



**Board of Commissioners of Cook County
Minutes of the Human Relations Committee**

Wednesday, July 29, 2015

10:30 AM

**Cook County Building, Board Room, 569
118 North Clark Street, Chicago, Illinois**

ATTENDANCE

Present: Chairman Boykin, Vice Chairman Silvestri, Commissioners Arroyo, Fritchey, Sims and Steele (6)

Absent: Commissioner Suffredin (1)

PUBLIC TESTIMONY

Chairman Boykin asked the Secretary to the Board to call upon the registered public speakers, in accordance with Cook County Code.

1. George Blakemore, Concerned Citizen
2. Mary Hartsfields, Warriors on the Watch Inc.
3. Anthony Lowery, Director, Policy and Advocacy Safer Foundation

COMMITTEE MINUTES

15-4645

Approval of the minutes from the meeting of 06/30/2015

A motion was made by Vice Chairman Silvestri, seconded by Commissioner Steele, that this Committee Minutes be approved. The motion carried by the following vote:

Ayes: Chairman Boykin, Vice Chairman Silvestri, Commissioners Arroyo, Fritchey, Sims and Steele (6)

Absent: Commissioner Suffredin (1)

15-4212

Sponsored by: RICHARD R. BOYKIN, County Commissioner

PROPOSED ORDINANCE AMENDMENT

COUNTY ECONOMIC INCENTIVES

BE IT ORDAINED, by the Cook County Board of Commissioners, that Chapter 42, Human Relations, Article

II, Human Rights, Section 42-42 of the Cook County Code is hereby amended as Follows:

Section 42-42. County economic incentives.

- (a) Prohibition. No person or entity who is the beneficiary of an economic incentive provided by Cook County ("County") shall engage in unlawful discrimination or sexual harassment against any individual in the terms or conditions of employment, credit, public accommodations, housing, or provision of facilities, services or programs. "Sexual harassment" has such meaning as is ascribed to it in other sections of this article.
- (b) Provisions of County Economic Incentive Agreements. The Cook County Bureau of Economic Development, and all other department heads, as necessary and authorized, shall include a provision in all County economic incentive agreements that details the County's policies with respect to unlawful discrimination and sexual harassment, as embodied in this article, and that requires every recipient of a County-provided economic incentive to certify its compliance with these policies and its agreement to abide by such policies as a part of the recipient's obligations under the incentive agreement. All County economic incentive agreements shall further provide that if any recipient of an economic development incentive from County is found to have violated any provision of this article, or furnished false or misleading information in any investigation, hearing, or inquiry held pursuant to this article, that incentive will as a result be subject to immediate termination.
- (c) Disclosure and Disqualification. Any person or entity applying to receive an economic incentive from or otherwise benefit from an economic incentive provided by Cook County shall be required to disclose whether that person or entity has been found guilty of or liable for, or settled a claim related to a charge of unlawful discrimination or sexual harassment. If, as a result of the applicant's compliance with the disclosure requirement, it is shown that the applicant has been found guilty of or liable for, or settled a claim related to a charge of unlawful discrimination or sexual harassment, both the applicant and the application shall be disqualified, and the applicant shall be prospectively barred from receiving or benefitting from an economic incentive provided by Cook County.
- (d) Post-Award Disclosure. If the recipient or beneficiary of an economic incentive provided by Cook County fails to properly comply with the disclosure requirement set forth in Section 42-42(c), and is subsequently learned to have been found guilty of or liable for, or settled a claim related to a charge of unlawful discrimination or sexual harassment, the economic incentive to which that person or entity is a party shall be immediately terminated, and the recipient or beneficiary of that economic incentive shall be required to repay the sum total of incentive proceeds and / or benefits received to date.

Sec. 42-42 43. - Effective date. This article shall take effect 60 days after becoming law.

Effective date: This ordinance shall be in effect immediately upon passage.

Legislative History: 7/1/15 Board of Commissioners referred to the Human Relations Committee

A motion was made by Vice Chairman Silvestri, seconded by Commissioner Steele, that this Ordinance Amendment be recommended for receiving and filing. The motion carried by the following vote:

Ayes: Chairman Boykin, Vice Chairman Silvestri, Commissioners Arroyo, Fritchey, Sims and Steele (6)

Absent: Commissioner Suffredin (1)

15-4214

PROPOSED ORDINANCE AMENDMENT

Cook County Human Rights Ordinance

BE IT ORDAINED, by the Cook County Board of Commissioners, that Chapter 42 Human Relation, Article II Human Rights, Sec. 42-35 of the Cook County Code is hereby amended as Follows:

