



3. On June 29, 2011, at the parties' request, this court approved the immediate substitution of the 2011 City of Chicago Hiring Plan for the New Plan. Dkt. Ent. 2284. The 2011 City of Chicago Hiring Plan provides that the Chicago Fire Department hiring plan for sworn and uniformed titles will be submitted to the Court.

4. The parties, through their respective attorneys, and the Shakman Decree Monitor now wish to obtain the Court's approval for the immediate use of a City of Chicago Fire Department Hiring Plan for Uniformed Positions. A copy of the proposed City of Chicago Fire Department Hiring Plan for Uniformed Positions is attached to this motion as "Exhibit 1."

5. When adopted and approved by the Court, the City of Chicago Fire Department Hiring Plan for Uniformed Positions shall be deemed fully incorporated by reference into the Accord.

6. Neither Plaintiffs nor the Shakman Decree Monitor oppose this motion or entry of an order adopting and approving the City of Chicago Fire Department Hiring Plan for Uniformed Positions and permitting its immediate use by the City of Chicago.

WHEREFORE, Defendant City of Chicago respectfully requests that this Court grant the City's unopposed motion and enter an order adopting and approving the City of Chicago Fire

Department Hiring Plan for Uniformed Positions and permitting its immediate use by the City of Chicago.

DATE: December 15, 2011

Respectfully submitted,

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# EXHIBIT

1

**CITY OF CHICAGO FIRE DEPARTMENT  
HIRING PLAN FOR UNIFORMED POSITIONS**

**Table of Contents**

CHAPTER I GOALS AND PRINCIPLES .....	3
A.    Organization of this Hiring Plan.....	3
B.    Definitions .....	4
C.    Department of Human Resources .....	4
D.    Fire Commissioner.....	4
E.    Office of the Inspector General .....	5
CHAPTER II EMPLOYEE DUTY TO REPORT, TRANSPARENCY OF CITY HIRING, AND GOVERNING RULES .....	6
A.    Employee Duty to Report .....	6
B.    Transparency of City Hiring .....	6
C.    Rules Governing All Hires Made Pursuant to the Hiring Process for Uniformed Positions .....	7
CHAPTER III HIRING PROCESS FOR UNIFORMED POSITIONS – INITIAL STEPS.....	9
CHAPTER IV GENERAL HIRING PROCESS FOR UNIFORMED POSITIONS NON-INTERVIEWED POSITIONS .....	11
A.    Applicability .....	11
B.    Process .....	11
CHAPTER V GENERAL HIRING PROCESS FOR UNIFORMED POSITIONS REQUIRING AN INTERVIEW .....	13
A.    Applicability .....	13
B.    Process .....	13
CHAPTER VI GENERAL HIRING PROCESS – SENIOR MANAGERS .....	16
CHAPTER VII EXEMPT POSITION HIRING PROCESS .....	17
CHAPTER VIII ACTING UP .....	18
CHAPTER IX COMPLIANCE AND GOVERNANCE.....	19
A.    Complaints.....	19
B.    Escalations Procedure.....	19
C.    Reviews and Audits of Hiring Data.....	21

D.	IGO Hiring Oversight Monitoring and IGO Investigation of Hiring Processes.....	22
E.	Reporting Requirements .....	22
CHAPTER XII APPLICABILITY TO OTHER EMPLOYMENT ACTIONS NOT DETAILED IN THIS HIRING PLAN .....		24
A.	Assignments.....	24
B.	Terminations .....	24
C.	Layoff Lists.....	24
D.	Reinstatement .....	24
E.	Duty Disability.....	24
F.	Transfers .....	24
G.	Demotion .....	24
H.	Reclassifications .....	24
I.	Promotions and Career Progressions .....	24
J.	Reasonable Accommodations.....	24
K.	Return of Seasonal Employees .....	24
L.	Approved City Training Programs .....	24
M.	City Affirmative Action Plans.....	24
N.	Veterans Preference .....	24
O.	Line of Duty Preference.....	24
P.	Emergency Appointments .....	24
Q.	Settlements, Awards, Judgments, and Decisions.....	24

## CHAPTER I GOALS AND PRINCIPLES

The City of Chicago is committed to hiring practices that:

- Base employee selection on a Candidate's knowledge, skills and ability to perform effectively on the job;
- Provide equal employment opportunity to all qualified Applicants;
- Prohibit the entry of Political Reasons or Factors and other Improper considerations into any stage of the selection and hiring processes for Covered Positions;
- Provide the Hiring Authority with maximum lawful discretion in making selection decisions; and
- Create a transparent hiring system that minimizes the ability to manipulate employment decisions.

This CFD Hiring Plan for Uniformed Positions ("Hiring Plan") was developed by the City of Chicago as required under section I.F. of the Settlement Order and Accord in case number 69 C. 2145 captioned *Shakman et al. v. City of Chicago, et al.*, before Judge Wayne R. Andersen in the United States District Court for the Northern District of Illinois ("the Accord").

This CFD Hiring Plan sets forth the principles which will govern hiring for Covered, Uniformed Positions in the Chicago Fire Department ("CFD"). The principles presented here apply equally to Candidates who are external or internal job Applicants and Candidates for promotion. This CFD Hiring Plan applies to Covered, Uniformed Positions within the CFD. All other Positions in CFD shall be hired under the applicable provisions of the City of Chicago Hiring Plan.

Violations of this Hiring Plan may result in disciplinary action, up to and including discharge and ineligibility for future hire.

### A. Organization of this CFD Hiring Plan

This CFD Hiring Plan is not an exhaustive document and cannot contemplate every variation that could occur in hiring. This CFD Hiring Plan is intended to provide a framework for CFD hiring for Uniformed Positions that will survive changes in collective bargaining agreements, technology, management practice and law. The principles of this CFD Hiring Plan should be construed broadly.

