



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

MICHAEL L. SHAKMAN, et al.,

Plaintiffs,

 \mathbf{Y}_+

**FOREST PRESERVE DISTRICT OF COOK
COUNTY, et al.,**

Defendants.

Case Number: 69 C 2145
Judge Andersen
Magistrate Judge Schenkier

**SUPPLEMENTAL RELIEF ORDER
FOR THE FOREST PRESERVE DISTRICT OF COOK COUNTY**

Table of Contents

1. <u>Rule 23 Preliminary Approval</u>	1
2. <u>Conditions Precedent to Final Approval</u>	1
3. <u>No Effect on Other Parties to the Shakman Litigation</u>	3
4. <u>District Consent Decrees</u>	3
I. DISTRICT COMPLIANCE ADMINISTRATOR	3
A. <u>DCA Powers</u>	4
B. <u>Initial Report</u>	4
C. <u>Compensation of DCA</u>	4
D. <u>Ex Parte Communications</u>	5
E. <u>District's Cooperation</u>	5
F. <u>Review Hiring Practices and Recommend Changes</u>	5
G. <u>Training</u>	5
II. HIRING PLAN	6
A. <u>Review of Current Hiring Practices</u>	6
B. <u>New Plan Development</u>	6
C. <u>Application Tracking System</u>	7
D. <u>Exemptions</u>	7
E. <u>Impasse Resolution</u>	7
III. MONITORING AND ENFORCEMENT	8
A. <u>Covered Employees</u>	8
B. <u>Continued Jurisdiction of the Court</u>	8
C. <u>Post-SRO Monitoring and Enforcement</u>	9
1. <u>Continued DCA Monitoring</u>	9
2. <u>Monitoring by Plaintiffs</u>	9
D. <u>Sunset Procedures</u>	9
1. <u>Motion to Dissolve</u>	9
2. <u>Certification of Substantial Compliance</u>	9
3. <u>DCA's Opinion</u>	10
4. <u>Plaintiffs' Response</u>	10
5. <u>Conditions to Termination of the 1994 Consent Decree and the SRO</u>	10
6. <u>Effective Date of Termination; Pending Arbitration Demands</u>	10
7. <u>Reinitiating Substantial Compliance Process</u>	11

8.	<u>Substantial Compliance Definition.</u>	11
9.	<u>Recommendations and Definition of Political Reasons and Factors.</u>	12
E.	<u>Post-SRO Relief and Defenses.</u>	14
1.	<u>SRO Complaints and Other Relief.</u>	14
2.	<u>Waiver of Challenge to 1994 Consent Decree and SRO Validity and Class Member Standing; Preservation of Other Defenses.</u>	14
IV.	CLAIMS PROCEDURE FOR ALLEGED PRE-SRO VIOLATIONS	15
A.	<u>Notice.</u>	15
B.	<u>Opt-Out Rights.</u>	15
C.	<u>Eligible Claimants and Limitations Period.</u>	16
D.	<u>Claim Forms.</u>	16
1.	<u>Contents.</u>	17
2.	<u>Interpretation.</u>	17
3.	<u>Cooperation of District and Claimants.</u>	17
4.	<u>Availability of Claim Forms.</u>	17
E.	<u>Claim Determination.</u>	18
1.	<u>Timing.</u>	18
2.	<u>Matters to Be Considered.</u>	18
3.	<u>Notice of DCA Decision.</u>	19
F.	<u>Disbursement of Awards.</u>	19
G.	<u>Attorneys' Liens.</u>	19
H.	<u>Release.</u>	19
1.	<u>Released Claims.</u>	19
2.	<u>Released Parties.</u>	20
3.	<u>Final Settlement of Claims.</u>	20
4.	<u>Effect of Release.</u>	20
V.	PROCEDURE FOR ALLEGED VIOLATIONS OCCURRING AFTER FINAL APPROVAL OF THE SRO.	21
A.	<u>SRO Complaint Process</u>	22
1.	<u>Making an SRO Complaint.</u>	22
2.	<u>Availability of SRO Complaint Forms.</u>	23
3.	<u>Shakman Special Complaint Administrator Investigation.</u>	24
4.	<u>Distribution to DCA.</u>	24

5.	<u>Cooperation with Shakman Special Complaint Administrator.</u>	24
6.	<u>Shakman Special Complaint Administrator Resources.</u>	25
7.	<u>Timing of Shakman Special Complaint Administrator Investigation.</u>	25
8.	<u>Shakman Special Complaint Administrator's Report.</u>	25
9.	<u>Quarterly Reports.</u>	26
10.	<u>Tolling During Shakman Special Complaint Administrator Investigation.</u>	27
B.	<u>Arbitration Procedure.</u>	27
1.	<u>Written Arbitration Request Due Date.</u>	27
2.	<u>Settlement Conference.</u>	28
3.	<u>Timing for Arbitration.</u>	29
4.	<u>Arbitrator's Fees; Representatives of Complainant.</u>	30
5.	<u>Selection of Arbitrator.</u>	30
6.	<u>Governing Rules.</u>	31
7.	<u>Arbitrator's Decision.</u>	31
8.	<u>Finality of Decision.</u>	32
9.	<u>Waiver.</u>	32
10.	<u>Audit Documentation.</u>	32
VI.	NO RETALIATION.	32
VII.	COMPLIANCE REPORTS TO COURT.	33
VIII.	ATTORNEYS' FEES.	33
IX.	TERMINATION OF THE SRO.	33
A.	<u>Effect of Non-Approval.</u>	33
B.	<u>Effect of Termination.</u>	33
X.	ENTIRE AGREEMENT.	34

In 1978, Defendant Forest Preserve District of Cook County (the "District") entered into a Consent Decree ("1978 Consent Decree") which, among other things, prohibited the District from "conditioning, basing or knowingly prejudicing or affecting any term or aspect of governmental employment, with respect to one who is at the time already a governmental employee, upon or because of any political reason or factor." On January 7, 1994, the District entered into a Consent Decree which incorporated the 1978 Consent Decree's prohibitions and extended those prohibitions to include the District's hiring practices, with certain exclusions. The 1978 and 1994 Consent Decrees are collectively referred to as the "Forest Preserve Consent Decrees." On July 13, 2004, this Court approved the Forest Preserve District of Cook County Plan of Compliance.

The District and the Plaintiffs on behalf of classes of past, present, and future (i) candidates, (ii) voters, (iii) applicants for employment with the District, and (iv) employees of the District (the "Class Members") (collectively "the Parties") agree to the entry of this Supplemental Relief Order ("SRO") as follows:

1. Rule 23 Preliminary Approval. The Court shall enter an order in the form attached as Exhibit 1 preliminarily approving the SRO, setting forth a procedure for public notice, and setting a hearing for final approval.
2. Conditions Precedent to Final Approval. Prior to final approval of the SRO by the Court:
 - A. The President of the Board of Forest Preserve Commissioners ("the Board") will have promulgated an executive order adopting (i) Cook County's ordinance and orders forbidding unlawful political discrimination in all aspects of employment,

except with respect to positions that are exempt under the Consent Decrees, as such positions may be modified from time to time, and (ii) the provisions of the SRO.

- B The President of the Board will have promulgated an executive order making it a condition of employment, including but not limited to hiring, that any employee of the District who learns of any unlawful political discrimination in connection with any aspect of government employment with the District, except with respect to Exempt Positions, or who believes that such unlawful political discrimination has occurred or is occurring, must report this information to the District Compliance Administrator ("DCA") appointed pursuant to Section I of this SRO and the Office of the Cook County Inspector General directly and without undue delay. The Cook County Inspector General shall refer all reports to the Shakman Special Complaint Administrator appointed by the Court to investigate claims of unlawful political discrimination for investigation. No person shall be compelled to report unlawful political discrimination in violation of her or his constitutional rights. No person shall be subject to any negative employment action as a result of making any such report.
- C. The District shall have approved and consented to the terms of this SRO which include, but are not limited to (i) an agreement by the District to pay any claims awards pursuant to Section IV and to pay any award of reasonable fees and costs of the DCA as approved by the Court, (ii) claims administration pursuant to Section IV, (iii) the DCA monitoring and procedures set forth in Section I, and

(iv) the Shakman Special Complaint Administrator's investigation and the remedial procedures set forth in Section V.

D. The District will have agreed in writing to be bound by Cook County's whistleblower policy forbidding retribution for reporting any suspected violations of the SRO, so as to be fully protective of anyone who in good faith makes any complaint of any employment practice which the person may believe violates this SRO.

3. No Effect on Other Parties to the Shakman Litigation. The SRO shall have no effect on any parties to other judgments or orders in this case as to defendants, or individuals who opt out of the SRO as provided herein (collectively, "Other Parties"). This Court retains jurisdiction to hear and determine all claims and issues involving the validity of the Consent Judgments or the SRO brought in proceedings initiated by Other Parties.
4. District Consent Decrees. The Consent Decrees remain in full force and effect. However, the remedy provided in this SRO shall be the exclusive remedy for Class Members seeking remedies for claims under the Consent Decrees based on events occurring prior to the final approval of this SRO, who fail to opt out.

The Parties further agree and the Court hereby Orders as follows:

I. DISTRICT COMPLIANCE ADMINISTRATOR

The Court hereby appoints a District Compliance Administrator ("DCA") to ensure future compliance with the Consent Decrees and the SRO.

- A. DCA Powers. The DCA shall be an agent of the Court and shall have only the duties, responsibilities and authority conferred herein by the Court and by subsequent Court Orders regarding such duties. The DCA, subject to the supervision and orders of the Court, shall study the District's existing employment practices, policies and procedures for nonpolitical hiring, promotion, transfer, discipline and discharge. The DCA and staff members (including independent contractors, attorneys, non-attorneys, and their employees and agents) shall possess the same immunity from suit as the Court.
- B. Initial Report. Within 30 days of being appointed, the DCA shall file a report with the Court recommending (i) additional powers the DCA should be given to carry out the DCA's duties, (ii) appropriate staff for the DCA, and (iii) mechanisms for ensuring employment actions are in compliance with the orders of this Court in this case. The DCA shall meet with the District's Chief Legal Counsel not less than seven (7) days prior to filing the Initial Report to discuss the contents of the Initial Report.
- C. Compensation of DCA. The District shall promptly compensate the DCA and the DCA's counsel and staff at their reasonable and customary hourly rates which the Court shall set and which may periodically be adjusted with Court approval or with agreement by the District. The District shall pay any and all reasonable costs incurred in connection with the work of the DCA as approved by the Court.

- D. Ex Parte Communications. The DCA and the DCA's counsel and staff shall be permitted to conduct *ex parte* communications with the Court, the Parties and their counsel, and employees of the District.
- E. District's Cooperation. The District shall cooperate with the DCA in connection with the DCA's efforts to oversee and ensure implementation of the remaining portions of the Consent Decrees and the SRO, including providing reasonable access to all relevant non-privileged documents and to current employees at all levels. The DCA shall attempt to minimize disruption to the workplace during the course of the DCA's activity. Given the need of the DCA to review confidential business information maintained by the District, the DCA, and anyone working in conjunction with the DCA, shall sign a confidentiality agreement.
- F. Review Hiring Practices and Recommend Changes. The DCA shall review the District's hiring practices including observing actual hiring sequences to determine whether the District is complying with the Consent Decrees and hiring plan. The DCA shall make recommendations for change, if warranted. The DCA shall work with the District's employees to observe current hiring practices and answer questions and provide guidance as requested.
- G. Training. The DCA shall assist in establishing a "train the trainer" program for supervisors to educate and train employees on appropriate politics-free employment practices.

The Court hereby appoints as DCA, Jan Carlson.

II. HIRING PLAN.

A. Review of Current Hiring Practices.

1. The District and the DCA shall review the District's hiring practices for non-exempt employees. The District and the DCA shall define appropriate and inappropriate hiring practices that are consistent with law, the Consent Decrees and this SRO and shall make recommendations for change to the Hiring Plan as warranted.
2. The District and the DCA shall train District employees and any County employees involved in the District's employment practices in order to effectuate a culture free of political consideration in all non-exempt aspects of governmental employment, including but not limited to, hiring, promotion, discharge, overtime and transfers of the District's employees.
3. The District shall provide notification to job applicants regarding the District's hiring practices and prohibitions as well as how to report allegations of non-compliance.

- B. **New Plan Development.** After the DCA has had at least ninety (90) days monitoring experience of the District's employment practices, the DCA shall make any recommendations to the District that the DCA believes are necessary to modify the existing hiring practices and procedures. The DCA and the Parties shall then negotiate, in good faith, modifications to the existing Hiring Plan or, if necessary, a new plan that will govern the District's employment practices, policies and procedures, including, but not limited to, nonpolitical hiring,

promotion, transfer, assignment of overtime, discipline, and discharge (the "New Plan"). The New Plan shall be presented to the Court for approval. When adopted and approved by the Court, the New Plan shall be fully incorporated into the 1994 Consent Decree.

