



Board of Commissioners of Cook County

**Minutes of the Workforce, Housing & Community
Development Committee**

Wednesday, May 20, 2015

9:00 AM

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

ATTENDANCE

Present: Chairman Gainer, Vice Chairman Boykin, Commissioners Suffredin and Tobolski (4)
Absent: Commissioner Sims (1)

PUBLIC TESTIMONY

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

1. Sodiqa Williams – Associate Vice President of Policy and Strategy, Safer Foundation
2. Julie Garfield – Manager of Support Services, The Cara Program
3. George Blakemore – Concerned Citizen

15-2578

Sponsored by: BRIDGET GAINER, County Commissioner, TONI PRECKWINKLE, President, LUIS ARROYO JR, RICHARD R. BOYKIN, JERRY BUTLER, JOHN P. DALEY, JOHN A. FRITCHEY, JESÚS G. GARCÍA, ELIZABETH "LIZ" DOODY GORMAN, GREGG GOSLIN, STANLEY MOORE, JOAN PATRICIA MURPHY, TIMOTHY O. SCHNEIDER, PETER N. SILVESTRI, DEBORAH SIMS, ROBERT STEELE, LARRY SUFFREDIN and JEFFREY R. TOBOLSKI, County Commissioners

PROPOSED ORDINANCE AMENDMENT

COOK COUNTY APPRENTICESHIPS EARNED CREDIT INCENTIVE

BE IT ORDAINED, by the Cook County Board of Commissioners, that Chapter 34 Finance, Division 6 Bid Incentives and Preferences, Sec. 34-229 - Sec. 34-239 of the Cook County Code is hereby amended as Follows:

DIVISION 6. - BID INCENTIVES AND PREFERENCES

Sec. 34-229. - Definitions.

The following words, terms and phrases, when used in this Division shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning. Terms not defined in this section are defined in Division 1 of this Procurement Code, or in Section 1-3 of the Cook County Code.

Apprentice means any person who: (1) is enrolled in an apprenticeship program approved by and registered with the United States Department of Labor's Office of Apprenticeship, or its successor organization; or (2) has graduated within the past four (4) years from an apprenticeship program that has been approved by and registered with the United States Department of Labor's Office of Apprenticeship, or its successor organization.

Armed forces of the United States means the United States Army, Navy, Air Force, Marine Corps, Coast Guard, or service in active duty as defined under 38 U.S.C. Section 101. Service in the Merchant Marine that constitutes active duty under Section 401 of federal Public Act 95-202 shall also be considered service in the armed forces for purposes of this division.

Committee means Cook County Re-entry Employment Committee.

Bid incentive means an amount deducted, for bid evaluation purposes only, from the contract base bid in order to calculate the bid price to be used to evaluate the bid on a competitively bid project.

Contract base bid means the total dollar amount bid on a project without factoring any bid incentive or percentage reductions to the bid amount.

Earned Credit means the amount allocated to a Contractor upon completion of a Qualifying Contract through which the Contractor met or exceeded the goals for the utilization of Former Offenders or Apprentices.

Eligible Veteran means a person who (i) has been either a member of the armed forces of the United States or, while a citizen of the United States, was a member of the armed forces of allies of the United States in time of hostilities with a foreign country and (ii) has served under one or more of the following conditions: (a) the veteran served a total of at least six months; (b) the veteran served for the duration of hostilities regardless of the length of the engagement; (c) the veteran was discharged on the basis of hardship; or (d) the veteran was released from active duty because of a service connected disability and was discharged under honorable conditions.

Former Offenders means adults who are residents of the County and who have been convicted of a crime.

Labor hours means the total hours of workers receiving an hourly wage who are directly employed at the work site. "Labor hours" shall include hours performed by workers employed by the contractor and all subcontractors working at the work site. "Labor hours" shall not include hours worked by nonworking foremen, superintendents, owners and workers who are not subject to prevailing wage requirements.

Qualifying Contract means a Contract for Public Works with a Bid Price of \$100,000.00 or more, for which the Contractor is eligible for Earned Credits.

Service-connected disability means a disability incurred in the line of duty in the active military, naval, or air service as described in 38 U.S.C. 101(16).

Service-Disabled Veteran means an Eligible Veteran who has been found to have ten percent or more service-connected disability by the United States Department of Veterans Affairs or the United States Department of Defense.

Service-Disabled Veteran-owned Business Enterprise (SDVBE) means a small business (i) that is at least 51 percent owned, controlled, and managed by one or more qualified service-disabled veterans or, in the case of a corporation, at least 51 percent or more of the stock of which is owned, controlled, and managed by one or more Service Disabled Veterans; (ii) that has its home office in Illinois, as certified by the CCD under policies and procedures promulgated by the CCD.