The City may modify this CFD Hiring Plan so long as the modifications are not contrary to applicable law. Prior to the effective date of any modification of this CFD Hiring Plan, the Commissioner of the Department of Human Resources ("DHR") shall give thirty (30) days' public notice in one or more newspapers of general circulation. Such public notice shall include information concerning where the rules may be reviewed and where comments may be directed. The City will also post on its publicly available internet site any modifications to this CFD Hiring Plan.

In addition, prior to sunset of the Accord, thirty (30) days' advance written notice of any modification of this CFD Hiring Plan shall be given to the *Shakman* Plaintiffs and the court-appointed Monitor. The *Shakman* Plaintiffs and Monitor may comment on the modifications and make written objections. Impasses shall be resolved as provided in Section II.D of the Accord.

**B. Definitions**

Capitalized terms not herein otherwise defined shall have the definitions set forth in Chapter I of the City of Chicago Hiring Plan.

**Eligibility List** – An Eligibility List is a list of Candidates who have met the requirements for a Position and are considered eligible for hire.

**Uniformed Position** – A Uniformed Position is any Position that is included in CFD's Uniformed Service as defined by the City of Chicago Municipal Code section 2-36-020 (Membership of the Uniformed Service).

**C. Department of Human Resources**

This CFD Hiring Plan depends on a robust DHR which shall act as the gatekeeper to the City's processes governing actions covered by this CFD Hiring Plan and Other Employment Actions. Although the responsibility for hiring decisions rests with CFD, DHR's Employment Services Division ("Employment Services") shall be responsible for facilitating City hiring. In addition, DHR, in conjunction with CFD and outside consultants, as needed, shall periodically analyze existing Classes to determine minimum qualifications, testing requirements, and appropriateness of Class Specifications.

The DHR Commissioner has the authority to act on recommendations made by IGO Hiring Oversight or on his or her own initiative to impose remedial actions as they relate to a hiring sequence, which can include, but are not limited to the following: suspending a hiring sequence, terminating the hiring sequence and/or ordering that the hiring sequence be restarted. Also, DHR Recruiters and Analysts have the authority to suspend a requisition at any point in the hiring process pursuant to the Escalation procedures detailed in Chapter IX. Other Employment Actions, however, remain under the authority and responsibility of the Fire Commissioner.

In implementing this CFD Hiring Plan, the City shall also ensure that all Applicants have equal employment opportunities and shall use all resources at its disposal to fulfill its commitment to diversity as an equal employment opportunity employer. In furtherance of this goal, DHR shall file quarterly reports with the City Council Committee on Budget and Government Operations identifying the race, ethnicity and gender of the City's hires during the quarter and the current workforce. Nothing in this paragraph authorizes deviations from the provisions of this CFD Hiring Plan.



**D. Fire Commissioner**

The Fire Commissioner retains the powers and duties granted to him by section 2-36-040 of the Municipal Code of the City of Chicago, which includes having the management and control of all matters and things pertaining to the fire department and of all of the persons employed therein, subject to any applicable restrictions set forth in state law, the City's Municipal Code, applicable collective bargaining agreements ("CBAs"), the City of Chicago Hiring Plan, and this CFD Hiring Plan.

**E. Office of the Inspector General**

The City's Office of the Inspector General ("IGO") shall be responsible for overseeing, monitoring and auditing City hiring. The IGO has established a Hiring Oversight Section ("IGO Hiring Oversight") which shall oversee this CFD Hiring Plan's Compliance and Governance system as outlined in Chapter IX.

**CHAPTER II**  
**EMPLOYEE DUTY TO REPORT, TRANSPARENCY OF CITY HIRING, AND**  
**GOVERNING RULES**

**A. Employee Duty to Report**

Any City employee who knows or should know that a Hiring Manager, Hiring Authority, or other City employee may have allowed Political Reasons or Factors or other Improper considerations to influence any term or aspect of employment shall report the incident to IGO Hiring Oversight directly and without delay. Any employee who knowingly fails to report such a potential violation to IGO Hiring Oversight may be subjected to discipline, up to and including termination.

**B. Transparency of City Hiring**

**1. DHR**

In order to promote transparency, DHR shall post quarterly reports on the City's website detailing: (1) the total number of hires/promotions for all Covered Positions; (2) the department where the hire(s) occurred; and (3) the ward where the hired/promoted employee(s) reside(s).

DHR shall also post the following information on the City's publicly available website for the public to review:

- a. The Class Specifications for each Class, including the minimum qualifications.
- b. A list of all Classes for which interviews are not required prior to hire.
- c. A list of all Classes for which interviews are required prior to hire.
- d. A list of all Classes for which testing is required prior to hire.
- e. A list of all Classes that may be filled using the Senior Manager Hiring Process.
- f. A list of all Classes that may be filled using the Exempt Position Hiring Process.
- g. All of the City's policies governing actions covered by this CFD Hiring Plan and Other Employment Actions.

This information shall be updated on a quarterly basis.

**2. IGO Hiring Oversight**

IGO Hiring Oversight shall post the following on its website, which shall be linked to the City's website, and will be made available for the public to review:

- a. Quarterly reports as detailed in Chapter IX.
- b. The Use of Non-City Employees to Perform Services for the City Policy.
- c. The Acting Up Policy.
- C. **Rules Governing All Hires Made Pursuant to the Hiring Process for Uniformed Positions**