- C. Application Tracking System. The District, with the input of the DCA, shall conduct a good faith analysis of the feasibility of creating an application tracking system that is user friendly and available to applicants, to determine their current status in the hiring process in order to enhance transparency in the hiring process. If feasible and fiscally acceptable to the County, an application tracking system will be established as soon as practical.
- D. Exemptions. A list of positions exempt from the hiring procedures provided for in the Decrees and this SRO is attached as Exhibit II.D. Prior to final approval of the SRO, the District shall develop a new list of Exempt Positions consistent with United States Supreme Court guidance thereon. The District shall present the new list of Exempt Positions to Plaintiffs' Class Counsel for comment and discussion in a good faith effort to reach agreement on the list. Any disagreements shall be resolved using the procedures described in II.E.
- E. Impasse Resolution. If, at any time prior to the adoption of the New Plan, the DCA, the District and the Plaintiffs reach an impasse regarding any component of the New Plan, the DCA shall report to the Court the nature of the unresolved issue(s) and may make a written recommendation as how to resolve such issue(s) for the Court's determination. The Parties shall have the right to be heard and

make submissions concerning the resolution of any unresolved issue(s), whether or not reported by the DCA, and the Court shall then rule on the unresolved issue(s). Provisions directed by the Court pursuant to such ruling(s) shall become part of the New Plan.

III. MONITORING AND ENFORCEMENT.

- A. Covered Employees. The prohibitions of the Consent Decrees cover all employment by or for the District, or by or for any person or entity under the direction and control of the District, except for Exempt Positions. For this purpose "employment" means the relationship that constitutes employment at common law by the District or by or for any person or entity under the direction and control of the District except for Exempt Positions and includes probationary, temporary, part time and permanent employment, whether pursuant to a written contract or otherwise. The prohibitions do not apply to the retention of independent contractors by the District except that any independent contractor hired to fill non-exempt employment positions or to direct the District's non-exempt employees shall be subject to the requirements of this SRO. Nothing in this SRO shall have any effect on any other decree applying to any other governmental body or public office.
- B. Continued Jurisdiction of the Court. The Court retains jurisdiction for purposes of enforcement and ongoing monitoring of the District's compliance with the Consent Decrees and the SRO, including monitoring by the DCA and the DCA's counsel and staff, until such time as the Consent Decrees and the SRO terminate.

C. Post-SRO Monitoring and Enforcement.

1. Continued DCA Monitoring. The DCA, with the DCA's counsel and staff, shall continue to actively monitor the District's compliance with the Consent Decrees, the SRO, and the New Plan until their termination.
2. Monitoring by Plaintiffs. Plaintiffs shall monitor the District's performance under the Consent Decrees, the SRO, and the New Plan through counsel of their choice, may present matters to the Court including enforcement actions, and may petition the Court for costs and attorneys' fees incurred as part of their reasonable, appropriate, non-duplicative monitoring and enforcement.

D. Sunset Procedures.

1. Motion to Dissolve. On or after June 1, 2010, the District may file a Motion to Dissolve the 1994 Consent Decree and this SRO. The District has the burden of showing that it is in Substantial Compliance (as defined below).
2. Certification of Substantial Compliance. As a condition precedent to filing a Motion to Dissolve, the Board President, the Superintendent, and the District head of Human Resources must certify in writing in the form attached as Exhibit III.E(2), that, after appropriate review and inquiry, each believes that the District is in Substantial Compliance with the 1994 Consent Decree and this SRO and that there is no material non-compliance (together, the "Certifications of Substantial Compliance").

The Certifications of Substantial Compliance must be attached as exhibits to the Motion to Dissolve.

3. DCA's Opinion. Within 30 days after the receipt of the Motion to Dissolve, the DCA shall advise the Court whether, in the opinion of the DCA ("DCA's Opinion"), the District is or is not in Substantial Compliance with the 1994 Consent Decree and the SRO. The District and Plaintiffs' Counsel have the right to challenge the DCA's Opinion and to request a hearing from the Court.
4. Plaintiffs' Response. Within 30 days of receiving the DCA's Opinion, the Plaintiffs may file a response to the Motion to Dissolve.
5. Conditions to Termination of the 1994 Consent Decree and the SRO. The 1994 Consent Decree and the SRO shall terminate 60 days after District files a motion to dissolve if (i) the Certifications of Substantial Compliance have certified that the District is in Substantial Compliance, (ii) the DCA has filed with the Court the DCA's Opinion, and (iii) the Court has determined, after such procedures the Court deems appropriate, that the District is in Substantial Compliance.
6. Effective Date of Termination; Pending Arbitration Demands. The effective date of termination shall be the date upon which all judicial proceedings, and expiration of rights to appeal, have concluded following a final judicial decision that Substantial Compliance has been achieved. Termination of the 1994 Consent Decree and the SRO shall have no effect

on any claim, complaint or written demand for arbitration filed under the terms of the 1994 Consent Decree or the SRO filed within one hundred twenty (120) days of the date the SRO and 1994 Consent Decree are terminated if based on alleged conduct occurring prior to termination.

7. Reinitiating Substantial Compliance Process. If the 1994 Consent Decree and SRO are not terminated after the filing of a Motion to Dissolve by the District, they shall remain in effect. In its order denying the Motion to Dissolve, the Court, with the input of the Parties, shall set a new date after which the District may, by written request to the Court, reinitiate the above Substantial Compliance certification and DCA Opinion process.
8. Substantial Compliance Definition. Substantial Compliance means:
 - (1) the District has implemented the New Plan, including procedures to ensure compliance with the New Plan and identify instances of non-compliance;
 - (2) the District has acted in good faith to remedy instances of non-compliance that have been identified, and prevent a recurrence;
 - (3) the District does not have a policy, custom or practice of making employment decisions based on political factors except for Exempt Positions;
 - (4) the absence of material noncompliance which frustrates the 1994 Consent Decree and the SROs essential purpose. The DCA and the Court may consider the number of post-SRO complaints that

have been found to be valid. However, technical violations or isolated incidents of noncompliance shall not be a basis for a finding that the District is not in substantial compliance; and

- (5) the District has implemented procedures that will effect long-term prevention of the use of impermissible political considerations in connection with employment with the District.

9. Recommendations and Definition of Political Reasons and Factors.

Nothing in the SRO shall limit the right of any citizen, including elected officials, to make recommendations not based on political reasons or factors to personnel involved in making employment decisions on behalf of the District. In the case of hiring for positions that are not exempt from the requirement that political reasons or factors be excluded from consideration, recommendations from public office holders or political party officials that are based on their personal knowledge of the person's work skill, work experience or other job-related qualifications are permitted and may be considered. Recommendations based on political reasons or factors shall not be given any effect, and shall be reported as provided in the New Plan. As used herein, "political reasons or factors" include:

- (1) Recommendations for hiring, promotion or other employment terms for specific persons from public officeholders or political party officials that are not based on personal knowledge of the

person's work skills, work experience or other job-related qualifications.

- (2) The fact that the person worked in a political campaign or belongs to a political organization or political party, or the fact that the person chose not to work in a political campaign or to belong to a political organization or a political party. The mere fact that a person worked for a political campaign for elective office does not prohibit consideration of a recommendation related to that person insofar as the basis for that recommendation relates to the person's relevant work experience.
- (3) The fact that the person contributed money, raised money or provided something else of value to a candidate for public office or a political organization, or the fact that the person chose not to contribute or raise money for a candidate for public office or a political organization.
- (4) The fact that the person is a Democrat or a Republican or a member of any other political party or group, or the fact that the applicant is not a member.
- (5) The fact that the person expressed views or beliefs on political matters such as which candidates or elected officials he or she favored or opposed, which public policy issue he or she favored or

opposed, or which views on government actions or failures to act he or she expressed.

E. Post-SRO Relief and Defenses.

1. SRO Complaints and Other Relief. Any person who believes that she or he has been injured by unlawful political discrimination in any aspect of employment or seeking employment with the District may file for post-SRO claim relief under the post-SRO complaint procedures in Section V, or may seek relief as otherwise provided by law.
2. Waiver of Challenge to 1994 Consent Decree and SRO Validity and Class Member Standing; Preservation of Other Defenses. The District shall not seek to vacate, appeal or otherwise challenge the validity of the 1994 Consent Decree or the SRO and the District stipulates and agrees that the Court has continuing jurisdiction and authority to enforce the 1994 Consent Decree and the SRO. The District expressly waives, covenants and agrees not to assert any argument or claim that any Class Member who seeks relief under the pre or post-SRO claim procedure lacks standing to enforce the 1994 Consent Decree or the SRO or to seek relief under the 1994 Consent Decree or the SRO. However, the District is not precluded from defending a claim brought under the Consent Decrees or the SRO on the basis that the individual is not entitled to relief on grounds other than standing. Except as provided in this paragraph, the District reserves any

and all defenses available to it in response to complaints of those who opt-out of relief under the SRO.

IV. CLAIMS PROCEDURE FOR ALLEGED PRE-SRO VIOLATIONS

- A. Notice. The District shall provide to Class Members a Notice of the Claims Procedure and Notice of Opt-Out Rights, in the form attached as Exhibit IV.A, as soon as practicable, and in any event, no later than 30 days following the final approval of the SRO by the Court. The District shall also provide Claim Forms and Opt-Out Request Forms in the form attached as Exhibit IV.D and IV.B to all current employees and anyone who was employed by the District between June 1, 2005 and the date of final approval of the SRO no later than thirty (30) days following final approval of the SRO by the Court by placing a copy of the forms in the employee's paycheck or by mailing a copy of the forms to the last known address contained in the District's personnel files.
- B. Opt-Out Rights. Any Class Member who alleges a violation of the Consent Decrees arising prior to the final approval of the SRO by the Court may opt out of the SRO claims procedure by submitting a written Opt-Out Request Form to the DCA in the form attached as Exhibit IV.B and assert in a separate lawsuit (subject to the limitations set forth below) whatever rights she or he may have regarding any such claim. The Opt-Out Request Form must be received by the DCA by July 6, 2009 (approximately one hundred twenty (120) days after the final approval of the SRO) (the "Opt-Out Date").

Unless such Class Member opts out of the SRO in the manner provided

herein, her or his rights regarding any such claim shall be governed solely by the Claims Procedures set forth in the SRO. Within seven (7) days of the Opt-Out Date, the DCA shall provide copies of all Opt-Out Request Forms to the Parties.

- C. Eligible Claimants and Limitations Period. Any past or present employee or applicant for employment with the District, registered voter and candidate for public office who allege that she or he suffered injury as a result of unlawful political discrimination in connection with any aspect of employment with the District prior to the date of final approval of this SRO ("Claimants") may file an SRO Claim under Section IV. Any Claimant who alleges a violation of the Consent Decrees arising prior to June 1, 2005, must set forth facts in her or his Claim Form showing why the Claimant could not have discovered and/or raised her or his claim before June 1, 2005, or facts that would support a claim for fraudulent concealment or equitable tolling. The DCA may consider allowing any claims arising before June 1, 2005, if she or he determines that the Claimant reasonably could not have discovered the claim prior to June 1, 2005, the claim was not discovered by the Claimant due to fraudulent concealment by the District, or the limitations period should be equitably tolled. The DCA shall reject or dismiss all claims not meeting the requirements for the discovery rule, fraudulent concealment or equitable tolling.

- D. Claim Forms. Claimants who wish to file a claim against the District must submit a Claim Form (attached as Exhibit IV.D) to the DCA. All Claim Forms must be

received by the DCA by July 6, 2009 (approximately one hundred twenty (120) days after the final approval of the SRO) (the "Claim Deadline").

1. Contents. The Claim Form shall consist of sworn statements setting forth individual claims including: the date of the alleged violation; a narrative description of the alleged violation; a description of alleged damages; identifying information including the Claimant's full name, address and telephone number; and a release of certain claims as defined below. Claimants must attach any supporting documentation to the Claim Form. Claimants may only submit one Claim Form but may allege facts supporting more than one claim on their Claim Form.
2. Interpretation. The DCA shall interpret the Claim Forms in a liberal, non-technical manner, and may request amplification or clarification of claims to facilitate identifying valid claims and eliminating those that are not. Subsequent amplification and clarification shall be deemed part of the Claim Form as of the date filed.
3. Cooperation of District and Claimants. During the claims review process the District and/or the Claimant will provide any and all information and documents reasonably requested by the DCA. No person shall be compelled to provide privileged information or information in violation of her or his constitutional rights.
4. Availability of Claim Forms. Claim Forms shall be available from the DCA, the District, and Plaintiffs' Class Counsel. Claim Forms shall also

be available for printing from a website created by the DCA and from the District's website. Copies of all Claim Forms and supporting documentation filed with the DCA shall be made available to the Parties for review and copying.

E. Claim Determination.

1. Timing. Within ninety (90) days of the Claim Deadline, the DCA, in the DCA's sole discretion and after consideration of all of the evidence, shall determine whether the Claimant is eligible for recovery and, if so, shall assign a monetary award to the Claimant based on the relevant information presented to the DCA or otherwise in the DCA's possession. In the event additional time is required by the DCA to assess a claim, the DCA shall so inform the Claimant and the District within such ninety (90) day period, and the time shall be extended for the period so specified. The decision of the DCA will be final and not subject to appeal.
2. Matters to Be Considered. In determining the assigned award amount for any claim, the DCA may consider all relevant factors and evidence regarding the claim, including but not limited to the following, to the extent applicable: (a) the ratio of applicants to the actual number of positions filled; (b) the facts presented regarding the alleged violation; (c) the salary of the position sought or held; (d) the economic benefit of the action at issue and the number of eligible recipients; and (e) the strength of the evidence presented.

