

PROPOSED SUBSTITUTE TO FILE ID 15-4214
Human Relations Committee 7/29/2015
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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