1. Contacts by CFD. CFD employees shall not contact DHR to lobby for or advocate on behalf of actual or potential Applicants or Bidders for Covered Positions, nor may CFD request that specific individuals be added to any referral or Eligibility List except as permitted in this CFD Hiring Plan. CFD may contact DHR to inquire about the status of selected Candidates. Any DHR employee receiving a contact violating this section shall report it to the DHR Commissioner and IGO Hiring Oversight within forty-eight (48) hours.
2. Non-Political and Impartial Actions. For actions covered under this CFD Hiring Plan and Other Employment Actions concerning all Covered Positions, Political Reasons or Factors or other considerations otherwise prohibited by law or the City's Personnel Rules may not be considered. No CBA or other agreement shall provide otherwise.
3. Recommendations from Elected and Appointed Officials. Nothing in this CFD Hiring Plan shall limit the right of any citizen, including elected officials, to make recommendations not based on Political Reasons or Factors or other Improper considerations to personnel involved in making employment decisions on behalf of the City. In the case of hiring for Covered Positions, recommendations from public office holders or political party officials that are based on their personal knowledge of the person's work experience, skill or other job-related qualifications are permitted and may be considered, to the extent that the department considers any recommendations for a particular Position.
4. Reporting of Contacts by Elected and Appointed Officials. All contacts, whether in person, in writing, by telephone, by facsimile, by e-mail, or any other means from any elected or appointed official of any political party or any agent acting on behalf of an elected or appointed official, political party, or political organization, attempting to affect any hiring for any Covered Position or Other Employment Actions shall be reported to IGO Hiring Oversight within 48 hours. IGO Hiring Oversight shall maintain a file documenting all such contacts.
5. Internal Candidates Attendance and Disciplinary Policy. The City shall require internal Candidates to meet certain attendance and disciplinary criteria at the time of selection, to the extent such a requirement does not violate the terms of any applicable CBA. The

City must apply any such attendance and disciplinary criteria uniformly. The City shall post its attendance and disciplinary policy on the City's website. The City may modify such attendance and disciplinary criteria as necessary as long as such criteria are applied uniformly and are posted on the City's website. If an internal Candidate is passed over for selection based solely on the application of the attendance and disciplinary criteria referred to above, such Candidate shall remain in the Pre-Qualified pool, and may be considered for later vacancies if the Candidate then meets the attendance and disciplinary criteria.

6. Consistency of Interviewers. The same individuals should interview all Candidates for any Position filled under Chapters V and VI of this Plan. If an interviewer must change during the hiring process, the hiring department must provide advance notification to DHR, which shall forward the information to IGO Hiring Oversight
7. Advance Notice of Hiring Activity to IGO Hiring Oversight. To facilitate IGO Hiring Oversight's monitoring of hiring processes, CFD shall provide the scheduled time and locations of Intake Meetings, examinations, tests, non-Senior Manager interviews, Consensus Meetings, and Performance Selection Board Meetings to IGO Hiring Oversight at least seven (7) calendar days in advance of the activity. CFD shall provide IGO Hiring Oversight four (4) calendar days' notice for all Senior Manager intake meetings and interviews.
8. Notifications to the Monitor. Until termination of the Accord, IGO Hiring Oversight shall promptly forward all notifications and other information it receives pursuant to this CFD Hiring Plan to the *Shakman* Monitor.

### **CHAPTER III**

#### **HIRING PROCESS FOR UNIFORMED POSITIONS – INITIAL STEPS**

The initial steps in the hiring process detailed in this chapter apply to *all* hires made pursuant to the Hiring Process for Uniformed Positions. Once these steps have been completed, the hiring process will differ depending on the Position being filled.

The subsequent chapters, which lay out the rest of the Hiring Process for Uniformed Positions, are organized as follows: (1) Career Service Uniformed Positions (Chapter IV); (2) Non-Career Service Uniformed Positions (Chapter V); and (3) Positions designated Senior Managers (Chapter VI).

#### **INITIAL STEPS IN THE HIRING PROCESS FOR UNIFORMED POSITIONS**

1. Requesting Approval to Start the Hiring Process. CFD shall submit a request to the City's Office of Budget and Management ("OBM") identifying the Position and the number of vacancies to be filled. A Requisition Form for the Position shall be submitted to DHR.
2. Intake Meeting. DHR and CFD shall review any previously used Screening and Hiring Criteria for the Position and work together to create a Notice of Job Opportunity or Bid Announcement (for those Positions covered by a CBA) which shall include the Position's predefined Class Specification, predefined minimum qualifications, predefined Hiring Criteria, the types of tests and assessments used in the selection process, how various portions of the examination process will be weighted if applicable, predefined minimum testing score when applicable, whether or not an interview will be conducted, whether or not the Position will be filled through random selection, application fee requirements when applicable and any other relevant information. If there are no preexisting Screening or Hiring Criteria, or if CFD wishes to modify the existing Screening or Hiring Criteria, the Recruiter or Analyst will work with CFD to create or modify them (unless, in the case of no preexisting Screening Criteria, CFD chooses not to use them). Any changes to the minimum qualifications or Class Specification shall promptly be sent to IGO Hiring Oversight before posting, and any changes to Screening and Hiring Criteria, including the justifications, shall be documented in the hiring file.
3. Notice of Job Opportunity. DHR, in conjunction with CFD and/or an outside testing administrator, will create a Notice of Job Opportunity.

4. Posting the Notice of Job Opportunity/Bid Announcement. All Positions filled through the General Hiring Process require the Position be posted, except in cases where a Position will be filled from an existing Eligibility List, through the Performance Selection Process, or from a list of Pre-Qualified Candidates as described in this CFD Hiring Plan. DHR shall post the Notice of Job Opportunity/Bid Announcement for at least fourteen (14) days, or at least seven (7) days for Senior Manager Positions, on the City's publicly available internet job site and any other sites where CFD chooses to post such Notice of Job Opportunity or as required by the terms of a CBA. The Notice of Job Opportunity/Bid Announcement will be posted on the RMS during the time the application period is open.
5. Applications. Interested Applicants and/or Bidders shall submit their Applications and/or bids for the Position electronically to the RMS within the applicable period listed in the Notice of Job Opportunity or Bid Announcement.
6. Application Fees. Pursuant to City of Chicago Ordinance 2-74-020, the Commissioner of DHR may impose fees for the preparation, administration, and processing of entry level and promotional examinations.
7. Notice of Meeting Minimum Qualifications. Once an Application or bid is submitted electronically, the Applicant or Bidder shall receive prompt electronic notification of whether or not he or she meets the minimum qualifications based on their self-assessment for the Position for which he or she applied or bid.