3. Notice of DCA Decision. The DCA shall inform the Claimant and the Parties of the DCA's decision by sending a Notice of Determination to the Claimant, the District's Chief Legal Counsel and Plaintiffs' Counsel. The DCA's decision shall be final.
- F. Disbursement of Awards. Within thirty (30) days following the DCA's determination on all claims, the DCA shall provide the District's Chief Legal Counsel with a list of Claimants eligible for an award, the Claimants' last known mailing address, social security numbers of any non-employee, and the amount of each award. Within sixty (60) days of receipt of the DCA's list of Claimants and awards, the District shall mail a check in the amount of the award to each Claimant who has received an award at her or his last known mailing address. The District's Chief Legal Counsel shall provide the DCA and Plaintiffs' Counsel with a complete list of all amounts paid, the recipients and the dates of payment.
- G. Attorneys' Liens. Claimants may retain counsel to represent them. Counsel may perfect an attorney's lien on any award by following the procedures set forth under the Illinois Attorney's Lien Act, 770 ILCS 5/0.01 et seq.
- H. Release.
 1. Released Claims. As used herein, the term "Released Claims" means any and all claims, causes of action, rights, actions, suits, obligations, debts, demands, judgments, agreements, promises, liabilities, controversies, costs, expenses or attorneys' fees, of every nature and description whatsoever that have been or could have been asserted in this Action and

whether now known or unknown, suspected or unsuspected, arising out of employment decisions of any kind (including, but not limited to, hiring, promotion, termination, assignments, disciplinary decisions, overtime and the like) made by the District with respect to Claimants prior to the final approval of the SRO by the Court and based on the claim that those employment decisions were impermissibly motivated by political considerations.

2. Released Parties. As used herein, the term "Released Parties" means: the District, the President, the Board, and all of the District's employees, agents, advisors, and attorneys, and their heirs, executors, administrators, personal or legal representatives, successors, transferees and assigns.
3. Final Settlement of Claims. The obligations incurred by the District pursuant to this SRO, shall be in full and final disposition and settlement of all claims, actions, suits, causes of action, and liabilities relating to any of the facts, transactions, events, occurrences, acts or omissions which have been asserted or could have been asserted by the Classes against the Released Parties in the Action.
4. Effect of Release. Once the SRO has been finally approved by the Court, the time for appeal has run or all appeals have been finally exhausted and the SRO has not been modified or affected by any such appeal, and the District has made the payments required by the SRO, all Released Claims that have been or could have been asserted by any member of the Classes

against the Released Parties or any of them shall be forever extinguished and released, regardless of whether any claim has been filed pursuant to the Claims provisions of the SRO.

V. PROCEDURE FOR ALLEGED VIOLATIONS OCCURRING AFTER FINAL APPROVAL OF THE SRO.

Any individual who believes that he or she is a victim of unlawful political discrimination in connection with any aspect of governmental employment with the District alleged to have occurred during the period that this SRO is in effect may file a complaint with the Shakman Special Complaint Administrator, elect to go to Arbitration under the SRO, and/or file a complaint in federal court. Only applicants for employment with the District and employees of the District may invoke the Arbitration Procedure in Section V.B. Voters and political office candidates who are not current or former applicants for employment and/or employees with the District may not seek relief through the Arbitration Procedure, but may submit SRO Complaints with the Shakman Special Complaint Administrator and pursue other remedies as provided by law.

In order to elect to go to Arbitration under the SRO, the individual must first file a complaint with the Shakman Special Complaint Administrator's Office within one hundred twenty (120) days after the date the Complainant knew, or reasonably should have known, of the allegedly unlawful conduct. If an individual elects to go to Arbitration under the SRO, that individual is barred from either simultaneously or subsequently filing a complaint in state or federal court. Any such complaint filed in state or federal court is subject to dismissal. If an individual files a complaint in state or federal court for a violation that occurs during the period that this SRO is in effect, that individual cannot elect to go to Arbitration under the SRO. Any

applicable statutes of limitations and tolling principles shall apply to a complaint filed in state or federal court. All complaints filed in federal court will be assigned to the judge presiding over case 69 C 2145.

A. SRO Complaint Process

1. Making an SRO Complaint. Any individual who believes that he or she is a victim of unlawful political discrimination in connection with any aspect of governmental employment with or seeking employment with the District alleged to have occurred during the period that this SRO is in effect can make an SRO Complaint. In order to seek remedies through the Arbitration Procedure detailed in Section V.B for unlawful political discrimination in connection with any aspect of employment with the District alleged to have occurred during the period when the SRO is in effect or to toll the running of the limitations period for filing a lawsuit, an individual (hereafter referred to as "SRO Complainant") must submit an "SRO Complaint Form" to the Shakman Special Complaint Administrator, the form of which is attached as Exhibit IV.A(1). The SRO Complaint Form must be received by the Shakman Special Complaint Administrator within one hundred twenty (120) days after the SRO Complainant knew or should have known of the alleged unlawful conduct. The SRO Complaint Form shall include a sworn statement setting forth the SRO Complainant's claims, including:

- a. the date or dates of the alleged violation;

- b. narrative description of the alleged violation;
- c. a description of the alleged damages;
- d. identifying information including the SRO Complainant's name, address, telephone number;
- e. copies of the appropriate supporting documentation, if in the possession of the SRO Complainant; and
- f. a statement of the relief requested by the Complainant including the amount of any damages, if known, the Complainant seeks to recover or the nature of the injunctive relief.

Nothing in this SRO shall restrict the Shakman Special Complaint Administrator's authority or ability to investigate any allegations of unlawful political discrimination in connection with government employment with the District received in any other manner established by the Shakman Special Complaint Administrator, including through the Shakman Special Complaint Administrator's complaint hotline, through its website complaint system, by fax, by phone or by letter. The filing of an SRO Complaint shall toll an individual's federal statute of limitations as described in paragraph VI.A(10) below.

2. Availability of SRO Complaint Forms. SRO Complaint Forms will be available from the Shakman Special Complaint Administrator, the DCA, the District, and Plaintiffs' Class Counsel. SRO Complaint Forms can

also be obtained from the DCA's website and the District's website at www.fpdcc.com.

3. Shakman Special Complaint Administrator Investigation. The Shakman Special Complaint Administrator shall be responsible for conducting or directing the investigation of the SRO Complaint.
4. Distribution to DCA. Within seven (7) days of receiving an SRO Complaint, the Shakman Special Complaint Administrator shall provide a copy of the SRO Complaint Form to the DCA. The SRO Complaint shall remain confidential and shall not be disclosed to anyone outside the Shakman Special Complaint Administrator's Office except as provided for in this SRO. The DCA and the DCA's agents shall not disclose the contents or existence of the SRO Complaint to anyone other than the Court except as provided below. The DCA shall, within 30 days of receipt of the SRO Complaint Form, send a "Notice of Rights" in the form attached as Exhibit V.A(4), to the SRO Complainant.
5. Cooperation with Shakman Special Complaint Administrator. The District, its departments and their employees and agents and the DCA and the DCA's employees and agents shall fully cooperate with the Shakman Special Complaint Administrator's investigation of the SRO Complaint, by, among other things, promptly providing any and all requested documents and information to the Shakman Special Complaint Administrator, and providing the Shakman Special Complaint

Administrator with access to all requested documents and records in a manner that will preserve the confidentiality of the Shakman Special Complaint Administrator's investigation.

6. Shakman Special Complaint Administrator Resources. The District shall provide the Shakman Special Complaint Administrator with reasonable and fair resources to independently, effectively, and expeditiously investigate SRO Complaints and shall maintain such resources until the Shakman Special Complaint Administrator has completed its duties hereunder.
7. Timing of Shakman Special Complaint Administrator Investigation. The Shakman Special Complaint Administrator shall investigate SRO Complaints expeditiously. The Shakman Special Complaint Administrator shall attempt to complete its investigation within one-hundred eighty (180) days after the Shakman Special Complaint Administrator receives the Complaint. If any investigation is not completed within one hundred eighty (180) days after its receipt, the Shakman Special Complaint Administrator shall notify the District's Chief Legal Counsel, Plaintiffs' Class Counsel, and the SRO Complainant of the general nature of the complaint and the reasons for its failure to complete the investigation within one hundred eighty (180) days.
8. Shakman Special Complaint Administrator's Report. At the conclusion of its investigation, the Shakman Special Complaint Administrator shall

report in writing the results of its investigation to the Complainant, the DCA, Plaintiffs' Counsel, the President, and District's Chief Legal Counsel. If the Shakman Special Complaint Administrator finds at the conclusion of its investigation that impermissible political factors were considered in an employment decision, the Shakman Special Complaint Administrator's Report shall include the names of all individuals who the Shakman Special Complaint Administrator has reason to believe based on its investigation were victims of unlawful political discrimination in connection with any aspect of government employment with the District and the individuals the Shakman Special Complaint Administrator has reason to believe were responsible for such discrimination. The Shakman Special Complaint Administrator shall include an Arbitration Demand Form (Exhibit V.B(1)) with the Shakman Special Complaint Administrator's Report sent to the Complainant.

9. Quarterly Reports. No later than the fifteenth day of January, April, July, and October of each year, the Shakman Special Complaint Administrator shall file with the Court a report, accurate as of the last day of the preceding month, indicating: the number of SRO Complaints received since the date of the last report; the number of investigations initiated since the date of the last report; the number of investigations concluded since the last report broken down by sustained and non-sustained cases; and the number of investigations pending as of the reporting date.

10. Tolling During Shakman Special Complaint Administrator Investigation.

The filing of an SRO Complaint shall toll an individual's statute of limitations in federal court until thirty (30) days after the date on which the Shakman Special Complaint Administrator issues its Report. An individual shall have thirty (30) days after the Shakman Special Complaint Administrator issues the Shakman Special Complaint Administrator's Report to file a complaint in federal court for a violation of the SRO, which will be assigned to the judge presiding over case 69 C 2145. If an individual elects to file a complaint in federal court, that individual cannot elect to participate in the Arbitration Procedure described below. If an individual elects to file an Arbitration Demand, he or she must do so within thirty (30) days after the Shakman Special Complaint Administrator issues the Shakman Special Complaint Administrator's Report.

B. Arbitration Procedure.

1. Written Arbitration Request Due Date. Any written demand for arbitration must be received by the District's Chief Legal Counsel within thirty (30) days after the Shakman Special Complaint Administrator issues its Report. The District's Chief Legal Counsel shall provide a copy of any written Arbitration Demand Form to the DCA within seven (7) days of its receipt. The SRO Complainant seeking to invoke the arbitration process must submit a written demand for arbitration on the Arbitration Demand

Form in the form attached as Exhibit V.B(1). The Arbitration Demand shall describe in plain terms the actions alleged to violate the SRO and the relief sought, but detailed pleadings shall not be required and any claim may be amended if permitted by the Arbitrator; the right to amend shall be liberally construed. The Complainant shall pay a \$100 filing fee at the time of the Request for Arbitration. If the Complainant is the prevailing party, the arbitrator shall award the Complainant the \$100 filing fee along with any other relief. The Arbitration Demand must also include a copy of the SRO Complaint Form submitted to the Shakman Special Complaint Administrator and the Shakman Special Complaint Administrator's Report. The Complainant shall pay a \$100 filing fee payable to the "American Arbitration Association" at the time of the Arbitration Demand. If the Complainant is the prevailing party, the arbitrator shall award the Complainant the \$100 filing fee along with any other relief. The District's Chief Legal Counsel shall provide a copy of any written Arbitration Demand Form to the DCA and Plaintiffs' Class Counsel within seven (7) days of its receipt.

2. Settlement Conference. Within twenty-eight (28) days from the date upon which the District's Chief Legal Counsel receives an Arbitration Demand Form, the District's Chief Legal Counsel and SRO Complainant shall hold an in person settlement conference at the offices of the District's Chief Legal Counsel for settlement purposes only and the statements made and

the positions taken shall not be disclosed if arbitration is sought. The SRO Complainant, the District and the DCA can agree in writing to an extension of this date. The SRO Complainant may be represented at the settlement conference by counsel or any other representative of her or his choice. The DCA or a member of the DCA's staff shall be present at the settlement conference. Settlement offers may include, but are not limited to, monetary damages, reinstatement, or other equitable relief. If accepted by the SRO Complainant, copies of executed settlement agreements shall be provided to the DCA and Plaintiffs' Class Counsel and the \$100 filing fee shall be returned to the SRO Complainant.

3. Timing for Arbitration. If the District and the SRO Complainant are not able to reach a settlement, the District's Chief Legal Counsel shall notify the American Arbitration Association within seven (7) days of the Settlement Conference by sending the American Arbitration Association a copy of the Arbitration Demand Form and accompanying documents. The American Arbitration Association will notify the arbitrator of her or his selection. Within ten (10) days of being notified of her or his selection, the arbitrator shall provide the SRO Complainant, the District's Chief Legal Counsel, and Plaintiffs' Class Counsel notice of her or his selection and a proposed arbitration schedule. The proposed schedule shall provide for a pre-hearing conference at which other steps may be scheduled, including the production of documents and information, depositions, and a

schedule for completion of the arbitration within one hundred twenty (120) days of the selection of the arbitrator. The arbitration will be scheduled at a time mutually selected by the SRO Complainant, the District, and the arbitrator. Failure to complete the arbitration within such period, however, shall not affect the validity of the arbitrator's award.