Time of hostilities with a foreign country means any period of time in the past, present, or future during which a declaration of war by the United States Congress has been or is in effect or during which an emergency condition has been or is in effect that is recognized by the issuance of a Presidential proclamation or a Presidential executive order and in which the armed forces expeditionary medal or other campaign service medals are awarded according to Presidential executive order.

Veteran-owned Business Enterprise (VBE) means a small business (i) that is at least 51 percent owned, controlled, and managed by one or more Eligible Veterans or, in the case of a corporation, at least 51 percent or more of the stock of which is owned, controlled, and managed by one or more Eligible Veterans; (ii) that has its home office in Illinois, as certified by the CCD under policies and procedures promulgated by the CCD.

(Ord. No. 14-1232, 3-12-2014.)

Sec. 34-230. - Local business preference; all contracts.

The CPO shall recommend award of the Procurement to the lowest Responsible and Responsive Bidder which is a Local Business, so long as the Bid of such Bidder does not exceed the Bid of the lowest Responsive and Responsible Bidder by more than five percent.

(Ord. No. 14-1232, 3-12-2014.)

Sec. 34-231. - Re-entry employment program established; public works contracts only.

For all Public Works Contracts with an estimated Bid Price of \$100,000.00 or more, there is hereby established the Cook County Re-entry Employment Program, with the goal of increasing public safety and reducing recidivism by providing assistance to adults who are residents of the County and who are former offenders in finding employment opportunities.

(Ord. No. 14-1232, 3-12-2014.)

Sec. 34-232. - Re-entry employment committee.

(a) The President shall appoint the members of the Committee which will consist of:

- (1) A representative of the Cook County Bureau of Human Resources;
- (2) A representative of the Justice Advisory Council;;

- (3) A representative of the Office of Contract Compliance;
 - (4) A representative of a nonprofit organization whose mission is to reintegrate former Offenders into society;
 - (5) A representative of organized labor; and
 - (6) A Cook County Commissioner.
- (b) The Committee shall work with appropriate organizations to identify Former Offenders for participation in this program.

(Ord. No. 14-1232, 3-12-2014.)

Sec. 34-233. - Re-entry employment plan.

A Contractor may qualify for Earned Credits by utilizing Former Offenders for work under a Qualifying Contract. In order to so qualify, a Bidder must include in its Bid for such Qualifying Contract an employment plan for Former Offenders by Contractor or any subcontractors. Bidders may request from the Committee a list of candidates. If the Bidder or any subcontractor employs Former Offenders or identifies potential candidates on its own, such candidates may be submitted to the Committee to determine if they are Former Offenders, as defined in this division.

(Ord. No. 14-1232, 3-12-2014.)

Sec. 34-234. - Re-entry employment earned credits.

- (a) The CPO shall include information regarding re-entry employment Earned Credits in all advertisements for Qualifying Contracts.
- (b) Upon the completion of a Qualifying Contract, a Contractor may apply to the CPO for Earned Credits, on such forms and including such information as required by the CPO. If the Contractor met or exceeded the Former Offender employment goals established in the Qualifying Contract. If the CPO determines that the Contractor has successfully met or exceeded its employment plan in the Qualifying Contract, the CPO shall issue an Earned Credit Certificate that evidences the amount of Earned Credits calculated as set forth below. The Contractor may utilize the Earned Credits as set forth in this division in a future Bid for a Contract for Public Works of equal or greater value as the Qualifying Contract, by including a copy of the Earned Credit Certificate with its Bid.
- (c) For any Qualifying Contract, the CPO shall determine the Earned Credits, as follows. And issue an Earned Credit Certificate, which shall be valid for three years from the date of issuance.

Percentage of Total Labor Hours Performed by Former Offenders	Earned Credit
5—10%	½% of Bid price
Over 10%	1% of Bid price

- (d) For purposes of calculating the lowest Responsive and Responsible Bidder only, the CPO shall deduct from the Bid Price the amount of Earned Credit set forth on the Earned Credit Certificate submitted by a Bidder. If the Bidder is awarded the Contract, such Earned Credit Certificate may not be used again in a future Bid.

(Ord. No. 14-1232, 3-12-2014.)

Sec. 34-235. - Re-entry employment contractor's records.

A Contractor shall retain all records supporting any Certificate of Earned Credits issued to such Contractor for a period of at least three years after issuance of such Certificate. A Contractor shall impose this requirement by contract with any subcontractors included in the employment plan. The Office of the CPO shall have access to the Contractor's and such subcontractors' records.

(Ord. No. 14-1232, 3-12-2014.)