From this point forward, the Hiring Process for Uniformed Positions will differ based upon whether the Position requires an interview and whether the Position is a Senior Manager.

## **CHAPTER IV**

### **GENERAL HIRE PROCESS FOR UNIFORMED POSITIONS – NON-INTERVIEWED POSITIONS**

#### **A. Applicability**

The CFD's Uniformed Positions that do not require an interview include Firefighter, Firefighter/EMT-B, Firefighter/EMT-P, Engineer, Engineer/EMT-B, Engineer/EMT-P, Lieutenant, Lieutenant/EMT-B, Lieutenant/EMT-P, Captain, Captain/EMT-B, Captain/EMT-P, Battalion Chief, Battalion Chief/EMT-B, Battalion Chief/EMT-P, Paramedic, Paramedic-in-Charge, Ambulance Commander, and Paramedic Field Chief. These Positions will be filled from the classification immediately below, except that the Class of Engineer may be skipped over, and subject to the applicable testing, education, skills and other requirements listed in the applicable directive or Notice of Job Opportunity. Examinations shall be administered for these positions, with the exception of Paramedic and Paramedic-in-Charge. This shall not, however, preclude the possibility of testing for these Classes in the future. DHR will maintain a list of all Classes to be filled using this process and may add or delete Classes from this list at the request of CFD and shall provide notification to IGO Hiring Oversight of any modifications.

#### **B. Examination Protocols**

CFD, in conjunction with DHR, may use external vendors to develop and administer examinations and the DHR Testing Manager or her designee shall oversee the vendors. The vendors shall be responsible for conducting a job analysis and developing appropriate testing protocols for the examination process as outlined in the addendum attached to this Hire Plan as Exhibit A.

#### **C. Process**

1. Certification of Application Requirements. DHR will verify that Applicants/Bidders meet the predetermined application requirements for the Position.
2. Examinations. Applicants who meet the application requirements for the Position shall proceed to the examination phase.
3. Creation of Eligibility List. The external test vendor(s), or the DHR Testing Manager if no test vendor was used, shall be responsible for creating list of Eligible Candidates in rank order of all Applicants who completed all required portions of the examination and forwarding the Eligibility List to the Department of Law, which will then forward the list to the United States Department of Justice ("DOJ") for approval, if necessary. Upon approval by the DOJ, if necessary, the vendor shall provide the rank order Eligibility List to DHR. The DHR Commissioner, in consultation with the Fire Commissioner, shall order the establishment of a new Eligibility List.
4. Use of Eligibility List. All Eligible Candidates shall be considered for vacancies in rank order from the applicable Eligibility List unless otherwise provided for by the CBA or unless some other exception, such as DOJ's directives, a court order, grievance decision, arbitration decision or a processing or hiring preference, set forth in the Notice of Job Opportunity, is used.

5. Performance Selection Process. The Performance Selection Process described in Exhibit B is provided for in the CBA and is an exception to rank order selection. If a Performance Selection Process is used to fill any vacancies, any such selections shall be made in accordance with the procedures set forth in the CBA.
6. EMS Personnel – Appointment to Candidate Firefighter/EMT-P. Each Candidate Firefighter/EMT-P Class certified by DHR from a Firefighter/EMT Eligibility List shall include a minimum percentage of Emergency Medical Services (EMS) Personnel as determined by the CBA, provided that the EMS Personnel meet the requirements specified in the Notice of Job Opportunity, the CBA and any applicable City Ordinance. EMS Personnel selected for any Firefighter/EMT-P Class shall be selected in seniority order unless otherwise provided by the CBA.
7. Retiring Eligibility Lists. Eligibility Lists may be retired at the discretion of the Fire Commissioner, in consultation with the DHR Commissioner, provided that no Eligibility List shall be used for longer than eight (8) years after it has been established unless there is a lack of available funds for testing and/or low utilization of the Eligibility List due to the lack of promotional opportunities, in which case the Eligibility List will be retired as soon as practicable after funding has been made available for a new examination. The Fire Commissioner's justification for the retirement of the Eligibility List shall be documented in the hiring file.
8. Paramedics – Creation and Use of Eligibility List. Applicants who meet the minimum qualifications for the Entry Level Position of Paramedic shall be placed on the Eligibility List in random order. All Eligible Candidates shall be considered for vacancies in the order they appear on the Eligibility List unless otherwise provided for by the CBA or unless some other exception, such as a court order, grievance decision, arbitration decision, DOJ directive or processing or hiring preference, set forth in the Notice of Job Opportunity, is used.
9. Selection of Paramedics-in-Charge. DHR will verify that Applicants/Bidders meet the requirements, including the predetermined Minimum Qualifications, for the Position. Candidates will be placed on an Eligibility List in random order. All Eligible Candidates shall be considered for vacancies in order from the Eligibility List unless otherwise provided for by the CBA or unless some other exception, such as a court order, grievance decision, arbitration decision, DOJ directive or processing or hiring preference, set forth in the Notice of Job Opportunity, is used.
10. Hire Certification Forms. Every person who participated in the selection process shall execute a Hire Certification Form. The successful Candidate(s) shall also execute a Hire Certification Form.