4. Arbitrator's Fees; Representatives of Complainant. The District shall forward the \$100 filing fee paid by the SRO Complainant to the American Arbitration Association with the Arbitration Demand Form. The District shall pay the Arbitrator's fees and any costs of administration beyond the \$100 filing fee paid by the SRO Complainant. The proceeding shall be electronically recorded. Either party may order a copy of the transcripts at its own expense. Each party is responsible for the costs of compensating its own witnesses and the costs of any transcript, if desired. An SRO Complainant may appear on his or her own behalf, be represented by an attorney, or be represented by any other representative of his or her choice.
5. Selection of Arbitrator. The Court will establish a panel of ten arbitrators. The District and Plaintiffs' Counsel shall exchange five (5) names of proposed arbitrators. The arbitrators must be on a list of arbitrators approved by the American Arbitration Association. The parties will attempt to reach agreement on the arbitrators. If the parties are unable to reach agreement on five (5) arbitrators, the parties shall submit a list of any agreed arbitrators to the Court along with the parties remaining

suggested arbitrators. The Court shall fill the remaining slots with names from the parties' lists or may select its own arbitrators from the list of American Arbitration Association approved arbitrators. The approved arbitrators will serve on a rotating basis as administered by the American Arbitration Association.

6. Governing Rules. Except as modified herein, the arbitration shall be governed by the National Rules for Employment Disputes of the American Arbitration Association. Except as expressly provided otherwise herein, the arbitration shall be conducted in accordance with the Illinois Arbitration Act, 710 ILCS 5/1, *et seq.*, and the arbitrator shall have all powers conferred by that Act.
7. Arbitrator's Decision. The arbitrator must issue a written award, including written findings of fact, within thirty (30) days of the completion of the arbitration hearing. Copies of the decision shall be provided to the SRO Complainant, the District's Chief Legal Counsel, the DCA, and Plaintiffs' Class Counsel. The award shall determine (i) whether the SRO has been violated; (ii) whether the SRO Complainant has met the burden of proof which is the preponderance of the evidence standard as set forth in applicable law; and (iii) the appropriate remedy. Prevailing Complainants shall be entitled to reasonable attorneys' fees and costs as set forth in the resolution for the appointment of Special State's Attorneys. Complainants may petition the Court for additional attorneys' fees in special

circumstances, such as where the issues presented were complex justifying compensating the Complainant's attorneys at a higher rate. The arbitrator will have no authority to modify any provision of the New Plan or the SRO.

8. Finality of Decision. The Arbitrator's award shall be final and binding upon all parties. The award may be reviewed and enforced, and judgment entered in conformity therewith, solely and exclusively by and in this Court, which shall apply the procedures and standards set forth in Sections 5/11-15 of the Illinois Uniform Arbitration Act, 710 ILCS 5/11-15, inclusive, and applicable court decisions under those provisions of that Act.
9. Waiver. Any SRO Complainant who proceeds under the District's Arbitration Process described herein, shall waive any and all rights she or he may otherwise have arising from the alleged violations of the SRO set forth in, or that could have been raised in, his or her written Arbitration Demand Form.
10. Audit Documentation. The District shall maintain all documentation related to complaints, investigations, and arbitrations arising under Section V until one year after the SRO has terminated.

VI. NO RETALIATION


No person shall take any retaliatory action against any individual who exercises any rights provided by, or who reports violations of, the Consent Decrees or the SRO. The District and its employees shall be bound by all applicable whistleblower policies or laws in effect. Any

admission by any Party of any act, matter or proposition, and shall not be used in any manner or for any purpose in any subsequent proceeding in the Action or in any other action or proceeding.

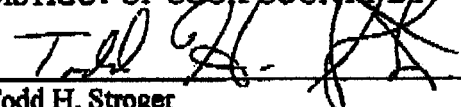
X. ENTIRE AGREEMENT.

All prior negotiations and agreements between the parties hereto, with respect to the SRO, shall be superseded by the SRO and no representation, warranties, understandings, or agreements of the parties relating to the subject matter thereof, other than those expressly set forth in the SRO shall have any legal effect.

ENTER:



Hon. Wayne R. Andersen
United States District Judge

AGREED TO ON BEHALF OF THE FOREST PRESERVE
DISTRICT OF COOK COUNTY BY:


Todd H. Stroger
President of the Forest Preserve District of
Cook County

1/13/09
Date

AGREED TO ON BEHALF OF THE PLAINTIFFS
BY:


Roger R. Fross
One of the Counsel for the Plaintiff Classes and their duly
authorized agent for purposes of executing this document

1/14/09
Date

EXHIBITS

Exhibit 1	Preliminary Approval Order
Exhibit II.D	List of Exempt Positions
Exhibit III.E(2)	Certification of Substantial Compliance
Exhibit IV.B	Opt-Out Request Form
Exhibit IV.D	Pre-SRO Claim Form
Exhibit V.A(1)	Post-SRO Complaint Form
Exhibit V.A(4)	Notice of Rights
Exhibit V.B(1)	Arbitration Demand Form

Exhibit 1
Preliminary Approval Order

Exhibit 1

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

MICHAEL L. SHAKMAN, et al.,

Plaintiffs,

v.

FOREST PRESERVE DISTRICT OF COOK
COUNTY, et al.,

Defendants.

)
)
)
)
) Case Number: 69 C 2145
) Judge Andersen
) Magistrate Judge Schenkier
)
)
)
)

**PRELIMINARY APPROVAL ORDER
SUPPLEMENTAL RELIEF ORDER FOR THE
FOREST PRESERVE DISTRICT OF COOK COUNTY**

This case comes to be heard on the Agreed Motion of Plaintiffs and the Forest Preserve District of Cook County (the "District") for approval of a proposed SUPPLEMENTAL RELIEF ORDER FOR THE FOREST PRESERVE DISTRICT OF COOK COUNTY ("SRO"). The Court orders as follows:

1. The proposed SRO is preliminarily approved, subject to the holding of a hearing on the settlement as provided by this Order. The terms of the SRO are fully incorporated by reference into the 1978 and the 1994 Consent Decrees ("Consent Decrees").
2. A hearing shall be held at 8:45 a.m. on March 5, 2009 before this Court, for the purpose of determining whether the Court should approve the proposed SRO, all as set forth in the attached form of Notice of Hearing. The Notice is approved.
3. Prior to February 16, 2009, notice in the form attached hereto as Exhibit A shall be published as a display ad on one day in the Chicago Tribune and on a different date in the Chicago Sun-Times, which newspapers have circulations through the Northern District of Illinois in excess of 750,000. For the purpose of this Publication, the Notice shall not include as an exhibit the texts of the proposed SRO but the text shall be available on the District's website at www.fpdcc.com. Notice of the SRO shall also be delivered to each employee of the District in the form attached hereto as Exhibit A by enclosing such Notice with each employee's paycheck or, if the employee does not receive a paycheck, by interoffice or US mail no later than February

16, 2009. Appropriate affidavits showing that the Notice has been given as provided shall be filed with the Court no later than the final approval hearing.

4. The Court finds that the Hearing Notice as prescribed by paragraph 2 constitutes the best notice practicable under the circumstances and constitutes due and sufficient notice of the Settlement Hearing and proposed SRO to all persons affected by and/or entitled to participate in the Settlement.

5. Any Class Member who wants to be excluded from the class must give written notice of her or his intent to opt-out by mail to the District's Compliance Administrator, Jan Carlson, 69 W. Washington Street, Suite 1416, Chicago, IL 60602. A form Opt-Out Notice can be obtained from the District's website at www.fpdcc.com, the District Compliance Administrator, or from Brian Hays, Locke Lord, Bissell & Liddell LLP, 111 S. Wacker Drive, Chicago, Illinois 60606. The Opt-Out Request shall state: (a) the name and docket number of this case; (b) the Class Member's legal name, address, and telephone number; and (c) that the Class Member wishes to be excluded from membership in the Classes. An Opt-Out Notice must be received by July 6, 2009.

6. Class Members who elect to opt-out of the SRO must file an enforcement action or bring a separate lawsuit to assert any claims they may have against the District. Claims based on alleged political discrimination in employment in violation of the 1994 Consent Decree may be subject to a limitations period. *See Smith v. County of Chicago*, 769 F.2d 408 (7th Cir. 1985). Furthermore, a two year statute of limitations applies to claims brought under 42 U.S.C. § 1983, and related provisions of civil rights legislation. Additional time may be afforded to bring claims where the basis therefore has been concealed. A Class Member who elects to pursue a remedy outside of the SRO should act quickly to protect whatever rights she or he may have. To facilitate negotiations, the parties agreed that the running of any statutory time limitations periods and all other legal or equitable time-based defenses and doctrines for violations of federal and state law and court orders entered in this case based on claims of political discrimination in connection with any term or aspect of governmental employment with the District or defenses thereto were stayed and tolled as of December 1, 2006. The tolling will be lifted at Final Approval but will not affect any claims which may have expired between the date of Final Approval and the date of Opt Out. A member of the Settlement Classes who elects to pursue a remedy outside of the SRO should act quickly to protect whatever rights she or he may have.


7. Any Class Member may file a written objection to the SRO with the Court. The objection must state its substance, the nature of the objector's interest in the case and the name and address of the objector. Written objections must be filed with the Court prior to 4:00 p.m. on February 26, 2009, showing receipt of copies of the objection by Brian Hays at Locke Lord Bissell & Liddell, LLP, 111 S. Wacker Drive, Chicago, Illinois 60606 and Michael Hayes at Odelson & Sterk, Ltd, 3318 W. 95th Street, Evergreen Park, IL 60805.

8. If a Class Member wishes to speak at the hearing, she or he must ask the Court for permission by filing a request with the Court, showing copies to Brian Hays at Locke Lord Bissell & Liddell, LLP, 111 S. Wacker Drive, Chicago, Illinois 60606 and Michael Hayes at Odelson & Sterk, Ltd, 3318 W. 95th Street, Evergreen Park, IL 60805, requesting permission to speak at the settlement approval hearing in the case of *Shakman v. Forest Preserve District of*

Cook County, 69 C 2145. The Class Member should state her or his position and the basis for that position. The request for permission to speak must be filed with the Court prior to 4:00 p.m. on February 26, 2009. The Court may, or may not, grant the request.

9. Any Class Member who believes that she or he was a victim of unlawful political discrimination in connection with hiring for or any aspect of government employment with the District prior to the date of entry of the SRO who wishes to make a claim for relief as described in the SRO must mail a completed Claim Form to the District Compliance Administrator, Jan Carlson, 69 W. Washington Street, Suite 1416, Chicago, IL 60602. Claim Forms will be made available from Plaintiffs' Counsel at the above address, the District's website www.fpdcc.com, and the District Compliance Administrator at 69 W. Washington Street, Suite 1416, Chicago, IL 60602. Claims for unlawful political discrimination in District employment based on events prior to June 1, 2005 may be submitted only if the claimant can show (i) why she or he could not have discovered the claim before June 1, 2005, (ii) facts that would support a claim for fraudulent concealment, or (iii) facts that would support a claim for equitable tolling of the limitations period. Claim Forms must be received no later than July 6, 2009.

ENTER:


United States District Judge *January 14, 2009*

**NOTICE OF HEARING ON APPROVAL OF
SUPPLEMENTAL RELIEF ORDER
FOR THE FOREST PRESERVE DISTRICT OF COOK COUNTY**

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

MICHAEL L. SHAKMAN, *et al.*,

Plaintiffs,

v.

No. 69 C 2145

FOREST PRESERVE DISTRICT OF
COOK COUNTY, *et al.*,

**TO: PAST, PRESENT AND FUTURE PERMANENT AND TEMPORARY EMPLOYEES
OF THE FOREST PRESERVE DISTRICT OF COOK COUNTY, PAST, PRESENT
AND FUTURE APPLICANTS FOR EMPLOYMENT WITH THE FOREST
PRESERVE DISTRICT OF COOK COUNTY AND CANDIDATES AND VOTERS OF
COOK COUNTY, ILLINOIS**

**THIS NOTICE IS TO INFORM YOU THAT THE PARTIES HAVE PROPOSED A
SETTLEMENT OF A CLASS ACTION LAWSUIT INVOLVING ALLEGATIONS OF
POLITICAL DISCRIMINATION IN CONNECTION WITH HIRING AND OTHER ASPECTS
OF EMPLOYMENT WITH THE FOREST PRESERVE DISTRICT OF COOK COUNTY. IF
THE COURT GIVES FINAL APPROVAL TO THE SETTLEMENT, CERTAIN MEMBERS
OF THE CLASSES MAY BE ELIGIBLE TO RECEIVE CERTAIN BENEFITS IF THEY
TAKE PROMPT ACTION DESCRIBED BELOW.**

**PLEASE READ THIS NOTICE CAREFULLY AND COMPLETELY. IF YOU ARE A
MEMBER OF ANY OF THESE CLASSES, THE NOTICE CONTAINS IMPORTANT
INFORMATION ABOUT YOUR RIGHTS.**

YOU ARE NOTIFIED:

- The Court in charge of this case has certified plaintiff classes consisting of (1) all past employees and applicants for employment with the Forest Preserve District of Cook County to the date of final approval of the Supplemental Relief Order for the Forest Preserve District of Cook County; (2) all current and future employees and applicants for employment with the Forest Preserve District of Cook County for the life of the Supplemental Relief Order; (3) all registered voters; and (4) all candidates for public office to whom this Notice is directed (the "Settlement Classes"). You may be a Member of one of the Settlement Classes.

