consistent with the Special Master's previous recommendations but were unable to obtain enough applicants to fill its hiring needs. *Id.* The Special Master renewed her recommendation to advertise the positions more widely, including on various job posting websites, to attract a diverse pool of applicants.

This year IDOT reported that it took steps to further eliminate unnecessary obstacles to obtaining a broad pool of applicants. IDOT revised the application requirements and instructions to provide clarity to applicants regarding what application materials are required. IDOT also altered the format of the application itself to help candidates avoid a common error regarding job location that initially disqualified otherwise qualified applicants during the 2018 hiring cycle. IDOT reported that for the 2019 program, positions would be posted for two weeks (TT) or three weeks (ET) and advertised on social media platforms, the IDOT website, the IDOT intranet, work.illinois.gov, and at all IDOT facilities, and that IDOT would conduct information sessions and outreach to schools.

Regarding the 2019 TT program, this year's numbers suggest that IDOT is succeeding in reaching a more diverse applicant pool in some districts/bureaus. For instance, 0% of the candidates hired in five districts/bureaus had IDOT relatives, as compared to all but two districts with 50% or more selected candidates having relatives at IDOT in 2016. Nonetheless, percentages of selected candidates with IDOT relatives at a number of districts/bureaus remain concerningly high. When the selected candidates at certain locations consist exclusively of IDOT relatives,

¹¹ The Special Master's review of the 2016 ET program revealed less significant issues as compared to the TT program, and the Parties agreed the ET program could proceed. *See* Fourth Report at 9-11; Sixth Report at 4.

despite a generally broader applicant pool, it raises questions. For example, in District 4, the Bureau of Bridges & Structures, and the Bureau of Operations, **100%** of the candidates hired had relatives at IDOT. In District 2, 3, 8, 9, the Bureau of Business Services, and the Office of Intermodal Project Implementation, **50%** to **80%** of the candidates hired had relatives at IDOT. In District 1, 23% of candidates hired had IDOT relatives.

TT 2019 Data								
District/Bureau	Vacancies	Applicants*	Applicants w/ Relatives	Percentage of Applicants w/ Relatives	Total Hired	Hired w/ Relatives	Percentage of Hired w/ Relatives	
District 1	18	25	5	20%	13	3	23%	
District 2	5	10	4	40%	5	4	80%	
District 3	12	14	7	50%	10	7	70%	
District 4	2	13	5	38%	2	2	100%	
District 5	15	10	3	30%	6	0	0%	
District 6	1	23	8	35%	1	0	0%	
District 7	13	9	1	11%	4	0	0%	
District 8	4	11	4	36%	2	1	50%	
District 9	14	16	9	56%	14	8	57%	
Aeronautics	1	7	0	0%	1	0	0%	
Bureau of Bridges & Structures	2	22	10	45%	2	2	100%	
Bureau of Business Services	5	29	16	55%	5	3	60%	
Bureau of Design & Environment	1	33	19	58%	1	0	0%	
Bureau of Operations	1	25	15	60%	1	1	100%	
Office of Intermodal Project Implementation	2	13	2	15%	2	1	50%	
Totals	96	260	108	42%	69	32	46%	

*Applicants could list up to three locations on their applications. As a result, this number may count individual applicants more than once.

The Fourth Report did not include a district by district analysis of candidates hired with relatives for the 2016 ET program because the percentages were generally lower for ETs (4% to 41%) than regarding TTs (33% to 75%). Fourth Report at 11. Regarding the 2019 ET program, hiring data reflects that 0% of the candidates hired in five districts/bureaus had IDOT relatives. The percentages with respect to the remaining districts/bureaus ranged between approximately 7% and 100%.

