

ACCORD COMPLAINT PROCEDURES

Pursuant to the

AGREED SETTLEMENT ORDER AND ACCORD (“ACCORD”)

Entered in *Shakman, et al. v. Democratic Organization of Cook County, et al.*
(the “Shakman Case”)

If you believe that you have been subjected to unlawful political discrimination in connection with hiring, promotion, overtime or any other aspect of employment with the City of Chicago **after May 31, 2007** (the date of final approval of the Accord), you may seek relief for the alleged unlawful political discrimination as described below:

I. Filing an Accord Complaint Form (Form 4)

The Accord creates a new investigation and arbitration process for complaints of unlawful political discrimination. Under this new process, if you file an “Accord Complaint” (Form 4) with the City of Chicago Inspector General’s Office (“IGO”), the IGO will investigate your complaint and issue a report at the end of its investigation. Its report will either find that your complaint is “sustained” or “not sustained”. You will get a copy of the report. You will then have 30 days after the IGO issues its report to decide whether to go through the new arbitration process (by filing an Arbitration Demand with the City). More details of the Accord Complaint process and the arbitration process are discussed below.

To be eligible for the arbitration process, you must file an Accord Complaint (Form 4) with the IGO. The Accord Complaint Form is attached (or can be found by scrolling down). The Accord Complaint Form must be received by the IGO within 180 days after you knew or should have known that the alleged unlawful conduct occurred. If you do not file an Accord Complaint (Form 4) with the IGO within the required time period, you cannot use the arbitration process.

Accord Complaint Forms should include as much detail as possible to support your claim that you were subjected to unlawful political discrimination in connection with any aspect of employment with the City. You should attach any supporting documentation you have.

Send completed Accord Complaint Forms to:

City of Chicago Inspector General’s Office
P.O. Box 2996
Chicago, Illinois 60654-2996

II. Choosing Arbitration or a Lawsuit

You also may be able to file a lawsuit in federal court based on your complaint of unlawful political discrimination. However, you must choose between filing a lawsuit and filing an Arbitration Demand with the City. You may not do both.

There are statutes of limitation that set important deadlines for filing federal lawsuits regarding allegations of political discrimination in City employment, usually 180 days from the date of the alleged discrimination. However, once you file an Accord Complaint (Form 4) with the IGO, your time limits for filing a lawsuit in federal court are “tolled” – meaning that the clock is stopped. Thus, while the IGO investigates your Accord Complaint, any rights you had to file a lawsuit relating to the same complaints of unlawful political discrimination will remain in place. You may file a lawsuit while the IGO’s investigation is pending, but if you file a lawsuit, you give up your right to arbitration, and your lawsuit may make it more difficult for the IGO to investigate your claim.

You should note that relief under the arbitration process is limited to monetary awards. Injunctive relief, such as reinstatement or promotion, may be available through a legal action filed in a court of law.

These statements should not be construed as legal advice. You may consult with a lawyer of your choice about what decisions to make in this area. Neither the Shakman Decree Monitor, the IGO, nor Class Counsel in the *Shakman* Case (that is, the lawyers who represent the named plaintiffs and classes of plaintiffs in this case) are able to provide legal advice about whether an individual should pursue any remedies under the Accord or in a court of law.

III. Am I Eligible To File an Accord Complaint?

You may submit an Accord Complaint Form (Form 4) to the IGO if (1) you applied for a job or have a job with the City of Chicago and (2) believe that you were subjected to unlawful political discrimination in connection with any employment decision by the City of Chicago that occurred *after* May 31, 2007 (the date of final approval of the Accord).

“Employment decision” includes, but is not limited to, any decision involving hiring, firing, promotion, job assignment, transfer, disciplinary action and overtime.

“Unlawful political discrimination” means the making of any employment decision by the City because of any political reason or factor such as an individual’s political affiliation, political support or activity, political financial contributions, promises of such political support, activity or financial contributions, or political sponsorship or recommendations.

However, if your complaint involves alleged unlawful political discrimination in connection with any employment decision by the City of Chicago that occurred *before* May 31, 2007, then you should **not** submit the attached Accord Complaint Form. Instead, you may submit to the Shakman Decree Monitor, Noelle C. Brennan, either: (i) an Accord Claim Form (Form 2) and Release of Claims Against the City Form (Form 3); or (ii) an Opt-Out Request Form (Form 1). Accord Claim Forms and Opt-Out Request Forms are available from the Shakman Decree Monitor and are also available at www.shakmanmonitor.com.

IV. What Happens Once I File an Accord Complaint Form?

For details regarding the Accord Complaint process, please review Section IV of the Accord, which is posted on the IGO’s website, www.chicagoinspectorgeneral.org, and the Shakman

Decree Monitor's website, www.shakmanmonitor.com. A summary of the Accord Complaint process is set out below.