- The Court has given preliminary approval to a proposed SUPPLEMENTAL RELIEF ORDER FOR THE FOREST PRESERVE DISTRICT OF COOK COUNTY ("SRO") under which people who applied for jobs with the Forest Preserve District of Cook County or who were employed by the Forest Preserve District may be eligible to receive cash payments.
- The Court will hold a settlement approval hearing on March 5, 2009, at 8:45 a.m. to decide whether to give final approval to the proposed SRO.
- If you are a member of the Settlement Classes, your legal rights will be affected if the Court gives final approval to the SRO.

This Notice explains the lawsuit, the proposed SRO, the benefits available pursuant to the SRO, and who is eligible for those benefits. This Notice explains how you can participate in, object to, or exclude yourself from, the remedy provided by the proposed SRO. Full details of the proposed SRO are contained in the SRO. You may obtain a copy of the SRO from the Forest Preserve District of Cook County's website at www.fpdcc.com. You can also obtain copies from the Forest Preserve District's outside counsel, Michael Hayes, Odelseon & Sterk, Ltd., 3318 W. 95th Street, Evergreen Park, IL 60805, and from counsel for the plaintiff classes, Brian Hays, Locke Lord Bissell & Liddell LLP, 111 South Wacker Drive, Suite 4100, Chicago, Illinois 60606.

The Lawsuit

On October 28, 1969, Michael L. Shakman and Paul M. Lurie filed suit on behalf of themselves and all candidates for public office and registered voters asking the Court to prohibit the Forest Preserve District of Cook County, among other defendants, from conditioning, basing or affecting any term or aspect of governmental employment upon or because of any political reason or factor in a case captioned Shakman v. Democratic Organization of Cook County, No. 69 C 2145. In 1978 and on January 7, 1994, the United States District Court for the Northern District of Illinois entered Consent Judgments with respect to the Forest Preserve District of Cook County, prohibiting the Forest Preserve District of Cook County from conditioning, basing or affecting any term or aspect of governmental employment upon or because of any political reason or factor. Those Judgments provided that the Court retained jurisdiction with respect to, among other matters, issues of political hiring and identified the positions which should be exempt from its injunctive provisions.

The Settlement SRO

The parties have filed with the Court a proposed SRO. The SRO would:

- supplement the original Forest Preserve District Consent Judgments,
- add various reporting, monitoring and enforcement provisions,
- provide for injunctive relief,

- provide for the preparation of a new hiring plan for the District,
- provide for a procedure for designating certain District positions as exempt from the provisions of the SRO,
- provide for a procedure for deciding whether to terminate the District's Consent Decrees and the SRO if the District is in substantial compliance with the District's Consent Decrees and the SRO,
- **create procedures summarized below for claimants of prior unlawful political discrimination in any term or aspect of employment with the District between June 1, 2005 and the date of final approval of the SRO to apply for compensation, for a determination of the merits of such claims, and for payment in appropriate circumstances**

The SRO also provides a procedure for reporting and arbitrating claims of future political discrimination against applicants for employment with the District and District employees. The SRO also designates an independent District Compliance Administrator to administer the Pre-SRO claims process and monitor future District compliance with the Forest Preserve District Consent Judgments and the SRO. Finally, the SRO also preserves the rights of candidates for public office and voters to enforce the terms of the SRO.

Submitting a Claim

Any member of the Settlement Classes who believes that she or he was subjected to unlawful political discrimination in connection with hiring or for any term or aspect of government employment with the District, including but not limited to promotion, job assignments, termination, other disciplinary action and overtime, between June 1, 2005 and the date of final approval of the SRO who would like to be considered for a damage award provided by the SRO must mail a completed, notarized SRO Claim Form and signed, notarized Release to the District's Compliance Administrator, Jan Carlson, 69 W. Washington Street, Suite 1416, Chicago, IL 60602 or may be sent to the address of the District's Compliance Administrator given after final approval. After final approval of the SRO, Claim Forms can be obtained from Jan Carlson at the address above, or Plaintiffs' counsel, Brian Hays, Locke Lord Bissell & Liddell LLP, 111 S Wacker, Chicago, IL 60606 and Michael Hayes, Odelsen & Sterk, Ltd., 3318 W. 95th Street, Evergreen Park, IL 60805, and from the District's website, www.fpdcc.com.

Completed and notarized Claim Forms and Releases must be received by the District's Compliance Administrator no later than July 6, 2009. Class Counsel recommends that Class Members send their completed and notarized Claim Forms and Releases to the District's Compliance Administrator via certified mail, return receipt requested.

Exclusion from the Classes

The Court will exclude from the Settlement Classes any member who requests exclusion. The remedy provided in the SRO shall be the exclusive remedy for claims of political discrimination, pursuant to any theory, prior to final approval of the SRO for members of the Settlement Classes who fail to opt out. **A member of the Settlement Classes who wants to be**

excluded from the classes must give written notice of her or his intent to opt-out of the classes no later than July 6, 2009. The Opt-Out Request must be received by the District Compliance Administrator, Jan Carlson, 69 W. Washington, Suite 1416, Chicago, IL 60602 or may be sent to the address of the District's Compliance Administrator given after final approval, by **July 6, 2009.** An Opt-Out Request Form can be obtained from the District's website at www.fpdcc.com or from Jan Carlson or Brian Hays and Michael Hayes at the addresses listed above. The Opt-Out Request must state: (a) the name and docket number of this case; (b) the member of the Settlement Class's legal name, address, and telephone number and (c) that the member of the Settlement Member wishes to be excluded from membership in the Classes.

Members of the Settlement Classes who elect to opt out of the SRO and who wish to pursue any claim they may have against the District must opt-out of the SRO and file their own separate lawsuit. Claims based on alleged political discrimination may be subject to a statute of limitations. To facilitate negotiations, the parties agreed that the running of any statutory time limitations periods and other legal or equitable time-based defenses and doctrines for violations of federal and state law and court orders entered in this case based on political discrimination were tolled as of December 1, 2006. A member of the Settlement Classes who elects to pursue a remedy outside of the SRO should act quickly to protect whatever rights she or he may have.

Objecting to the SRO

Any member of the Settlement Classes may file a written objection to the SRO with the Court. The objection must state its substance, the nature of the objector's interest in the case and the name and address of the objector. Written objections must be filed with the Court prior to 4:00 p.m. on February 26, 2009, showing copies of the objection were mailed to Brian Hays and Michael Hayes at the addresses above.

Settlement Approval Hearing

A hearing will be held in Room 1403 of the United States Courthouse, 219 South Dearborn Street, Chicago Illinois, at 8:45 a.m. on March 5, 2009, for determining whether the Court should give its final approval to the SRO.

Members of the Settlement Classes are welcome to attend the hearing, at their own expense, and they may request permission to speak to the Court. Members of the Settlement Classes may also hire their own lawyers at their own expense to speak on their behalf. If members of the Settlement Classes have sent a written objection, they do not need to come to Court. If the objection from any member of the Settlement Classes was postmarked on time, the Court will consider it.

If a member of the Settlement Classes wants to speak at the hearing, she or he must ask the Court for permission. To do so, a member of the Settlement Class must file a request with the Court, and mail copies to Brian Hays and Michael Hayes at the addresses listed above, requesting permission to speak at the settlement approval hearing in the case of **Shakman v. Forest Preserve District of Cook County, 69 C 2145**. The request should state the member of the Settlement Classes' position and the basis for that position. The request for permission to

speak must be filed with the Court prior to 4:00 p.m. on February 26, 2009. The Court may, or may not, grant the request.

• The Parties have not agreed to or discussed the amount of attorneys' fees awardable to Plaintiffs' Counsel or costs prior to entry of this SRO, but shall attempt to reach agreement as to such amount within forty-five (45) days of entry of the SRO for presentation to the Court for its review and approval. If no Agreement is reached, the Plaintiffs' Counsel shall file a fee petition with the Court. Members of the Settlement Classes may file objections to the fee petition.

Final approval of the SRO will be binding on all members of the Settlement Classes who do not serve a timely written notice of their intent to opt-out of the settlement.

**DO NOT CALL OR WRITE THE COURT TO OBTAIN COPIES OF DOCUMENTS OR
TO ASK QUESTIONS ABOUT THE SETTLEMENT.**

Dated: Chicago, Illinois

January 14, 2009



Hon. Wayne R. Andersen
United States District Judge

Exhibit II.D
List of Exempt Positions

EXHIBIT 1

**THE FOREST PRESERVE DISTRICT OF COOK COUNTY'S
THIRD AMENDED LIST OF EXEMPT POSITIONS**

1. Administrative Assistant to the General Superintendent
2. Administrative Assistant to the General Superintendent
3. Administrative Assistant V
4. Assistant Director of Resource Management
5. Assistant Chief Attorney
6. Assistant Recreation Superintendent
7. Assistant to the General Superintendent for Labor Matters
8. Chief Attorney
9. Chief of Police
10. Comptroller
11. Coordinator of Community and Intergovernmental Relations
12. Deputy Chief of Police
13. Deputy Comptroller
14. Director of Development
15. Director of Finance
16. Director of Planning and Development
17. Director of Resource Management
18. Executive Assistant to the General Superintendent
19. Executive Secretary
20. First Deputy Chief of Police
21. General Superintendent
22. Grant Administrator

23. Human Relations Officer
24. Information Representative IV
25. Internal Auditor
26. Maintenance Superintendent II
27. Maintenance Superintendent II
28. Maintenance Superintendent III
29. Management Analyst IV
30. Personnel Administrator
31. Purchasing Agent
32. Real Estate Agent
33. Recreation Superintendent
34. Regional Superintendent
34. Regional Superintendent
36. Regional Superintendent
37. Regional Superintendent
38. Secretary to Board of Commissioners
39. Special Events Director

Exhibit III.E(2)
Certification of Substantial Compliance

Exhibit III.E(2)

CERTIFICATION OF SUBSTANTIAL COMPLIANCE

After due inquiry, based upon the information and documents that I have reviewed and the knowledge that I possess as the Board President / Superintendent / Head of Human Resources, I believe the Forest Preserve District of Cook County (the "District") is in substantial compliance as required by the District's Consent Decrees and Supplemental Relief Order as evidenced by the fact that I certify, under penalty of perjury as provided by law, that, to the best of my knowledge:

1. The District has implemented the New Hiring Plan, including procedures designed to ensure compliance with the New Hiring Plan and identify instances of non-compliance;
2. The District has acted in good faith to remedy instances of non-compliance that have been identified, and to prevent a recurrence;
3. The District does not have a policy, custom or practice of making employment decisions based on political factors except for positions that are exempt under the SRO; and
4. The District has implemented procedures intended to effect long-term prevention of the use of impermissible political considerations in connection with employment for the District.

Signature

Printed Name

Date

Exhibit IV.B
Opt-Out Request Form

Exhibit IV.B

SRO OPT-OUT REQUEST PROCEDURES AND OPT-OUT REQUEST FORM

Pursuant to the

SUPPLEMENTAL RELIEF ORDER
FOR THE FOREST PRESERVE DISTRICT OF COOK COUNTY
Entered in *Shakman, et al. v. Democratic Organization of Cook County, et al.*
(the "Shakman Case")

**OPT-OUT REQUEST FORMS (Form 1) MUST BE RECEIVED
BY THE DISTRICT COMPLIANCE ADMINISTRATOR
BY July 6, 2009**

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 Forest Preserve District of Cook County (the "District") prior to March 5, 2009 (the date of final approval of the SRO), you may have a claim for damages and/or injunctive relief against the District.

The SRO creates a new claim process for anyone who believes that s/he was subjected to unlawful political discrimination prior to March 5, 2009 (the date of final approval of the SRO). For details regarding the SRO Claim process, please review Section IV of the SRO and the SRO Claim Procedures which are posted on the Forest Preserve District of Cook County's website at www.fpdcc.com.

The Court will exclude you from the classes if you request exclusion. If you want to be excluded from the classes, you must give written notice of your intent to opt-out of the classes no later than July 6, 2009. The Opt-Out Request must be mailed to the District Compliance Administrator, Jan Carlson, at 69 W. Washington Street, Suite 1416, Chicago, IL 60602.

If you elect to opt-out of the SRO and wish to pursue any claim that you may have against the District, you must opt-out of the SRO and file your own enforcement action or a separate lawsuit. *There are important statutes of limitation that set important deadlines for filing federal lawsuits regarding allegations of political discrimination in employment with the Forest Preserve District.* Many such federal lawsuits must be filed within *180 days* of the alleged discrimination. To facilitate negotiations, the parties agreed that the running of any statutory time limitations periods and all other legal or equitable time-based defenses and doctrines for violations of federal and state law and court orders entered in this case based on claims of political discrimination in connection with any term or aspect of governmental employment with the District or defenses thereto were stayed and tolled as of December 1, 2006. The tolling will be lifted at Final Approval but will not affect any claims which may have expired between the date of Final Approval and the date of Opt Out. You should consult an attorney right away if you intend to file any legal action in a court of law.

"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 District 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.

You should not take the Opt-Out Request Procedures or Form as legal advice. The District Compliance Administrator is not able to provide legal advice to you about whether you should opt-out of the SRO. If you are considering opting out, you may consult with a lawyer of your choosing.