## **CHAPTER V**

### **GENERAL HIRING PROCESS FOR UNIFORMED POSITIONS REQUIRING AN INTERVIEW**

#### **A. Applicability**

Positions within these Classes may or may not be covered by a CBA. Incumbents of Positions within any non-career service Classes retain career service status in their respective Class of Firefighter, Firefighter/EMT-B, Firefighter/EMT-P, Engineer, Engineer/EMT-B, Engineer/EMT-P, Lieutenant, Lieutenant/EMT-B, Lieutenant/EMT-P, Captain, Captain/EMT-B, Captain/EMT-P, Battalion Chief, Battalion Chief/EMT-B, Battalion Chief/EMT-P, Paramedic, Paramedic-in-Charge, Ambulance Commander, and Paramedic Field Chief, while serving in the non-career service Classes. DHR will maintain a list of all Classes to be filled using this process and may add or delete Classes from this list at the request of CFD and shall provide notification to IGO Hiring Oversight of any modifications.

#### **B. Process**

1. Certification of Minimum Qualifications. DHR will verify that Applicants/Bidders meet the predetermined minimum qualifications for the Position. If there are no additional criteria, a list of minimally qualified Candidates shall be created in random order by DHR, unless otherwise required by the applicable terms of the CBA.
2. Screening for Non-Tested Positions. For interviewed Positions not requiring testing prior to hire, DHR shall include Candidates on the interview list based on the Candidates' relative match to Screening Criteria, unless otherwise provided by the terms of the CBA, or unless the list of all minimally qualified Candidates has been created in random order by DHR as described in paragraph 1 above. CFD shall offer interviews to Candidates in the order they appear on the interview list and shall notify DHR and IGO Hiring Oversight of the interview schedule no later than seven (7) days before the interviews begin.
3. Testing. If the Position requires a test and an interview, DHR shall determine the number of Candidates that shall proceed to the testing phase based on providing a good range of choice for the selecting party and the number of vacancies to be filled. DHR shall work with CFD to schedule testing of those Candidates in the order they appear on the list described in paragraphs 1 or 2 above, unless otherwise required by the CBA.
4. Screening for Tested Positions. For interviewed Positions requiring testing prior to hire, DHR shall include Candidates on the list of Candidates to be tested based on their relative match to the Screening Criteria. DHR shall then create an interview list of everyone who passed the test in the case of pass/fail tests or, in the case of ranked order tests, of everyone who meets a predefined minimum threshold score, unless otherwise required by the terms of the CBA. CFD shall offer interviews to Candidates in the order they appear on the interview list and shall notify DHR and IGO Hiring Oversight of the interview schedule no later than seven (7) days before the interviews begin.

5. Interview Questions. Interview questions shall be developed by DHR and CFD from job-specific content related to the Hiring Criteria for the vacant Position. Interviews shall be designed to assess the Candidates' match to the Hiring Criteria.
6. Conduct of Interviews. Candidates for the same Position shall be asked the same core interview questions. Follow-up questions are permitted so long as they relate to previous questions asked to draw out more detailed information from the Candidate.
7. Interview Training. Interviewers shall be trained by DHR on proper interviewing procedures prior to conducting interviews.
8. Interviewers; Evaluations. At least two CFD employees who are familiar with the Position's requirements shall interview each Candidate. Each interviewer shall independently and personally complete an evaluation form for the Candidate at the conclusion of the interview. There shall be no discussion between the interviewers regarding the Candidates until the Consensus Meeting.
9. Interview Notes. Interview notes shall be recorded on each interviewer's evaluation form (and attached pages if necessary) and preserved and shall be provided to DHR at the conclusion of the interviews.
10. Interviewer Recommendations and Documentation. Immediately following the interview, each interviewer shall independently and personally identify on the evaluation form whether or not the Candidate shall be subject to further consideration in the hiring process. Each interviewer shall provide all documentation from the interview to DHR. Interview evaluation forms shall not be altered or revised once completed. However, omissions or errors of a clerical nature which are not substantive may be corrected with written justification from the interviewer.
11. Consensus Meetings; Selection; Creation of Pre-Qualified Candidate List. After the interviews for the vacancy are completed, the selection process for interviewed Positions shall be based on a Consensus Meeting led by a DHR Recruiter and attended by all interviewers, along with the Hiring Manager for the Position. The participants in the Consensus Meeting shall make a selection decision at the meeting and shall create a ranked list of those interviewed Candidates (i) who are determined to be suitable for the vacancy and (ii) who would have been selected but for the lack of a vacancy (Pre-Qualified Candidate list). If no selection consensus can be reached, the Hiring Manager shall make the final selection decision and shall provide written rationale for the selection decision for review and approval by the DHR Commissioner before extending an offer of employment. The DHR Recruiter facilitating the hiring process shall take detailed notes of the discussion at the meeting which shall be added to the Hire Packet. If the interviewers decided that more information is needed before they can make a successful decision, they may choose to conduct second interviews with all or some of the Candidates who were interviewed in the first round. The second round of interviews shall proceed per the requirements of this Chapter.

12. DHR Monitoring of Selection Process; Records. The DHR Recruiter shall ensure that the selection is based on the Hiring Criteria, the interviewers' evaluation forms, test results, the applicable terms of the CBA, if any, and any other relevant, non-Political Reasons or Factors or other Improper considerations. The DHR Recruiter shall maintain the notes of Consensus Meeting discussions and decisions in accordance with the record keeping requirements of the Local Records Act.
13. Pre-Qualified Candidates as Eligible Candidates. The Pre-Qualified Candidates shall remain on the Pre-Qualified Candidate list created under paragraph 11 above as long as their applications have not been withdrawn but not to exceed twelve (12) months from the date of application, unless otherwise required by the terms of the CBA. However, a Pre-Qualified Candidate list shall be retired and thus considered inactive when a new Eligibility List for the same Position is created as described above.
14. Priority for Pre-Qualified Candidates. If CFD chooses to utilize an active Pre-Qualified Candidate list, the Position will not be reposted and the Pre-Qualified Candidates will be hired in order of their respective ranking on the list while their applications remain active, subject to the terms of the CBA.
15. Extension of Pre-Qualified Candidate Lists. The DHR Commissioner may extend a Pre-Qualified Candidate list for one additional twelve (12) month period, unless otherwise required by the terms of the CBA, and will prepare in writing a justification for the extension that shall be sent to IGO Hiring Oversight.
16. Hire Certification Forms. Every person who participated in the selection process shall execute a Hire Certification Form. The successful Candidate(s) shall also execute a Hire Certification Form.