Sec. 42-35 Employment

(h) Criminal Record or Criminal History

- 1) Except as otherwise provided in section 42-35(h), no Employer, agent of an employer or employment agency) shall inquire about, consider, or require disclosure of the criminal record or criminal history of an Employee when considering an application for employment until the Employee has been determined qualified for the position and notified that he or she has been selected for an interview by the Employer or Employment Agency or, if there is not an interview, until after a conditional offer of employment is made to the Employee by the Employer or Employment agency.
- 2) The requirements set forth in section 42-35(h)(1) do not apply to:
 - a. Employers that are subject to the Illinois Job Opportunities for Qualified Applicants Act, 820 ILCS 75/1 et seq., or agents of Employers or Employment agencies seeking qualified Employees on behalf of such an Employer;
 - b. Positions for which a satisfactory criminal background is an established bona fide occupational requirement of a particular position or a particular group of employees;
 - c. Positions for which federal or state law requires an Employer to exclude Employees with certain criminal convictions;
 - d. Positions for which a standard fidelity bond or an equivalent bond is required and an Employee's conviction of one or more specified criminal offenses would disqualify the applicant from obtaining such a bond;
 - e. Positions for which licensure under the Emergency Medical Services (EMS) Systems Act, 210 ILCS 50/1 et seq is required.
- 3) The requirements set forth in section 42-35(h)(1) do not prohibit an Employer from notifying Employees in writing of the specific offenses that will disqualify an applicant from employment in a particular position.
- 4) If the County of Cook, subsequent to interviewing or extending a conditional offer of employment to an Employee determines that the Employee has a criminal conviction, that fact alone shall not automatically disqualify the Employee from employment. The Employer, prior to making a decision, should consider the following factors:

- a. The nature of the Employee's specific offense or offenses;
 - b. The nature of the Employee's sentencing;
 - c. The Employee's number of convictions;
 - d. The length of time that has passed following the Employee's most recent conviction;
 - e. The relationship between the Employee's crimes and the nature of the relevant position;
 - f. The age of the Employee at the time of the most recent conviction;
 - g. Any evidence of rehabilitation, including but not limited to whether the Employee has completed a treatment or counseling program;
 - h. The extent to which the Employee has been open, honest, and cooperative in the examination of his or her background; and
 - i. Any other information which the Employer deems relevant to the Employee's suitability for the position.
- 5) If an employer makes a decision not to hire an Employee based in whole or in part on the Employee's criminal history or record, the employer, agent of the Employer or Employment Agency shall inform the Employee of the same at the time he or she is informed of the Employer's decision not to hire.

Effective date: This ordinance shall be in effect immediately upon adoption

PROPOSED SUBSTITUTE TO FILE ID 15-4214

Sponsored by: ROBERT STEELE, LUIS ARROYO JR, RICHARD R. BOYKIN, JERRY BUTLER, JOHN P. DALEY, JESÚS G. GARCÍA, JOAN PATRICIA MURPHY, DEBORAH SIMS and LARRY SUFFREDIN, County Commissioners

BE IT ORDAINED, by the Cook County Board of Commissioners, that Chapter 42 Human Relation, Article II Human Rights, Sec. 42-35 of the Cook County Code is hereby amended as Follows:

Sec. 42-35 Employment

(h) Criminal Record or Criminal History

- 1) Except as otherwise provided in section 42-35(h), no Employer, agent of an Employer or Employment agency shall inquire about, consider, or require disclosure of the criminal record or criminal history of an Employee when considering an application for employment until the Employee has been determined qualified for the position and notified that he or she has been selected for an interview by the Employer or Employment agency or, if there is not an interview, until after a conditional offer of employment is made to the Employee by the Employer or Employment agency.

- 2) The requirements set forth in section 42-35(h)(1) do not apply to:
 - a. Employers that are subject to the Illinois Job Opportunities for Qualified Applicants Act, 820 ILCS 75/1 et seq., or agents of Employers or Employment agencies seeking qualified Employees on behalf of such an Employer;
 - b. Positions for which a satisfactory criminal background is an established bona fide occupational requirement of a particular position or for a particular group of employees;
 - c. Positions for which federal or state law requires an Employer to exclude Employees with certain criminal convictions;
 - d. Positions for which a standard fidelity bond or an equivalent bond is required and an Employee's conviction of one or more specified criminal offenses would disqualify the applicant from obtaining such a bond;
 - e. Positions for which licensure under the Emergency Medical Services (EMS) Systems Act, 210 ILCS 50/1 et seq is required.
- 3) The requirements set forth in section 42-35(h)(1) do not prohibit an Employer from notifying Employees in writing of the specific offenses that will disqualify an applicant from employment in a particular position.
- 4) If an Employer makes a decision not to hire an Employee based in whole or in part on the Employee's criminal history or record, the Employer, agent of the Employer or Employment agency shall inform the Employee of the same at the time he or she is informed of the Employer's decision not to hire.
- 5) Cook County as an Employer: If the County of Cook, subsequent to interviewing or extending a conditional offer of employment to an Employee determines that the Employee has a criminal conviction, that fact alone shall not automatically disqualify the Employee from employment. The Employer, prior to making a decision, should consider the following factors:
 - a. The nature of the Employee's specific offense or offenses;
 - b. The nature of the Employee's sentencing;
 - c. The number of the Employee's convictions;
 - d. The length of time that has passed following the Employee's most recent conviction;

- e. The relationship between the Employee's crimes and the nature of the relevant position;
- f. The age of the Employee at the time of the most recent conviction;
- g. Any evidence of rehabilitation, including but not limited to whether the Employee has completed a treatment or counseling program;
- h. The extent to which the Employee has been open, honest, and cooperative in the examination of his or her background; and
- i. Any other information which the County of Cook deems relevant to the Employee's suitability for the position.