Class Counsel in the *Shakman* Case (that is, the lawyers who represent the named plaintiffs and classes of plaintiffs in that case) are not able to provide you with legal advice about claims if you wish to submit an Opt-Out Request Form. If you wish to submit an Opt-Out Request Form, you may consult with a lawyer of your choice.

You may be able to obtain free legal advice from The University of Chicago Law School's Employment Discrimination Project, which has agreed to advise possible claimants over whether to file a claim or "opt-out" and retain the right to file a lawsuit. Given limited resources, the Employment Discrimination Project may not be able to assist every claimant. Please contact Randall Schmidt by mail at 111 East 60th Street, Chicago, IL 60657, by phone at 773-702-9611, or by e-mail at r-schmidt@uchicago.edu for further information about making an appointment.

Class Counsel recommend that you send your completed Opt-Out Request Form to the District Compliance Administrator via certified mail, return receipt requested, and keep a copy of the Opt-Out Request Form.

OPT-OUT REQUEST FORM

Date: _____

District Compliance Administrator
Jan Carlson
69 W. Washington Street
Suite 1416
Chicago, IL 60602

Shakman, et al. v. Forest Preserve District of Cook County, et al.

Case Number: 69 C 2145

Name: _____

Address: _____

Telephone: _____

I wish to be excluded from membership in the settlement classes in this case.

(Signature)

Exhibit IV.D
Pre-SRO Claim Form

Exhibit IV.D

PRE-SRO CLAIM PROCEDURES AND PRE-SRO CLAIM FORM

Pursuant to the

SUPPLEMENTAL RELIEF ORDER
FOR THE FOREST PRESERVE DISTRICT OF COOK COUNTY ("SRO")
Entered in *Shakman, et al. v. Democratic Organization of Cook County, et al.*
(the "Shakman Case")

**COMPLETED PRE-SRO CLAIM FORMS (Form 2) AND RELEASE OF CLAIMS
AGAINST THE FOREST PRESERVE DISTRICT FORMS (Form 3)
MUST BE RECEIVED BY THE DISTRICT COMPLIANCE ADMINISTRATOR
BY July 6, 2009**

If you believe you were subjected to unlawful political discrimination in connection with hiring, promotion, overtime or for any other aspect of employment with the Forest Preserve District of Cook County (the "District") prior to March 5, 2009, you may submit a completed and notarized SRO Claim Form (Form 2) and Release of Claims Against the Forest Preserve District of Cook County (Form 3) by July 6, 2009 to be considered for possible money damages.

Completed SRO Claim Form and Release of Claims Against the Forest Preserve District of Cook County must be received by the District Compliance Administrator by the **July 6, 2009 Claim Deadline**. Both forms must be notarized. Send completed and notarized SRO Claim Forms and a Release of Claims Against the Forest Preserve District of Cook County to:

District Compliance Administrator
Jan Carlson
69 W. Washington Street
Suite 1614
Chicago, IL 60602

Do You Have a Claim?

If you applied for a job or have a job with the Forest Preserve District of Cook County or are a registered voter and candidate for public office, and you believe that you were subjected to unlawful political discrimination in connection with any employment decision by the District that occurred prior to March 5, 2009, you may be eligible to receive a cash award under a settlement agreement in *Shakman, et al. v. Democratic Organization of Cook County, et al.* No. 69 C 2145.

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

District's SRO Form 2

"Unlawful political discrimination" means the making of any employment decision by the District 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.

If you believe that you were a victim of unlawful discrimination in connection with any employment decision by the District, you may make an SRO Claim by submitting a Claim Form and a Release of Claims Against the Forest Preserve District Form.

Under federal law, certain limitations periods apply to claims that a person was the victim of unlawful political discrimination. These limitations periods can be extended under certain circumstances. If you either submit an SRO Claim to the District Compliance Administrator or file a federal lawsuit based on events that occurred before June 1, 2005, you must show one of the following to justify extending the limitations period:

1. Facts showing why you could not have discovered your claim before June 1, 2005;
2. Facts that would support a claim for fraudulent concealment;
3. Facts that would support a claim for equitable tolling of the limitations period;
4. Facts showing why you did not have enough information to file a lawsuit before June 1, 2005;
5. Facts that show that the District or its employees did something to hide the discrimination from you or to convince you not to file suit.

SRO Claims based on alleged political discrimination may be subject to a statute of limitations. To facilitate negotiations, the parties agreed that the running of any statutory time limitations periods and all other legal or equitable time-based defenses and doctrines for violations of federal and state law and court orders entered in this case based on claims of political discrimination in connection with any term or aspect of governmental employment with the District or defenses thereto were stayed and tolled as of December 1, 2006. The tolling will be lifted at Final Approval but will not affect any claims which may have expired between the date of Final Approval and the date of Opt Out. A member of the Settlement Classes who elects to pursue a remedy outside of the SRO should act quickly to protect whatever rights she or he may have.

Submitting a Claim Form does not guarantee a monetary award.

Instructions for Completing the Claim Form

If you would like to submit a Claim Form and be considered for a cash award, you must complete and have notarized: (1) an SRO Claim Form (Form 2) and (2) a Release of Claims Against the Forest Preserve District of Cook County Form (Form 3).

The District Compliance Administrator will deny your claim if you do not submit both notarized forms.

You should include in the SRO Claim Forms as much detail as possible showing the evidence supporting your claim that you were subjected to unlawful political discrimination in connection with any aspect of employment with the District.

If you submit an SRO Claim Form, you must attach to the SRO Claim Form any supporting documentation in your possession. This includes documentation supporting any damages claim. If you do not have any documents in your possession, your SRO Claim will still be evaluated on its merits. Documents may be submitted at a later date, but only with permission from the District Compliance Administrator.

You may only submit one SRO Claim Form, but you may allege facts supporting more than one claim on your SRO Claim Form. The District Compliance Administrator will evaluate all of the claims included in the SRO Claim Form.

The District Compliance Administrator is not able to provide legal advice about whether you should remain a member of the class or about whether you have an SRO Claim. If you are considering submitting an SRO Claim Form, you may consult with a lawyer of your choosing.

Class Counsel in the Shakman Case (that is, the lawyers who represent the named plaintiffs and classes of plaintiffs in that case) are not able to provide you with legal advice about claims if you wish to file a claim. If you wish to file a Claim, you may consult with a lawyer of your choice, at your own expense, about whether to file a Claim or whether to "opt-out" of the settlement procedures described in this document and, by doing so, retain your right to file a lawsuit.

You may be able to obtain free legal advice from the University of Chicago Law School's Employment Discrimination Project, which has agreed to advise possible claimants over whether to file a claim or "opt-out" and retain the right to file a lawsuit. Given limited resources, the Employment Discrimination Project may not be able to assist every claimant. Please contact Randall Schmidt by mail at 111 East 60th Street, Chicago, IL 60657, by phone at 773-702-9611, or by e-mail at r-schmidt@uchicago.edu for further information about making an appointment.

Class Counsel recommend that you send your completed SRO Claim Form and Release of Claims Against the Forest Preserve District of Cook County Form to the District Compliance Administrator via certified mail, return receipt requested, and keep a copy of the Forms and a copy of any documents you send with them.

District's SRO Form 2

Claim Review Process

The District Compliance Administrator and his staff will review your timely SRO Claim Forms to determine whether you are entitled to a damage award. As part of the review, the District Compliance Administrator may request additional information from you to help identify valid claims and eliminate those that are invalid. During the claims review process, you must provide any information and documents reasonably requested by the District Compliance Administrator.

Within 90 days of July 6, 2009, the Claim Deadline (the "Claim Review Period"), the District Compliance Administrator, in his sole discretion and after consideration of all of the evidence, will determine whether you are eligible for recovery and, if so, will assign a monetary award to you based on the relevant information presented to the District Compliance Administrator. You should provide all evidence, information, and documents known to you in as much detail as possible in your SRO Claim Forms to assist the District Compliance Administrator in assessing claims.

If the District Compliance Administrator needs additional time beyond 90 days to evaluate the merits of a claim, the District Compliance Administrator will inform you of the need for additional time and the date by which the review will be completed.

The District Compliance Administrator will notify you of the decision with respect to your claim by sending a Notice of Determination to you by 90 days following the Claim Deadline. The Notice of Determination will you whether you are entitled to a damage award and, if so, the amount of the award. The decision of the District Compliance Administrator will be final and not subject to appeal.

The District's Compliance Administrator's decision is final and not subject to appeal.

Within 30 days following the District Compliance Administrator's determination of all claims, the District Compliance Administrator shall provide the District's Chief Legal Counsel with a list of Claimants eligible for an award, each Claimant's last known mailing address, the social security number of any non-employee, and the amount of each award.

Within 60 days of receipt of the District Compliance Administrator's list of Claimants and awards, the Forest Preserve District of Cook County will mail a check in the amount of the award to each Claimant who has received an award at her or his last known mailing address.

If you submit an SRO Claim Form, you thereby agree to have your claim for damages resulting from alleged political discrimination in connection with employment with the District decided by the District Compliance Administrator and agree to waive your right to file your own lawsuit and to have your claims decided by a court. Claim Forms must be accompanied by a signed Release of Claims Against The Forest Preserve District of Cook County Form.

Submitting an SRO Complaint Form does not guarantee you any relief.

District's SRO Form 2

Important Dates:

March 5, 2009	Court Hearing for Final Approval of the Supplemental Relief Order for the Forest Preserve District of Cook County
July 6, 2009	Opt-Out Deadline (The "Opt-Out Deadline" is the date by which a person who believes she or he has a claim against the Forest Preserve District of Cook County for political discrimination must inform the Court in the Shakman Case in writing that she or he elects to be excluded from the settlement and claims procedure described in this document.)
July 6, 2009	SRO Claim Form Deadline
October 5, 2009	District Compliance Administrator Sends Notice of Determination to Claimants
January 4, 2010	Deadline for District to Pay Claim Awards (for claims which no objection was filed)

PRE-SRO CLAIM FORM

SUPPLEMENTAL RELIEF ORDER ("SRO") FOR FOREST PRESERVE
DISTRICT OF COOK COUNTY

Date: _____

To: District Compliance Administrator
Jan Carlson
69 W. Washington Street
Suite 1614
Chicago, IL 60602

I, _____, hereby declare, under penalty of
perjury pursuant to the laws of the United States, as follows:

1. Address: _____

2. Telephone: _____

3. Social Security Number: _____

4. Date(s) of Alleged Violation(s): _____

5. What Job(s) or Job-Related Benefit(s) Were You Seeking When You Believe You Were Subjected to Political Discrimination: (For example, the job title of the position you applied for, the number of overtime hours you should have received but for the alleged discrimination, job assignment, suspension, bad review, etc.)

6. District Department or Agency Involved: _____

This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There is no handwriting or other markings on the paper.

8. What Damages Did You Suffer and What Relief Are You Seeking: (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.)

9. Amount of Money Damages Sought: \$ _____

10. 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. You do not have to have documents to be considered for an award. Additional documents may be submitted at a later date, but only with permission from the District Compliance Administrator for good cause.)

11. Political Discrimination Based on Conduct Occurring Before June 1, 2005:

If you are seeking money damages for political discrimination that occurred before June 1, 2005, you must explain why you did not file a lawsuit against the District before June 1, 2005.

Claims based on alleged political discrimination may be subject to a statute of limitations. To facilitate negotiations, the parties agreed that the running of any statutory time limitations periods and all other legal or equitable time-based defenses and doctrines for violations of federal and state law and court orders entered in this case based on claims of political discrimination in connection with any term or aspect of governmental employment with the District or defenses thereto were stayed and tolled as of December 1, 2006. The tolling will be lifted at Final Approval but will not affect any claims which may have expired between the date of Final Approval and the date of Opt Out. A member of the Settlement Classes who elects to pursue a remedy outside of the SRO should act quickly to protect whatever rights she or he may have.

Normally, a two (2) year statute of limitations period applies to employment discrimination claims and other civil rights claims against the County. That means that if you fail to file a lawsuit within two (2) years after the date you knew or should have known of the discrimination, your claims would be barred by the statutes of limitations and you could not bring a lawsuit to recover damages.

However, the two year statute of limitations can be extended if the District took steps to hide the discrimination from the you or if, despite your best efforts, you were not able to learn facts you needed to file a lawsuit.

If your claim(s) is based on events that occurred before June 1, 2005, you must describe all the facts that explain why you did not have enough information to file a lawsuit before June 1, 2005 or show that the District or its employees did something to hide the discrimination from you or to convince you not to file suit.

(Attach additional pages if necessary)

(Signature of Claimant)

Notary

**RELEASE OF CLAIMS
AGAINST THE FOREST PRESERVE DISTRICT OF COOK COUNTY FORM**

By submitting this claim, I, _____, hereby agree to have my claim(s) for political discrimination in connection with any term or aspect of governmental employment with the Forest Preserve District of Cook County decided by the District Compliance Administrator as part of the Claim Procedure for Alleged Pre-SRO Violations contained in the Supplemental Relief Order for the Forest Preserve District of Cook County. Subject to the terms of the Supplemental Relief Order for the Forest Preserve District of Cook County, I hereby release the Forest Preserve District of Cook County and all of its employees, agents, advisors, and attorneys, and their heirs, executors, administrators, personal or legal representatives, successors, transferees and assigns from all claims of political discrimination, including any and all claims, causes of action, rights, actions, suits, obligations, debts, demands, judgments, agreements, promises, liabilities, controversies, costs, expenses or attorneys' fees, of every nature and description whatsoever that have been or could have been asserted in this *Shakman, et al. v. Democratic Organization of Cook County, et al.*, 69 C 2145, and whether now known or unknown, suspected or unsuspected, arising out of employment decisions of any kind (including, but not limited to, violations of the District's Consent Decrees and First Amendment political discrimination lawsuits) made by the Forest Preserve District of Cook County with respect to Class Members prior to the final approval of the Supplemental Relief Order for the Forest Preserve District of Cook County by the Court and based on the claim that those employment decisions were impermissibly motivated by political considerations. I understand and agree that these claims are released regardless of whether I receive a cash award through the Claim Procedure.