**CHAPTER VI**  
**GENERAL HIRING PROCESS – SENIOR MANAGERS**

Senior Manager Uniformed Positions in CFD will be filled pursuant to the procedures detailed in Chapter VI of the City of Chicago Hiring Plan. Uniformed members appointed through the Senior Manager Process may be removed from their Senior Manager Positions and returned to their Career Service Positions at the discretion of the Fire Commissioner.

## **CHAPTER VII**

### **EXEMPT POSITION HIRING PROCESS**

Exempt Positions are those where any factor may be considered in hiring and Other Employment Actions unless otherwise prohibited by law and are listed on the Exempt List, which is attached as Exhibit D to the City of Chicago Hiring Plan. Exempt Uniformed Positions in CFD will be filled pursuant to the procedures detailed in Chapter VIII of the City of Chicago Hiring Plan. Uniformed members appointed through the Exempt Position Hiring Process may be removed from their Exempt Positions and be returned to their Career Service Positions at the discretion of the Fire Commissioner.

## **CHAPTER VIII ACTING UP**

The City of Chicago Hiring Plan provides general considerations for administering of Acting Up. CFD shall manage Acting Up in accordance with these considerations as well as guidelines provided in the City's Acting Up Policy and the CBA.

## **CHAPTER IX COMPLIANCE AND GOVERNANCE**

A strong and effective compliance and governance system is critical to the success of this Hiring Plan. This CFD Hiring Plan grants oversight to the City's Office of the Inspector General (IGO). The IGO has established a Hiring Oversight Section ("IGO Hiring Oversight") which shall oversee this CFD Hiring Plan's compliance and governance system. IGO Hiring Oversight shall work collaboratively with CFD, the Department of Law, and DHR to redress any and all issues regarding City hiring.

IGO Hiring Oversight reviews, monitors, and audits key processes in this CFD Hiring Plan and receives complaints regarding the hiring process, including allegations of unlawful political discrimination and retaliation and other Improper influence in connection with any aspect of City employment. IGO Hiring Oversight shall, when appropriate, refer complaints and other instances of non-compliance to the Investigations Section of the IGO.

### **A. Complaints**

The City shall designate a telephone number complainants may call to register complaints regarding the hiring process (the "Complaint Line"). The Complaint Line shall be staffed during normal City business hours and shall either be staffed during non-business hours or the City shall provide for voice mail recording. The IGO or a City vendor may staff the Complaint Line. CFD shall post information pertaining to the Complaint Line and the IGO on its intranet website.

Calls to the Complaint Line shall be logged (the "Complaint Log") by IGO Hiring Oversight. The Complaint Log shall contain the caller's name (or noted as anonymous should the caller elect not to provide his or her name), the Class of the Position for which the complaint is being registered, the department in which the Position is located, the nature of the complaint, the approximate date the alleged violation took place, the identity(ies) of any party(ies) alleged to have caused or to have knowledge of the violation, contact information for the complainant if provided, any other relevant information, and the resolution of the complaint. Confidential information that may relate to official IGO investigations shall be protected pursuant to Section 2-56-110 of the Chicago Municipal Code.

Any City employee who knows or should know that Political Reasons or Factors or other Improper considerations may have influenced any term or aspect of City employment shall report the incident to IGO Hiring Oversight directly and without delay. Any employee who knowingly fails to report such a potential violation to IGO Hiring Oversight may be subjected to discipline, up to and including termination.

### **B. Escalations By Recruiters and Analysts**

As the gatekeepers of the hiring process, Recruiters and Analysts in DHR have a special responsibility to report any actual or potential violations of this CFD Hiring Plan or the possible influence of any Political Reasons or Factors or other Improper considerations by a Hiring Manager, Hiring Authority or other City employee and escalate those concerns to IGO Hiring

Oversight for resolution. The Recruiter or Analyst shall suspend a requisition at any point in the hiring process when he or she has reason to believe that a Hiring Manager, Hiring Authority or other City employee may have committed a violation of this CFD Hiring Plan or may have allowed Political Reasons or Factors or other Improper considerations to influence the hiring process. The escalation shall proceed in the following manner.

1. Initiating Escalation. Upon suspending a requisition, the Recruiter or Analyst shall immediately notify IGO Hiring Oversight, the Fire Commissioner, and the DHR Commissioner of the suspension and the reasons for the escalation.
2. Review of Escalation. IGO Hiring Oversight shall evaluate the circumstances surrounding the escalation and may do one or more of the following: investigate the matter, conduct a review of the hiring sequence, refer the matter to the DHR Commissioner or Fire Commissioner for resolution, and/or refer the matter to the Investigations Section of the IGO.
3. Escalation Log. Escalations shall be logged (the "Escalation Log") by IGO Hiring Oversight. The Escalation Log shall contain the name of the Recruiter or Analyst who escalated the matter, the Class of the Position for which the escalation is being made, the department in which the Position is located (CFD), the nature of the violation, the approximate date any alleged violation took place, the identity(ies) of any party(ies) alleged to have caused or to have knowledge of the violation, any other relevant information, and the resolution of the escalation.
4. Release of Suspension of Hiring Process. During further review or inquiry by IGO Hiring Oversight, the DHR Commissioner shall have the authority to continue the temporary suspension of the requisition until the review or inquiry is completed or to release the suspension and allow the hiring process to proceed. The DHR Commissioner may release any suspension notwithstanding the fact that such matter is being examined by IGO Hiring Oversight.
5. Report by IGO Hiring Oversight. After review or inquiry, any findings and recommendations of IGO Hiring Oversight shall be reported to the DHR Commissioner and, when appropriate, the Fire Commissioner. IGO Hiring Oversight shall maintain confidentiality as required by Sections 2-56-070 and 2-56-110 of the Chicago Municipal Code.
6. Report by the DHR Commissioner of Action Taken. The DHR Commissioner or the Fire Commissioner must report to IGO Hiring Oversight within thirty (30) days of the receipt of a recommendation what action, if any, he or she took on the recommendation and provide a written explanation of the reasons for the action taken if it is other than that recommended by IGO Hiring Oversight.
7. Notice to IGO Hiring Oversight of Self-Initiated Action Taken. If the DHR Commissioner, on his or her own initiative, imposes remedial actions as they relate to a



hiring sequence, he or she will provide immediate written notification with justification to IGO Hiring Oversight of the action taken.