Effective date: This ordinance shall be in effect immediately upon adoption

A motion was made by Commissioner Steele, seconded by Vice Chairman Silvestri, that this Ordinance Amendment be accepted as substituted. The motion carried by the following vote:

Ayes: Chairman Boykin, Vice Chairman Silvestri, Commissioners Arroyo, Fritchey, Sims and Steele (6)

Absent: Commissioner Suffredin (1)

**PROPOSED AMENDMENT TO FILE ID 15-4214 AS SUBSTITUTED
Human Relations Committee 7/29/2015**

Sponsored by: ROBERT STEELE, LUIS ARROYO JR, RICHARD R. BOYKIN, JERRY BUTLER, JOHN P. DALEY, JESÚS G. GARCÍA, JOAN PATRICIA MURPHY, DEBORAH SIMS and LARRY SUFFREDIN,
County Commissioners

BE IT ORDAINED, by the Cook County Board of Commissioners, that Chapter 42 Human Relation, Article II Human Rights, Sec. 42-35 of the Cook County Code is hereby amended as Follows:

Sec. 42-35 Employment

(h) Criminal Record or Criminal History

- 1) Except as otherwise provided in section 42-35(h), no Employer, agent of an Employer or Employment agency shall inquire about, consider, or require disclosure of the criminal record or criminal history of an Employee when considering an application for employment until the Employee has been determined qualified for the position and notified that he or she has been selected for an interview by the Employer or Employment agency or, if there is not an interview, until after a conditional offer of employment is made to the Employee by the Employer or Employment agency.

- 2) The requirements set forth in section 42-35(h)(1) do not apply to:
 - a. Employers that are subject to the Illinois Job Opportunities for Qualified Applicants Act, 820 ILCS 75/1 et seq., or agents of Employers or Employment agencies seeking qualified Employees on behalf of such an Employer;

 - b. Positions for which a satisfactory criminal background is an established bona fide occupational requirement of a particular position or for a particular group of employees;

 - c. Positions for which federal or state law requires an Employer to exclude Employees with certain criminal convictions;

 - d. Positions for which a standard fidelity bond or an equivalent bond is required and an Employee's conviction of one or more specified criminal offenses would disqualify the applicant from obtaining such a bond;

 - e. Positions for which licensure under the Emergency Medical Services (EMS) Systems Act, 210 ILCS 50/1 et seq is required.

 - f. Positions within any municipal law enforcement or investigative agency which requires a criminal background investigation including without limitation the Cook County Sheriff.**

- 3) The requirements set forth in section 42-35(h)(1) do not prohibit an Employer from notifying Employees in writing of the specific offenses that will disqualify an applicant from employment in a particular position.

- 4) ~~If an Employer makes a decision not to hire an Employee based in whole or in part on the Employee's criminal history or record, the Employer, agent of the Employer or Employment agency shall inform the Employee of the same at the time he or she is informed of the Employer's decision not to hire.~~

- 5) Cook County as an Employer: If the County of Cook, subsequent to interviewing or extending a conditional offer of employment to an Employee determines that the Employee has a criminal conviction, that fact alone shall not automatically disqualify the Employee from employment. The Employer, prior to making a decision, should consider the following factors:
- a. The nature of the Employee's specific offense or offenses;
 - b. The nature of the Employee's sentencing;
 - c. The number of the Employee's convictions;
 - d. The length of time that has passed following the Employee's most recent conviction;
 - e. The relationship between the Employee's crimes and the nature of the relevant position;
 - f. The age of the Employee at the time of the most recent conviction;
 - g. Any evidence of rehabilitation, including but not limited to whether the Employee has completed a treatment or counseling program;
 - h. The extent to which the Employee has been open, honest, and cooperative in the examination of his or her background; and
 - i. Any other information which the County of Cook deems relevant to the Employee's suitability for the position.

Effective date: This ordinance shall be in effect immediately upon adoption

A motion was made by Commissioner Steele, seconded by Vice Chairman Silvestri, that this Ordinance Amendment be recommended for approval as substituted and amended. The motion carried by the following vote:

Ayes: Chairman Boykin, Vice Chairman Silvestri, Commissioners Arroyo, Fritchey, Sims and Steele (6)

Absent: Suffredin (1)

ADJOURNMENT

A motion was made by Commissioner Steele, seconded by Commissioner Sims, to adjourn the meeting.

The motion carried by the following vote:

Ayes: Chairman Boykin, Vice Chairman Silvestri, Commissioners Arroyo, Fritchey, Sims and Steele (6)

Absent: Suffredin (1)

Respectfully submitted,



Chairman



Secretary

*A video recording of this meeting is available at <https://cook-county.legistar.com>