(Signature of Claimant)

Dated: _____

SUBSCRIBED AND SWORN to
before me this _____ day
of _____, 2009.

Notary

Exhibit V.A(1)
Post-SRO Complaint Form

Exhibit V.A

**POST-SRO COMPLAINT PROCESS AND COMPLAINT FORM
FOR UNLAWFUL POLITICAL DISCRIMINATION IN CONNECTION
WITH ANY ASPECT OF EMPLOYMENT WITH THE FOREST
PRESERVE DISTRICT OF COOK COUNTY**

**Pursuant to the
SUPPLEMENTAL RELIEF ORDER FOR THE FOREST PRESERVE DISTRICT
OF COOK COUNTY ("SRO")**

**Entered in *Shakman, et al. v. Forest Preserve District of Cook County, et al.*
(the "Shakman Case")**

If you believe that you have been subjected to unlawful political discrimination in connection with an employment decision with the Forest Preserve District of Cook County **after March 5, 2009**, you may seek relief for the alleged unlawful political discrimination as described below:

"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 District because of any political reason or factor such as an individual's political affiliation, political support or activity, political financial contribution, promises of such political support, activity or financial contributions, or political sponsorship or recommendations.

You must choose between arbitration and filing a lawsuit, you cannot do both.

1. You may elect to use the specific SRO Complaint and Arbitration Process established by the SRO in order to pursue possible remedies for alleged political discrimination. You **must** submit an SRO Complaint to the Shakman Special Complaint Administrator's Office to be eligible for any such remedies through the Arbitration Process. The SRO Complaint must be received by the Shakman Special Complaint Administrator's Office within **120 days** after the SRO Complainant knew or should have known of the alleged unlawful conduct. The Shakman Special Complaint Administrator will investigate all timely submitted SRO Complaints.

2. You may pursue whatever other rights or remedies are available under federal law without submitting an SRO Complaint to the Shakman Inspector General. ***There are important statutes of limitation that set important deadlines for filing federal lawsuits regarding allegations of political discrimination in District employment.*** For example, lawsuits seeking to enforce the SRO without first submitting an SRO Complaint to the Shakman Special Complaint Administrator must be filed within ***120 days*** after the alleged victim knew or should have known

of the alleged unlawful conduct. You should consult an attorney right away if you intend to file any legal action in a court of law.

3. You may also submit an SRO Complaint Form with the Shakman Special Complaint Administrator and wait for the Shakman Special Complaint Administrator to complete its investigation before deciding whether to submit the complaint to arbitration under the SRO Arbitration Process or to file a lawsuit in a court of law. Individuals who submit a timely SRO Complaint Form can also elect to file a lawsuit at any time while the Shakman Special Complaint Administrator's investigation is pending.

Eligibility for Filing an SRO Complaint

To be eligible for filing an SRO Complaint, you need (1) to have applied for a job or have a job with the District or you are a registered voter and a candidate for public office and (2) believe that you were subjected to unlawful political discrimination in connection with an employment decision by the District that occurred *after* March 5, 2009 as detailed below.

Important Note: You may also seek relief through the Arbitration Procedure *only* if you applied for a job or have a job with the District. Registered voters and candidates for political office who are not also current or former applicants and/or employees may *not* also seek relief through the Arbitration Procedure.

"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 District making of any employment decision 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.

If you are seeking to pursue a claim against the District based on alleged conduct that occurred *after* March 5, 2009, you may file an SRO Complaint with the Special Complaint Administrator. If so, please use and follow the rest of the instructions and forms.

If you are seeking to pursue a claim against the District based on alleged unlawful conduct occurring *on or before* March 5, 2009, then you should not submit the attached SRO Complaint Form. Instead, you may submit to the District Compliance Administrator, Jan Carlson, either: (i) a notarized Claim Form (Form 2) and Release of Claims Against District Form (Form 3); or (ii) an Opt-Out Request Form. These Claim Forms and Opt-Out Request Forms are available from the District Compliance Administrator, Plaintiffs' Class Counsel, and are also available at the District's website at www.fpdcc.com.

The Shakman Special Complaint Administrator Investigation

The Shakman Special Complaint Administrator is responsible for conducting or directing the investigation of all timely SRO Complaints. SRO Complaints are confidential and will not be disclosed to anyone outside the Shakman Special Complaint Administrator's Office except as

provided in this SRO. The contents or existence of the SRO Complaint will not be disclosed to anyone else other than the Court.

The Shakman Special Complaint Administrator will investigate SRO Complaints expeditiously. The Shakman Special Complaint Administrator will attempt to complete its investigation within 180 days after it received a complaint. If any investigation is not completed within 180 days after its receipt, the Shakman Special Complaint Administrator will notify you, the District's Chief Legal Counsel, and Plaintiffs' Class Counsel, of the reasons for its failure to complete the investigation within 180 days.

At the conclusion of its investigation, the Shakman Special Complaint Administrator will report in writing the results of its investigation to you (if you have alleged that you have been harmed by the unlawful political discrimination), the District Compliance Administrator, Class Counsel, Plaintiffs' Counsel, the President, and the District's Chief Legal Counsel. If the Shakman Special Complaint Administrator finds at the conclusion of its investigation that impermissible political factors were considered in an employment decision, the Shakman Special Complaint Administrator's report will include the names of all individuals who, according to its investigation, were victims of unlawful political discrimination in connection with any aspect of government employment with the District and the individuals responsible for such discrimination.

SRO Complaint Process or Litigation

You may seek relief for alleged unlawful political discrimination in connection with any aspect of government employment with the District under the SRO by filing within 30 days of the Shakman Special Complaint Administrator issues its Report, either (1) an Arbitration Request Form with the District's Chief Legal Counsel or (2) file a lawsuit in federal court. If an individual elects to file a complaint in federal court, that individual cannot elect to participate in the Arbitration Process described below.

Within 7 days of receiving an Arbitration Request Form, the District's Chief Legal Counsel shall provide a copy of the Arbitration Request to the District Compliance Administrator and Plaintiffs' counsel.

Settlement Conference

Within 28 days from the date upon which the District's Chief Legal Counsel receives an Arbitration Request Form, the District's Chief Legal Counsel and you must hold an in person Settlement Conference at the offices of the District's Chief Legal Counsel. Any statements made and the positions taken during the Settlement Conference cannot be disclosed in any later arbitration. The District Compliance Administrator, or a member of the District Compliance Administrator's staff, shall be present at the conference. Settlement offers may include, but are not limited to, monetary damages, reinstatement or other equitable relief. If the offer is accepted by you, the District and you will execute a settlement agreement.

Arbitration Process

At the conclusion of the settlement conference, if you and the District have not reached an agreement, the District's Chief Legal Counsel shall notify the American Arbitration Association within 7 days of Settlement Conference by sending a copy of the Arbitration Request Form and accompanying documents. A more detailed explanation of the Arbitration Process can be found in the Notice of Rights and in the Arbitration Demand Form Instruction Sheet. These documents can be obtained from the District Compliance Administrator and the District's website at www.fpdcc.com.

Summary Explanation of SRO Arbitration Process

If you wish to proceed to arbitration, you must submit an Arbitration Request Form to the District's Chief Legal Counsel. The Arbitration Request Form must be received by the District's Chief Legal Counsel within 30 days after the Shakman Special Complaint Administrator issues its Report.

You must pay a \$100 filing fee at the time of the Request for Arbitration. If you are found to be the prevailing party, the arbitrator shall award you the \$100 filing fee along with any other relief.

The arbitrator's fees and any costs of administration shall be paid by the District. The proceedings shall be electronically recorded. Either party may order a transcript of the proceedings at their own expense. You may appear on his or her own behalf, be represented by an attorney, or be represented by any other representative of your choice.

The Arbitrator will send written notice of his or her selection and a proposed arbitration schedule within ten (10) days of being notified of her or his selection. 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 District, with the Arbitrator's approval, can agree to extend the time for completing the arbitration.

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

You or the District may file a motion to vacate, modify, or correct the Arbitrator's award as provided under the Illinois Uniform Arbitration Act, 701 ILCS 5/11-5/15, before the judge whom the *Shakman*, 69 C 2145 case has been assigned, within 90 days after delivery of a copy of the award to you.

If you proceed under the Arbitration Process, you waive any and all rights you may otherwise have arising from the alleged violations of the Consent Decrees or the SRO set forth in your written Arbitration Request Form.

Instructions for Completing the SRO Complaint Form

SRO Complaint Forms should include as much detail as possible about your claim that you were a victim of unlawful political discrimination in connection with any aspect of employment with the District.

If you submit an SRO Complaint Form, you must attach any supporting documentation in your possession to the SRO Complaint Form. This includes documentation supporting any damages claim. However, a lack of documentation will not bar a claim.

The SRO Complaint Form document should not be construed as legal advice. The District Compliance Administrator is not able to provide legal advice about whether you should pursue any remedies under the SRO or in a court of law. Class Counsel are not able to provide you with legal advice about whether you should file a claim. If you wish to file an SRO Complaint, you may consult with a lawyer of your choice about whether to submit an SRO Complaint to the Shakman Special Complaint Administrator.

You may be able to seek free legal advice from The University of Chicago Law School's Employment Discrimination Project, which has agreed to advise possible claimants. Given limited resources, the Employment Discrimination Project will not be able to assist every claimant. Please contact Richard Schmidt by mail at 111 East 60th Street, Chicago, IL 60657, by phone at 773-702-9611, or by e-mail at r-schmidt@uchicago.edu for further information.

Class Counsel recommend that you send your completed SRO Complaint Form to the Shakman Special Complaint Administrator's Office via certified mail, return receipt requested, and keep a copy of the Form and of any documents that are sent with them.

Send completed SRO Complaint Forms to:

Shakman Special Complaint Administrator's Office of the Forest Preserve District of Cook County

Mark Vogel
Shakman Special Complaint Administrator
69 W. Washington Street
Suite 1416
Chicago, IL 60602

POST-SRO COMPLAINT FORM

SUPPLEMENTAL RELIEF ORDER FOR FOREST PRESERVE DISTRICT OF COOK COUNTY ("SRO")

Entered in *Shakman, et al. v. Forest Preserve District of Cook County, et al.* (the "Shakman Case")

Date: _____

To: Mark Vogel
Shakman Special Complaint Administrator
69 W. Washington Street
Suite 1416
Chicago, IL 60602

I, _____, hereby declare, under penalty of perjury
pursuant to the laws of the United States, as follows:

1. **Address:** _____

2. **Telephone:** _____
3. **Social Security Number:** _____
4. **Date(s) of Violation(s):** _____
5. **District Department or Agency Involved:** _____

[illegible]

7. What Damages Did You Suffer and What Relief Are You Seeking: (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.)

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

9. 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.)

(Signature of SRO Complainant)

SUBSCRIBED AND SWORN to

before me this ____ day of _____, 2009.

Notary

Exhibit V.A(4)
Notice of Rights

Exhibit V.A(4)

**NOTICE OF RIGHTS
POST-SRO COMPLAINTS AND ARBITRATION**

Pursuant to the

SUPPLEMENTAL RELIEF ORDER ("SRO")

Entered in *Shakman, et al v. Forest Preserve District 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 Forest Preserve District of Cook County *after* March 5, 2009, you may seek relief for the alleged unlawful political discrimination as described below.

This Notice of Rights document should not be construed as legal advice. The District Compliance Administrator is not able to provide legal advice about whether an individual should pursue any remedies under the SRO or in a court of law. Class Counsel in the *Shakman Case* (that is, the lawyers who represent the named plaintiffs and classes of plaintiffs in this case) are not able to provide individual legal advice about claims to persons who may wish to file claims.

You may consult with a lawyer of your choice about whether you should pursue any remedies under the SRO or any other rights you may have either through the SRO or in court.

I. Filing an SRO Complaint (Form 4)

The SRO creates a new investigation and arbitration process for complaints of unlawful political discrimination. Under this new process, if you file an "SRO Complaint" with the Shakman Special Complaint Administrator's Office, the Shakman Special Complaint Administrator will investigate your complaint and issue a report at the end of its investigation. You will get a copy of the report.

You will then have 30 days after the Shakman Special Complaint Administrator issues its report to decide whether to go through the new arbitration process by filing an Arbitration Demand Form (Form 5) with the District's Chief Legal Counsel. A copy of Form 5 is attached. More details of the SRO Complaint process and the arbitration process are discussed below.

To be eligible for the arbitration process, you must file an SRO Complaint with the Shakman Special Complaint Administrator. The SRO Complaint Form (Form 4) is attached. The SRO Complaint Form must be received by the Special Complaint Administrator within 120 days after you knew or should have known of the alleged unlawful conduct. If you do not file an SRO Complaint with the Shakman Special Complaint Administrator, you may not go through the arbitration process.