**C. Reviews and Audits of Hiring Data**

IGO Hiring Oversight shall perform quarterly reviews and audits of data regarding the hiring processes. For the purpose of this section:

***Review*** means a check of all relevant documentation and data concerning a matter;

***Audit*** means a check of a random sample or risk-based sample of the documentation and data concerning a hiring element.

Each quarter IGO Hiring Oversight shall conduct the following reviews:

1. Contacts by Fire Department. Review of all reported or discovered instances where CFD contacted DHR to lobby for or advocate on behalf of actual or potential Applicants or Bidders for Covered Positions or to request that specific individuals be added to any referral or Eligibility List except as permitted in this CFD Hiring Plan.
2. Exemptions. Review of adherence to exemption requirements and Exempt Lists and propriety of Exempt List modifications.
3. Senior Manager Hires. Review of hires using Chapter VI, the Senior Manager Hiring Process.
4. Written Rationale. Review of any written rationale when no consensus selection was reached during a Consensus Meeting.
5. Emergency Appointments. Review of circumstances and written justifications for any emergency hires made pursuant to the Personnel Rules and Section 2-74-050(8) of the Chicago Municipal Code.

Each quarter IGO Hiring Oversight shall conduct audits of the following matters to ensure compliance with the hiring process:

1. Modifications to Class Specifications, Minimum Qualifications and Screening and Hiring Criteria. Modifications of Class Specifications, Minimum Qualifications, or Screening and Hiring Criteria.
2. Referral Lists. The lists of Applicants/Bidders who meet the predetermined minimum qualifications for the Position that are generated by DHR.
3. Testing. Test administration and scoring.

4. Selected Hiring Sequences. 10% in the aggregate of in-process and completed CFD hiring sequences.
5. Performance Selection Process. CFD employees hired through the Performance Selection Process.
6. Hiring Certifications. The required certifications attesting that no Political Reasons or Factors or other Improper considerations were taken into account in the applicable action.
7. Acting Up. The City's compliance with Chapter XI of the City of Chicago Hiring Plan and any implementing procedures.
8. Arbitrations and Potential Resolution of Grievances by Settlement. Audit of all arbitration decisions arising out of Accord complaints, as well as any other arbitration decisions and potential grievance settlement agreements that may impact the procedures under this CFD Hiring Plan.

**D. IGO Hiring Oversight Monitoring and IGO Investigation of Hiring Processes**

If at any point IGO Hiring Oversight identifies any actual or potential violations of this CFD Hiring Plan or the possible influence of any Political Reasons or Factors or other Improper considerations by a Hiring Manager, Hiring Authority or other City employee, IGO Hiring Oversight may refer the matter to the DHR Commissioner or make recommendations for appropriate corrective actions to the DHR Commissioner, the Department of Law, and/or the Fire Commissioner. IGO Hiring Oversight may also directly refer the matter to the Investigations Section of the IGO for the opening of an official IGO investigation. The IGO will develop internal protocols for the referral of such matters by IGO Hiring Oversight to the Investigations Section of the IGO.

IGO Hiring Oversight shall regularly participate in random, in-person monitoring of Intake Meetings, examinations, tests, interviews, and Consensus Meetings. To facilitate such monitoring, the scheduled time and locations of all such activities shall be provided to IGO Hiring Oversight at least seven (7) days in advance of non-Senior Manager activity and four (4) days in advance of Senior Manager activity unless otherwise provided for by this CFD Hiring Plan.

**E. Reporting Requirements**

IGO Hiring Oversight shall issue quarterly and annual reports that include statistics on the number of escalations and complaints newly initiated, pending, closed with investigation and closed without investigation. The quarterly and annual reports shall also include a description of the outcomes, findings, recommendations, and actions taken on the recommendations of any investigation of an escalation or complaint, and IGO Hiring Oversight's comments on the DHR Commissioner's responses to actions taken on IGO Hiring Oversight reports.

IGO Hiring Oversight shall redact any personal identifying information prior to publicly disseminating such reports.

In addition, IGO Hiring Oversight shall report on the reviews and audits of hiring data and monitoring of hiring processes undertaken pursuant to Sections C and D of this Chapter.

## CHAPTER X APPLICABILITY TO OTHER EMPLOYMENT ACTIONS NOT DETAILED IN THIS HIRING PLAN

Other Employment Actions not detailed in this CFD Hiring Plan, including those listed below, shall not require the posting of Bids or Notices of Job Opportunities or screening requirements described in Chapter III above, unless otherwise required by the terms of a CBA. The City, however, shall not take into account Political Reasons or Factors or other Improper considerations and shall adhere to the Goals and Principles outlined in Chapter I in filling Positions pursuant to Other Employment Actions. The procedures for filling Positions pursuant to Other Employment Actions not detailed in this CFD Hiring Plan shall be codified in the Personnel Rules and/or applicable City policies and procedures, unless otherwise required by the terms of a CBA. Individuals employed under any such Other Employment Actions, including those listed below, must meet all minimum qualifications for the Positions in order to be given priority for hire over general Applicants/Bidders. IGO Hiring Oversight shall be provided notice of the name, Position, and particular action for any person hired under any of the Other Employment Actions and shall monitor and audit these actions as it deems necessary to ensure compliance with this CFD Hiring Plan. The Personnel Rules and applicable City policies and procedures shall not be contrary to the Goals and Principles in Chapter I of this CFD Hiring Plan.