The IGO is responsible for conducting or directing the investigation of all timely Accord Complaints. The IGO will provide a copy of the Accord Complaint to the Shakman Decree Monitor. All Accord Complaints are otherwise confidential and will not be disclosed to anyone outside the IGO except as provided for in the Inspector General Ordinance (which allows for disclosure to federal and state law enforcement authorities in the case of criminal matters) or the Accord. The Shakman Decree Monitor and her staff will not disclose the contents or existence of the Accord Complaint to anyone other than the Court unless the Accord Complaint involves an ongoing hiring sequence or a systemic problem and the Inspector General does not object to the disclosure.

Within 30 days of receipt of the Accord Complaint Form, the Shakman Decree Monitor will send you a Notice of Rights pamphlet.

The IGO will investigate Accord Complaints expeditiously. The IGO will attempt to complete its investigation within six months after its initiation. If any investigation is not completed within six months after its initiation, the IGO will notify you of the reasons for its failure to complete the investigation within six months.

Sustained Cases. If the IGO finds at the conclusion of its investigation that impermissible political factors were considered in an employment decision ("Sustained Case Report"), the IGO will report in writing the results of its investigation to you, the Shakman Decree Monitor, Class Counsel, the City's Department of Human Resources, the City's Law Department, and the department head of any other affected department. The IGO's report will include the names of all individuals who, according to its investigation, were victims of unlawful political discrimination and the names of any individuals responsible for such discrimination. The copy of the IGO's report sent to you will be accompanied by the Notice of Rights pamphlet and an Arbitration Demand Form (Form 5).

Non-Sustained Cases. If the IGO concludes its investigation without finding that impermissible political factors were considered in an employment decision ("Non-Sustained Case Report"), the IGO will send a report of its findings to you and the Shakman Decree Monitor. The copy of the Inspector General's report sent to you will be sent via certified mail and will be accompanied by a Notice of Rights and an Arbitration Demand Form.

V. The Arbitration Process

You have 30 days after receiving the IGO Case Report to either (1) file a complaint in federal court for a violation of the Accord or (2) file an Arbitration Demand Form with the City's Law Department. If you elect to proceed to arbitration, you waive your right to bring the claims raised in the Accord Complaint in state or federal court. If you elect to file a complaint in state or federal court, you waive your right to pursue the claims through the Arbitration Process described below.

For details regarding the Arbitration Process, please review Section IV of the Accord, which is posted on the IGO's website, www.chicagoinspectorgeneral.org, and the Shakman Decree

Monitor's website, www.shakmanmonitor.com. A summary of the Arbitration Process is set out below.

Within **28 days** of receiving an Arbitration Demand Form, the City's Law Department must either provide a written settlement offer to you or notify you in writing that the City declines to make a settlement offer.

If you have timely submitted an Arbitration Demand Form and are unable to reach a settlement with the City within **17 days** of (a) the City's written settlement offer or (b) notice declining settlement, the Arbitrator will send you written notice of his or her selection as the Arbitrator and a proposed arbitration schedule. Arbitrators shall be selected on a rotating basis from an established panel of arbitrators approved by the Court. The exchange of information by the parties through discovery and the arbitration should be completed within 120 days of the selection of the Arbitrator. You and the City, with the Arbitrator's approval, can agree to extend the time for completing the arbitration. Failure to complete the arbitration within 120 days will not affect the validity of the Arbitrator's award.

The Arbitrator must issue a written decision within **30 days** of completing the arbitration hearing.

You or the City may file a motion to vacate, modify, or correct the Arbitrator's award as provided under the Illinois Uniform Arbitration Act, 710 ILCS 5/11-5/15, before Judge Andersen or the judge to whom the 69 C 2145 case has been assigned, within **90 days** after delivery of a copy of the award to you.

ACCORD COMPLAINT FORM

AGREED SETTLEMENT ORDER AND ACCORD (“ACCORD”)

**Entered in *Shakman, et al. v. Democratic Organization of Cook County, et al.*
(the “Shakman Case”)**

Date: _____

To: City of Chicago Inspector General’s Office
P.O. Box 2996
Chicago, Illinois 60654-2996

I, _____, hereby declare, under penalty of

perjury pursuant to the laws of the United States, as follows:

1. Address: _____

2. Telephone: _____

3. Date(s) of Violation(s): _____

4. City Department or Agency Involved:

6. What Damages Do You Claim?: (Include as much detail as possible about your damages and the amount you believe you are entitled to recover. For example, the following are examples of the sort of damages that might be applicable: lost wages, lost overtime, increased time and expense caused by being reassigned to a new location, etc.)

7. Total Amount of Money Damages Sought: \$_____

8. Documents that Support Your Claim: (Identify any documents you believe support your claim of political discrimination and attach copies if the documents are in your possession.)

9. Have you filed a claim, grievance or lawsuit about any of the events listed in your Accord Complaint in any court, administrative agency or before any other entity? If yes, please explain, including case number, court or agency. Also state the status or outcome of the claim, grievance or lawsuit.

I hereby certify under penalty of perjury that the statements in this Accord Complaint Form are true and accurate.

(Signature of Accord Complainant)