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

Send completed SRO Complaint Forms to:

Shakman Special Complaint Administrator
Mark Vogel
69 W. Washington Street
Suite 1416
Chicago, IL 60602

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 District's Chief Legal Counsel. You may not do both.

There are statutes of limitation that set important deadlines for filing federal lawsuits regarding allegations of political discrimination in District employment, usually 180 days from the date of the alleged discrimination. To facilitate negotiations, the parties agreed that the running of any statutory time limitations periods and all other legal or equitable time-based defenses and doctrines for violations of federal and state law and court orders entered in this case based on claims of political discrimination in connection with any term or aspect of governmental employment with the District or defenses thereto were stayed and tolled as of December 1, 2006. The tolling will be lifted at Final Approval but will not affect any claims which may have expired between the date of Final Approval and the date of Opt Out. A member of the Settlement Classes who elects to pursue a remedy outside of the SRO should act quickly to protect whatever rights she or he may have.

If you file a lawsuit, you give up your right to arbitration and your lawsuit may make it more difficult for the Shakman Special Complaint Administrator to investigate your claim.

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 District Compliance Administrator 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 SRO or in a court of law.

III. Am I Eligible To File an SRO Complaint?

You may submit an SRO Complaint Form to the Shakman Special Complaint Administrator if (1) you applied for a job or have a job with the District and (2) believe that you were subjected to unlawful political discrimination in connection with any employment decision by the District that occurred *after* March 5, 2009, (the date of final approval of the SRO).

"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 District 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 District that occurred *on or before March 5, 2009*, then you should not submit the attached SRO Complaint Form. Instead, you may submit to the District Compliance Administrator, Jan Carlson, either: (i) a notarized SRO Claim Form and Release of Claims Against the District Form; or (ii) an Opt-Out Request Form. Claim Forms and Opt-Out Request Forms are available from the District Compliance Administrator and are also available at www.fpdcc.com.

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

For details regarding the SRO Complaint process, please review Section V of the SRO, which is posted on the District's website, www.fpdcc.com. A summary of the SRO Complaint process is set out below.

The Shakman Special Complaint Administrator is responsible for conducting or directing the investigation of all timely SRO Complaints. The Shakman Special Complaint Administrator will provide a copy of the SRO Complaint to the District Compliance Administrator. All SRO Complaints are otherwise confidential and will not be disclosed to anyone other than the Court except as provided for in the SRO.

The Shakman Special Complaint Administrator will investigate SRO Complaints expeditiously. The Shakman Special Complaint Administrator will attempt to complete its investigation within 180 days after it receives a complaint. If any investigation is not completed within 180 days after its receipt, the Shakman Complaint Administrator will notify you of the reasons for its failure to complete the investigation within 180 days.

At the conclusion of the investigation, the Special Complaint Administrator will report in writing the results of its investigation to you, the District's Compliance Administrator, Class Counsel, and the District's Chief General Counsel. If the Special Complaint Administrator finds that impermissible political factors were considered in an employment decision, the Shakman Special Complaint Administrator's report will include the names of all individuals who, according to its investigation, were victims of unlawful political discrimination in connection with any aspect of government employment with the Forest Preserve District of Cook County and the individuals responsible for such discrimination. A copy of the Shakman Special Complaint Administrator's report sent to you with an Arbitration Request Form.

You have 30 days after you receive the Shakman Special Complaint Administrator's Report to either (1) file a complaint in federal court or (2) file an Arbitration Demand Form with the District's Chief General Counsel. If you decide to file a lawsuit in federal court, you cannot participate in the Arbitration Process described below.

V. The Arbitration Process

The Arbitration Demand Form (Form 5) must be received by the District's Chief General Counsel within **30 days** after the date of the Shakman Special Complaint Investigator's Report. Completed Arbitration Demand Forms should be sent to:

Forest Preserve District of Cook County Chief General Counsel
69 W. Washington
Suite 2010
Chicago, IL 60602

Important Note: Relief available through the Arbitration Process is limited to monetary awards. No injunctive relief, such as reinstatement or promotion, is available through the Arbitration Process. Such injunctive relief may be available through a legal action filed in a court of law.

For details regarding the SRO Arbitration Process, please review Section V of the SRO, which is posted on the Shakman Special Complaint Administrator's website, the District Compliance Administrator's website, and the District's website, www.fpdcc.com. A summary of the SRO Arbitration Process is set out below.

You have **30 days** after receiving the Shakman Special Complaint Administrator to file an Arbitration Demand Form with the District's Chief General Counsel. You must submit a written demand for arbitration on the Arbitration Demand Form. The Arbitration Demand should include as much detail as possible to inform the District's Chief General Counsel of the claim being asserted and the conduct that is alleged to violate the SRO and the relief sought. The Arbitration Demand must also include:

- (1) a copy of the SRO Complaint Form you submitted to the Shakman Special Complaint Administrator to start the investigation and
- (2) a copy of the Shakman Special Complaint Administrator's Report you received at the end of the investigation.

Settlement Offer. Within **28 days** of receiving an Arbitration Demand Form, the District's Chief General Counsel must either provide a written settlement offer to you or notify you in writing that the District has decided not to make a settlement offer (the "Settlement Period").

You and the District may agree in writing to extend the Settlement Period. The decision about whether to make a settlement offer is solely at the discretion of the District's Chief General Counsel. If you accept the settlement offer, the parties will execute a settlement agreement.

Timing of Arbitration. If you and the District are unable to reach a settlement, the District's Chief General Counsel will notify the American Arbitration Association within **7 days** of the Settlement Conference by sending a copy of the Arbitration Demand and accompanying documents. The Arbitrator will send you and the District's Chief General Counsel notice of her or his selection and a proposed arbitration schedule. Arbitrators shall be selected on a rotating basis from an established panel of 10 arbitrators approved by the Court. The proposed arbitration schedule will provide time for the parties to exchange documents and information

through discovery and the arbitration should be completed within **180 days** of the selection of the Arbitrator. You and the District, with the Arbitrator's approval, can agree to extend the time for completing the arbitration. The arbitration hearing will be scheduled at a time mutually selected by you, the District and the Arbitrator. Failure to complete the arbitration within 120 days, however, will not affect the validity of the Arbitrator's award.

Arbitration Costs. You must pay a \$100 filing fee at the time of the Request for Arbitration. If you are found to be the prevailing party, the arbitrator shall award you the \$100 filing fee along with any other relief. The Arbitrator's fees and any costs of administration will be paid by the District. The proceeding shall be electronically recorded. Either party may order a copy of the transcripts at its own expense. Each party is responsible for the costs of compensating its own witnesses and the costs of any transcript, if desired. You may appear on your own behalf, be represented by an attorney, or be represented by any other representative of your choice.

Governing Rules. The arbitration shall be governed by the National Rules for Employment Disputes of the American Arbitration Association, except as modified by the SRO. These rules can be found at the American Arbitration Association's website www.adr.org.

Arbitrator's Decision. The Arbitrator will issue a written decision within 30 days of the completing the arbitration hearing. Remedies are limited to monetary awards. The Arbitrator has no authority to modify any provision of the District's Hiring Plan or the SRO.

Attorney's Fees. If you are found to be the prevailing party, the Arbitrator's award will include your reasonable attorneys' fees and costs as determined by the Arbitrator.

Finality of Decision. The Arbitrator's decision is final and binding upon all parties. You or the District may file a motion to vacate, modify, or correct the Arbitrator's award as provided under the the Illinois Uniform Arbitration Act, 710 ILCS 5/115/15, inclusive, before the judge to whom the *Shakman*, 69 C 2145 case has been assigned, within **90 days** after the Arbitrator's decision is issued.

Waiver. If you proceed under the Arbitration Process described herein, you waive any and all rights you may otherwise have arising from the alleged violations of the SRO set forth in your written Arbitration Demand Form.

Exhibit V.B(1)
Arbitration Demand Form

Exhibit V.B(1)

ARBITRATION DEMAND PROCEDURES AND ARBITRATION DEMAND FORM

Pursuant to the

SUPPLEMENTAL RELIEF ORDER
FOR THE FOREST PRESERVE DISTRICT OF COOK COUNTY ("SRO")
Entered in *Shakman, et al. v. Democratic Organization of Cook County, et al.*
(the "Shakman Case")

If you want to arbitrate your dispute with the Forest Preserve District of Cook County (the "District"), you must submit written request for arbitration on the Arbitration Demand Form to the District's Chief Legal Counsel's Office within 30 days after the Shakman Special Complaint Administrator issues its report. You and the District can agree in writing to extend this date.

Arbitration Process

Arbitration Panel. The Court has established a panel of ten Arbitrators who will serve on a rotating basis to hear claims under the Arbitration Process provided for in the SRO.

Filing Fees and Costs. You must pay a \$100 filing fee at the time of your Request for Arbitration. If you are found to be the prevailing party, the arbitrator shall award you the \$100 filing fee along with any other relief.

The arbitrator's fees and any costs of administration shall be paid by the District. The proceedings shall be electronically recorded. Either party may order a transcript of the proceedings at their own expense. You may appear on your own behalf, be represented by an attorney, or be represented by any other representative of your choice.

Attorneys' Fees. If you are found to be the prevailing party, the Arbitrator's award will include your reasonable attorneys' fees and costs as set forth in the SRO.

Timing of Arbitration. The arbitrator will send you written notice of her or his selection and a proposed arbitration schedule. The proposed arbitration schedule will provide time for the parties to exchange documents and information through discovery and the arbitration should be completed within 120 days of the selection of the Arbitrator. You and the District, with the Arbitrator's approval, can agree to extend the time for completing the arbitration.

Governing Rules. The arbitration shall be governed by the National Rules for Employment Disputes of the American Arbitration Association. You can find these rules at the American Arbitration Association's website www.adr.org.

Arbitrator's Decision. The Arbitrator will issue a written decision within 30 days of the completion of the arbitration hearing. Remedies are limited to monetary awards. The Arbitrator has no authority to modify any provision of the District's Hiring Plan or the SRO.

Exhibit V.B(1)

Finality of Decision. The Arbitrator's decision is final and binding upon all parties. However, you or the District may file a motion to vacate, modify, or correct the Arbitrator's award as provided under the Illinois Uniform Arbitration Act, 701 ILCS 5/11-5/15, before the judge whom the *Shakman*, 69 C 2145 case has been assigned, within **90 days** after delivery of a copy of the award to you.

The federal court overseeing the Shakman Case has sole jurisdiction to review and enforce the Arbitrator's decision. In reviewing and enforcing the decision, the Court will apply the procedures and standards set forth in Sections 5/11-5/15 of the Illinois Uniform Arbitration Act, 710 ILCS 5/11-5/15, inclusive, and applicable court decisions under those provisions of that Act.

Waiver. If you proceed under this Arbitration Process, you waive any and all rights you may otherwise have arising from the alleged violations of the Shakman Consent Decrees or the SRO set forth in your written Arbitration Demand Form.

You should not construe this Arbitration Request Form document as legal advice. You may consult with a lawyer of your choice about what decisions to make in this area. Neither the District Compliance Administrator 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 you should submit an Arbitration Demand. If you wish to submit an Arbitration Demand, you should consider consulting a lawyer of your choice.

You may be able to seek free legal advice from The University of Chicago Law School's Employment Discrimination Project, which has agreed to advise possible claimants. Given limited resources, the Employment Discrimination Project will not be able to assist every claimant. Please contact Richard Schmidt by mail at 111 East 60th Street, Chicago, IL 60657, by phone at 773-702-9611, or by e-mail at r-schmidt@uchicago.edu for further information.

Class Counsel recommend that you send your completed Arbitration Demand Forms to the District's Chief Legal Counsel via certified mail, return receipt requested, and keep a copy of the Arbitration Demand Form and of any documents that are sent with it.

Exhibit V.B(1)

ARBITRATION DEMAND FORM

SUPPLEMENTAL RELIEF ORDER ("SRO")

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

Date: _____

To: Forest Preserve District of Cook County's Chief Legal Counsel
69 W. Washington
Suite 2010
Chicago, IL 60602

1. Name: _____

2. Address: _____

3. Telephone: _____

4. Social Security Number: _____

5. Date of Alleged Violation(s): _____

6. District Department or Agency Involved: _____

7. **Additional Facts Supporting Complaint:** (Provide a narrative description of any additional facts not included in your SRO Complaint Form or in the Shakman Special Complaint Administrator's Report supporting your claim that you have been politically discriminated against in connection with your employment or application for employment with the District. Please copy and attach additional pages if necessary.)

Exhibit V.B(1)

8. **What Damages Did You Suffer and What Relief Are You Seeking:** (Include any additional facts not included in your SRO Complaint Form 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.)

9. **Total Amount of Money Damages Sought:** \$ _____

10. **Additional Documents that Support Your Claim:** (Identify any additional documents not already identified in your SRO Complaint Form that you believe support your claim of political discrimination and attach copies if the documents are in your possession. You do not have to have documents to be considered for an award. Additional documents may be submitted at a later date, but only with permission from the District Compliance Administrator for good cause.)

(Signature of SRO Complainant)

Required Supporting Documentation:

_____ SRO Complaint Form submitted to the Shakman Special Complaint Administrator with accompanying documentation submitted by the Complainant

_____ Shakman Special Complaint Administrator Case Report

SUBSCRIBED AND SWORN to

before me this _____ day

of _____, 2009

Notary