In addition, prior to sunset of the Accord, thirty (30) days' advance written notice of any substantive modifications of the Personnel Rules and/or applicable City policies and procedures that relate to Other Employment Actions shall be given to the *Shakman* Plaintiffs and the court-appointed Monitor. The *Shakman* Plaintiffs and Monitor may comment on the modifications and make written objections. Impasses shall be resolved as provided in Section II.D of the Accord.

- A. Assignments
- B. Terminations
- C. Layoff Lists
- D. Reinstatement
- E. Duty Disability
- F. Transfers
- G. Demotion
- H. Reclassifications
- I. Promotions and Career Progressions
- J. Reasonable Accommodations
- K. Return of seasonal employees
- L. Approved City Training Programs
- M. City Affirmative Action Plans
- N. Veterans Preference
- O. Line of Duty Preference
- P. Emergency Appointments
- Q. Settlements, Awards, Judgments, and Decisions

## EXHIBIT A EXAMINATION PROTOCOLS

As described in Chapter IV of the City of Chicago Fire Department Hiring Plan for Uniformed Positions, certain non-interview positions will be filled through an examination process. CFD, in conjunction with DHR, may use external vendors to develop and administer examinations and the DHR Testing Manager or her designee shall oversee the vendors. The test development vendor, or the DHR Testing Manager if no vendor is used, shall be responsible for conducting a job analysis and developing a valid, reliable, and fair examination that is consistent with industry best practices and the standards set forth by the Uniform Guidelines on Employee Selection Procedures (UGESP) issued by the Equal Employment Opportunity Commission (EEOC). While specific testing protocols will be established by the test vendor(s) following the job analysis, the City will require that the test vendor(s), or the DHR Testing Manager if no vendor is used, provide for the following:

1. Exam Components/ Weighting. The weights accorded to different exam components of any administered examination may be subject to change based on the results of the job analysis but shall be in accordance with the CBA. In addition, the weights of each of the components shall be posted on the official examination announcement.
2. Written Examinations/Challenge Process. If the selected vendor proposes a written examination as part of the examination process, the vendor will also provide for an appropriate challenge process for the written examination.
3. Oral Examinations/Assessors. If the vendor proposes an oral examination or simulation exercises as part of the process, the vendor shall determine the appropriate number of Assessors for the oral examination but must provide for a minimum of two (2) Assessors. In addition, the selection of the Assessors shall be done by the vendor and will be blind to both the Assessors and the Applicants until the day of the oral examination.
4. Oral Examinations/Recording. If the vendor proposes an oral examination or simulation exercises, the oral examinations or simulation exercises shall be audio recorded.
5. Auditing/Monitoring. IGO Hiring Oversight may monitor the examination process and may audit any examination materials, including audio recordings of oral examinations or simulation exercises.
6. Score Breakdowns. Upon request, IGO Hiring Oversight will be provided with score breakdowns of the examination criteria and may ask questions of the vendor regarding the scoring process.
7. Study Guide. The vendor will be responsible for creating a study guide for the examination process which will be provided to applicants at the time of application after any applicable application fees have been paid. The study guide will also be posted on-line on CFD's publicly available website.

## **EXHIBIT B**

### **PERFORMANCE SELECTION PROCESS**

The Performance Selection Process is provided for in the CBA and is an exception to rank order selection. This Exhibit B may be amended to reflect any changes to the Performance Selection Process.

1. Number. Up to sixteen percent (16%) of the promotion to the rank of Lieutenant, up to sixteen percent (16%) of the promotions to the rank of Captain, and up to sixteen percent (16%) of the promotions to the rank of Battalion Chief on each promotional order may be made by the Fire Commissioner on the basis of performance.
2. Nominations. Battalion Chiefs and personnel in the positions of Deputy District Chief, District Chief, and Bureau Heads may nominate candidates for consideration in the Performance Selection Process for the promotional ranks of Lieutenant, Captain, and Battalion Chief. Nominators must have knowledge of the nominee's work performance, either through personal observations or based on recommendations from the nominee's supervisors. The nomination form will include a brief description of the factors on which the nomination is based. Any nominations shall be made after the promotional examination is announced but before the examination is held. No late submissions will be accepted. Notice will be sent to potential nominators announcing the nomination period and procedures for submitting nominations.
3. Performance Selection Board. The Performance Selection Board consists of the First Deputy Fire Commissioner, the Deputy Commissioners, and the Director of Personnel. The Performance Selection Board will meet to consider the nominations taking into account each candidate's performance, awards and commendations, leadership ability, specialized training, relevant education and experience, attendance file, disciplinary file, and any other information deemed relevant to determine whether to recommend a candidate to the Commissioner. During the Performance Selection Board Meeting, Board members may raise any relevant issues pertaining to a nominee. For each nominee, each member will vote yes or no, or abstain from voting. A representative from the Department of Human Resources shall attend the Performance Selection Board Meeting and will record and tabulate all votes and abstentions. Representatives from IGO Hiring Oversight may attend the Performance Selection Board Meeting at their discretion.
4. Selection Process. The Performance Selection Board will submit its recommendations to the Fire Commissioner for consideration. The Fire Commissioner shall make performance selection promotions from only those candidates who were recommended by the Performance Selection Board and shall provide a short written justification for each candidate selected for promotion.

5. Hire Certifications. In addition to the above requirements set out in the CBA, nominators must sign and date a Hire Certification for each nominee. In addition, each member of the Performance Selection Board, the DHR representative, and the Fire Commissioner will each sign a Hire Certification Form.