Sec. 34-236. - Eligible Veterans' preference established.

- (a) *Veterans' Workplace Preference.* The CPO shall give a preference of one percent of the amount of the Contract to a Responsible and Responsive Contractor for a Public Works Contract when such Contractor has committed by affidavit to utilize Eligible Veterans for at least five percent of the hours worked under such Contract. Failure to utilize Eligible Veterans in accordance with the affidavit will result in breach of contract.
- (b) *Veteran-owned Business and Service Disabled Veteran-owned Business preference.* The CPO shall give a preference of five percent of the amount of the Contract to a Responsible and Responsive VBE or SDVBE.

The CPO shall develop procedures for implementation of this Section.

(Ord. No. 14-1232, 3-12-2014.)

Sec. 34-237. - Veteran-owned businesses.

- (a) It is the goal of the County to award each year not less than three percent of its total expenditures for supplies, equipment, goods, and services to VBEs and SDVBEs. The CCD may count toward its three percent yearly

goal that portion of all Contracts in which the Contractor subcontracts with a VBE or SDVBE. Each year, the CCD shall report to the County Board on all of the following for the immediately preceding 12-month period:

- (1) The number of VBEs and SDVBEs that submitted a Bid.
 - (2) The number of VBEs and SDVBEs that entered into Contracts and the total value of those Contracts.
 - (3) Whether the County achieved the goal described in this subsection.
- (b) Each year, the CCD shall review the three percent goal with input from countywide veterans' service organizations and from the business community including VBEs and SDVBEs, and shall make recommendations to the County Board regarding continuation, increases, or decreases in the percentage goal. The recommendations shall be based upon the number of VBEs and SDVBEs and on the continued need to encourage and promote businesses owned by qualified veterans.
- (c) The CPO will make best efforts to recruit and solicit bids and make procurements from VBEs and SDVBEs.
- (d) The above-stated goal shall not be treated as a quota nor shall it be used to discriminate against any person or business enterprise on the basis of race, color, national origin, religion or sex.
- (e) The CCD, in consultation with the Using Agency, shall establish contract specific goals for each contract. In establishing a contract specific goal, the CCD shall consider the availability of sufficient certified VBEs and SDVBEs for supplies, materials and equipment, or services required as part of the procurement.
- (f) The provisions of this Division 6, Section 34-237(a) shall be effective as of July 1, 2013. The Contract Compliance Director shall as soon as practicable develop and implement procedures and any corresponding regulations for certifying and monitoring utilization of VBEs and SDVBEs .

(Ord. No. 14-1232, 3-12-2014.)

Sec. 34-238. - VBE/SDVBE Certification.

- (a) The CCD shall certify a Person as a VBE when it is a small business:
- (1) That is at least 51 percent owned, controlled, and managed by one or more Eligible Veterans; and
 - (2) That has its home office in Illinois.
- (b) The CCD shall certify Person as a SDVBE when it is a small business:
- (1) That is at least 51 percent owned, controlled, and managed by one or more qualified service-disabled veterans; and
 - (2) That has its home office in Illinois.
- (c) In lieu of conducting its own certifications, the CCD by rule may accept formal certifications by other entities, provided that Cook County's requirements are met.

Sec. 34-239 – Apprenticeship Earned Credits

A contractor may qualify for Earned Credits by utilizing Apprentices for work under a Qualifying Contract. In order to so qualify, a Bidder must include in its Bid for such Qualifying Contract a copy of the certificate approving the apprenticeship standards and a copy of each apprentice or apprenticeship completion certificate which corresponds to the individual in which the contractor claims credit.

- (a) For any project advertised after the effective date of this ordinance having an estimated contract value of \$100,000.00 or more, and where not otherwise prohibited by federal, state or local law, the chief procurement officer shall allocate to any qualified bidder the following bid incentive for utilization of apprentices in performance of the total labor hours performed under contract.
- (b) For any project advertised after the effective date of this ordinance having an estimated contract value of \$100,000.00 or more, and where not otherwise prohibited by federal, state or local law, the chief procurement officer shall allocate to any qualified bidder the following bid incentive for utilization of apprentices in performance of the total labor hours performed under contract.
- (c) Earned Credits for total labor hours performed by apprentices shall be earned as follows:

<u>Percentage of Total Labor Hours Performed by Apprentices</u>	<u>Earned Credit</u>
<u>5—10%</u>	<u>½% of Bid price</u>
<u>Over 10%</u>	<u>1% of Bid price</u>

- (d) The bid incentive is used only to calculate an amount to be used in evaluating the bid. The bid incentive does not affect the contract price.
- (e) For all projects advertised after the effective date of this ordinance, the chief procurement officer shall include the bid incentive provision in all such advertisements.
- (f) As part of the contract close-out procedure, if the chief procurement officer determines that the bidder has successfully met his or her apprentice utilization goals, the chief procurement officer shall issue an earned credit certificate that evidences the amount of earned credits allocated to the bidder. The bidder may apply the earned credits as the bid incentive for any future project contract bid of equal or greater dollar value.

