

**SECOND PROPOSED SUBSTITUTE TO 17-6302
(Legislation and Intergovernmental Relations Committee 12/13/2017)**

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PROPOSED ORDINANCE AMENDMENT

AN AMENDMENT TO PREVENT SEXUAL HARASSMENT IN COOK COUNTY

WHEREAS, Cook County prohibits sexual harassment in the workplace; and

WHEREAS, in recent weeks there has been an outpouring of complaints of sexual harassment within Illinois government and political activities; and

WHEREAS, inspired by the #MeToo social media campaign that encouraged individuals to raise awareness about sexual harassment, women in the Illinois Legislature created the #ILSayNoMore that encouraged individuals to share their experiences of sexual harassment within the State Capitol and Illinois politics; and

WHEREAS, more than 200 people signed an open letter circulated by women involved in Illinois politics that called for “challenging every elected official, every candidate, and every participant in our democratic process who is culpable”; and

WHEREAS, sexual harassment thrives in silence, such that all stakeholders need to continually work to eliminate all forms of sexual harassment; and

WHEREAS, sexual harassment and abuse of power are toxic and unacceptable in the workplace and will not be tolerated; and

WHEREAS, Cook County is committed to providing a workplace that is free from sexual harassment; and

WHEREAS, all persons have a right to feel safe and work in an environment free from sexual harassment; and

WHEREAS, Illinois Public Act 100-554 requires the timely adoption of an ordinance or resolution by all units of government in Illinois establishing a policy to prohibit sexual harassment; and

WHEREAS, Cook County’s existing policies prohibiting sexual harassment should be expanded to include additional protections and codified in an ordinance;

THEREFORE BE IT ORDAINED, that Cook County reinforces its policy of prohibiting sexual harassment and the Cook County Board of Commissioners encourages all of the separately elected Cook County offices to adopt a policy addressing the prohibition of sexual harassment within their own offices; and

NOW THEREFORE BE IT FURTHER ORDAINED, that Cook County recognizes the rights of all employees of Cook County government to be treated with respect and dignity and is committed to providing a work environment free of sexual harassment.

BE IT ORDAINED, by the Cook County Board of Commissioners, that Chapter 44 - Human Resources, Article II -Personnel Policies, Section 44-53 – Nondiscrimination is hereby amended as follows:

Section 44-53 – ~~Nondiscrimination~~– Prohibition of Discrimination and Harassment.

(a) No person shall discriminate against any County employee or applicant for County employment because of race, color, sex, age, religion, disability, national origin, ancestry, sexual orientation, marital status, parental status, military discharge status, source of income, housing, or any other protected category established by law, statute or ordinance.

(b) Each Cook County Agency (Office of the President/Board of Commissioners; Cook County Assessor; Cook County Board of Review; Cook County Clerk; Clerk of the Circuit Court of Cook County; Cook County Recorder of Deeds; Cook County Sheriff; Cook County State's Attorney; Office of the Chief Judge; Cook County Treasurer; Cook County Land Bank; Cook County Health and Hospitals System; Office of the Independent Inspector General; and Public Administrator) shall adopt policies that prohibit discrimination and harassment, including the prohibition of sexual harassment.

1. The nondiscrimination and anti-harassment policy(ies) adopted shall include, at minimum: (i) a prohibition on discrimination based upon one's race, color, sex, age, religion, disability, national origin, ancestry, sexual orientation, marital status, parental status, military discharge status, source of income, housing, or any other protected category established by law, statute or ordinance (ii) a prohibition on Sexual Harassment by officials and employees under their jurisdiction; (iii) details on how an individual can report an allegation of discrimination or Sexual Harassment, including options for making a confidential report to a supervisor, the Cook County Board of Ethics, the Office of the Independent Inspector General, the Equal Employment Opportunity Office, the Cook County Commission on Human Rights or any other appropriate County, State or federal agency; (iv) a prohibition on retaliation for reporting discrimination or Sexual Harassment allegations, including availability of whistleblower protections under the State Officials and Employees Ethics Act, the Illinois Whistleblower Act, the Illinois Human Rights Act, the Cook County Ethics Ordinance, the Cook County Human Rights Ordinance, the Cook County Inspector General Ordinance and any other applicable County, State or federal law; and (v) the consequences of a violation of the prohibition of discrimination or Sexual Harassment and the consequences of knowingly making a false report.
2. The non-discrimination and anti-harassment policy(ies) shall be formulated by each elected or appointed official for the Agency he or she oversees in collaboration with the Cook County Bureau of Human Resources and the Cook County Department of Human Rights and Ethics. Compliance with the implementation and execution of this section shall be monitored by the Office of the Independent Inspector General.
3. Each Agency's elected or appointed official or designee shall submit to the Office of the Independent Inspector General quarterly reports that summarize progress towards formulating a policy(ies) that addresses the prohibition of discrimination and harassment, including the prohibition of Sexual Harassment during the previous quarter. The Office of the Independent Inspector General shall compile these reports and submit them to the Board on a quarterly basis. The Office of the Independent Inspector General shall report to the Board any noncompliance with the obligations set out in this section. The Office of the Independent Inspector General shall inform the Board as to which Cook County Agencies are in compliance with Section 44-53 and upon a determination of compliance by the Office of the Independent Inspector General, the compliant Agency shall no longer be required to submit quarterly updates.