ET 2019 Data								
District/Bureau	Vacancies	Applicants*	Applicants w/ Relatives	Percentage of Applicants w/ Relatives		Total Hired	Hired w/ Relatives	Percentage of Hired w/ Relatives
District 1	44	76	8	11%		41	3	7%
District 2	6	37	8	22%		6	1	17%
District 3	24	44	8	18%		10	3	30%
District 4	19	17	3	18%		6	0	0%
District 5	12	24	5	21%		11	6	55%
District 6	9	22	13	59%		9	7	78%
District 7	8	20	5	25%		6	1	17%
District 8	10	27	7	26%		8	3	38%
District 9	8	33	7	21%		7	0	0%
Bureau of Design & Environment	1	24	6	25%		1	1	100%
Bureau of Operations	2	21	7	33%		2	0	0%
Bureau of Research	2	14	4	29%		2	0	0%
Bureau of Safety Programs and Engineering	1	24	7	29%		1	0	0%
Totals	146	383	88	23%		110	25	23%

*Applicants could list up to three locations on their applications. As a result, this number may count individual applicants more than once.

This data suggests IDOT continues to struggle to attract enough applicants to fill all of the ET/TT positions requested by its various departments. This year, there were a combined 242 available ET/TT vacancies. IDOT was able to fill approximately 74% of those positions. IDOT reports that it has taken the Special Master’s suggestions to advertise the ET and TT programs in various ways (physical job postings at IDOT offices, online postings, and outreach to colleges). However, the data demonstrates that additional measures are required. The Special Master recommends the following to further expand the applicant pool: (1) extend the posting period beyond two to three weeks (consider continuous posting from February to April, or longer); (2) post earlier in the year (IDOT posted the positions in April this year); and, (3) work with Career Placement Centers at local colleges and universities.

C. Establishing a Comprehensive Employment Plan

In previous reports, the Special Master discussed progress toward developing a Comprehensive Employment Plan (“CEP”) that would be applied only to IDOT’s technical positions (“Technical CEP”). *See e.g.*, Ninth Report at 5-6; Eighth Report at 4. Over the past year, the need for uniformity and standardization of hiring processes and procedures at all agencies under the jurisdiction of the Governor has become increasingly apparent. To that end, the Parties have agreed to develop one CEP that will apply to all agencies under the jurisdiction of the Governor, including IDOT and other agencies with technical positions (“Statewide CEP”). The

Statewide CEP will provide for variations in processes or procedures, if necessary, to address unique characteristics of hiring for technical positions, while still maintaining compliance with the Statewide CEP.

Although the Special Master, HEM, and the Parties have largely focused on the Exempt List, the technical position review, and ways to accomplish immediate hiring reform over the past six months, everyone is committed to moving forward with finalizing and implementing the Statewide CEP.

III. RECOMMENDATIONS

The Special Master acknowledges the significant progress IDOT is making. It is important that IDOT continues to move forward on the projects discussed in this report. After review by IDOT, the Plaintiffs, HEM, and CMS, the following deadlines are agreed upon for completion of certain portions of work over the next several months:

- (1) Finalize technical list and file with the Court by September 15, 2019.
- (2) Present all new 4d(3) titles to CSC for determination no later than the September 2019 CSC meeting.
- (3) Present MRQs for all technical classes by September 15, 2019.
- (4) Finalize MRQs for each technical class by November 1, 2019.
- (5) Work with CMS to determine what provisions specific to technical hiring are necessary to be included in the Statewide CEP by December 1, 2019.¹²
- (6) Create and present a plan to ensure a wider applicant pool for internship positions by January 1, 2020.¹³
- (7) Convert currently designated *Rutan*-exempt positions not included on the Exempt List to *Rutan*-covered by January 1, 2020.
- (8) Create a detailed plan with target dates for conversion of titles that will no longer be technical to the Personnel Code by January 1, 2020.

¹² The Statewide CEP will be due December 1, 2019.

¹³ IDOT reports that going forward the TT classification will be phased out and all former TT positions will be transitioned into the Engineering Intern classification.

IV. CONCLUSION

The Special Master is pleased with the cooperative relationship between the Parties and the collaborations that have been taking place to achieve real progress. The Special Master encourages the Parties to sustain this momentum to push forward toward the ultimate goal of achieving substantial compliance with the 1972 Decree.

Dated: August 16, 2019

Respectfully submitted,

/s/ Noelle C. Brennan

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