(c) For the purpose of Section 44-53, Sexual Harassment means any unwelcome sexual advance, request for sexual favors or other verbal, visual or physical conduct of a sexual nature regardless of gender. Sexual Harassment includes, but is not limited to:

1. Verbal harassment (e.g., lewd or sexually suggestive remarks, pranks, epithets, jokes, threats or slurs);
2. Physical harassment (e.g., touching, patting, pinching or intentionally brushing against another's body);
3. Visual harassment (e.g., leering, making sexual gestures, or displaying or sending lewd or sexually suggestive posters, cartoons, pictures, drawings or objects);
4. Sexual innuendo and demands for sexual favors (e.g., unwelcome sexual statements or advances); or
5. Any form of unwelcome sexual advance, request for sexual favors or other verbal, visual or physical conduct of a sexual nature regardless of whether it occurs face-to-face, in writing, on the telephone, by electronic mail, via the Internet, or by some indirect form of communication.

BE IT FURTHER ORDAINED, by the Cook County Board of Commissioners, that Chapter 44 - Human Resources, Article II. - Personnel Policies. Section 44-58 - Sexual Harassment Training is hereby established as follows:

Sec. 44-58. - Sexual Harassment Training.

(a) Each official and employee of a Cook County Agency (Office of the President/Board of Commissioners; Cook County Assessor; Cook County Board of Review; Cook County Clerk; Clerk of the Circuit Court of Cook County; Cook County Recorder of Deeds; Cook County Sheriff; Cook County State's Attorney; Office of the Chief Judge; Cook County Treasurer; Cook County Land Bank; Cook County Health and Hospitals System; Office of the Independent Inspector General; and Public Administrator) must complete, at least annually, beginning in 2018, a sexual harassment training program. This sexual harassment training program shall be formulated by each Agency in collaboration with the Cook County Bureau of Human Resources and the Department of Human Rights and Ethics. The human resources offices or designee of the appointed or elected Agency official shall deliver this training to officials and employees under the applicable Agency jurisdiction. Compliance with the sexual harassment training program shall be monitored by the Office of the Independent Inspector General.

(b) The human resources offices or designee of the appointed or elected Cook County Agency official shall submit to the Office of the Independent Inspector General quarterly reports that: (1) summarize progress towards formulating a sexual harassment training during the previous quarter, the number of training session(s) delivered, and the number of participants in those training session(s); and (2) lay out the plan for the sexual harassment training programs in the coming quarter. The Office of the Independent Inspector General shall compile these reports and submit them to the Board on a quarterly basis. The Office of the Independent Inspector General shall report to the Board any noncompliance with the training obligations set out in this section.

(c) Any person who fills a vacancy in any position in a Cook County Agency, including elective and appointed positions, must complete his or her initial sexual harassment training within 90 days after the commencement of his or her office or employment.

(d) Sexual Harassment Training shall minimally include but not be limited to: a definition of sexual harassment, various types of sexual harassment, harassment by a person in authority towards a subordinate, examples of workplace sexual harassment, steps to filing a complaint, examples of actions that do and do not constitute sexual harassment and hostile work environments.

BE IT FURTHER ORDAINED, by the Cook County Board of Commissioners, that Chapter 2 - Administration, Article VII. - Ethics, Division 3. - Lobbyists, Subdivision II.-Registration, Section 2-640. - Lobbyist Ethics Education Seminar is hereby amended as follows:

Sec. 2-640. – Lobbyist Ethics Education Seminar.

Each Lobbyist shall attend an online ethics education seminar offered on a regular basis by the Cook County Clerk and the Board of Ethics within 120 days of registering as a Lobbyist pursuant to Section 2-633. The seminar shall educate individuals regarding their duties and responsibilities under this article. The seminar shall also include a program of sexual harassment training in the context of lobbying activities and review pertinent provisions under Chapter 42, Article II of the Cook County Code, the Cook County Human Rights Ordinance. The Clerk may partner with the Cook County Department of Human Rights and Ethics and/or other applicable Department of Cook County to facilitate the provision of the sexual harassment training. For purposes of this section, the definition of “sexual harassment” includes, but is not limited to, the definitions set forth in Section 44-53 of the Cook County Code of Ordinances.

Effective date: This ordinance shall be effective January 17, 2018.