- (g) The earned credit certificate is valid for three years from the date of issuance and shall not be applied towards any future contract bid after the expiration of that period.
- (h) The bidder may apply the earned credit certificate on multiple future project bids during the three year period in which the certificate is valid, but may only receive one bid incentive for bid evaluation purposes on one project contract award. If the contractor applies the earned credit certificate on multiple project bids and is the lowest responsive and responsible bidder on more than one project bid, the earned credit certificate shall be applied to the project first to be advertised by the Department of Procurement Services, or if multiple project bids were advertised on the same date, the earned credit certificate shall be applied only to the project with the greatest dollar value.
- (i) The contractor shall maintain accurate and detailed books and records necessary to monitor compliance with this section and shall submit such reports as required by the chief procurement officer, or the commissioner of the supervising department.
- (j) Full access to the contractor's and subcontractors' records shall be granted to the chief procurement officer, the commissioner of the using Agency or any duly authorized representative thereof for a period of at least three (3) years after final acceptance of the work. A Contractor shall impose this requirement by contract with any subcontractors providing Apprentices under a Qualifying Contract
- (k) The chief procurement officer is authorized to adopt, promulgate and enforce reasonable rules and regulations pertaining to the administration and enforcement of this section.

Secs. 34-240—34-249. - Reserved.

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

Legislative History : 4/1/15 Board of Commissioners referred to the Workforce, Housing & Community Development Committee

A motion was made by Commissioner Suffredin, seconded by Commissioner Tobolski, that this Ordinance Amendment be recommended for approval. The motion carried.

Ayes: Chairman Gainer, Vice Chairman Boykin, Commissioners Suffredin and Tobolski (4)

Absent: Commissioner Sims (1)

15-3088

Sponsored by: BRIDGET GAINER, County Commissioner, ~~and~~ TONI PRECKWINKLE, President, RICHARD R. BOYKIN, JOHN P. DALEY, JESÚS G. GARCÍA, LARRY SUFFREDIN and JEFFREY R. TOBOLSKI,
County Commissioners

PROPOSED ORDINANCE AMENDMENT

COOK COUNTY HUMAN RIGHTS ORDINANCE

BE IT ORDAINED, by the Cook County Board of Commissioners, that Chapter 42 -HUMAN RELATIONS, ARTICLE II - HUMAN RIGHTS of the Cook County Code is hereby amended as Follows:

Sec. 42-30. - Short title.

This article shall be known and may be cited as the Cook County Human Rights Ordinance.

Sec. 42-31. - Definitions.

The following words, terms and phrases, when used in this article shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning: *Age* means chronological age of not less than 40 years.

Credit history means a record of an individual's past borrowing and repaying, including information about late payments and bankruptcy.

Credit report means any written or other communication of any information by a consumer reporting agency that bears on a consumer's credit worthiness, credit standing, credit capacity, or credit history.

Credit transaction means the grant, denial, extension or termination of credit to an individual.

Disability means:

- (1) A physical or mental impairment that substantially limits one or more of the major life activities of an individual;
- (2) A record of such an impairment; or
- (3) Being regarded as having such an impairment. Excluded from this definition is an impairment relating to the illegal use, possession or distribution of "controlled substances" as defined in schedules I through V of the Controlled Substances Act (21 U.S.C. § 812).

Employee means:

- (1) Any individual whether paid or unpaid, engaged in employment for an employer; or
- (2) An applicant for employment.

Employer means:

- (1) Any person employing one or more employees, or seeking to employ one or more employees

- a. If the person has its principal place of business within Cook County; or
- b. Does business within Cook County.

(2) The term "employer" does not mean:

- a. The government of the United States or a corporation wholly owned by the government of the United States;
- b. An Indian tribe or a corporation wholly owned by an Indian tribe;
- c. The government of the State or any agency or department thereof; or
- d. The government of any municipality in Cook County.

Employment means the performance of services for an employer:

- (1) For remuneration;
- (2) As a volunteer; or
- (3) As a participant in a training or apprenticeship program.

Employment agency means a person that undertakes to procure employees or opportunities to work for potential employees, through interviews, referrals, or advertising, or any combination thereof.

Gender identity means the actual or perceived appearance, expression, identity, or behavior of a person as being male or female, whether or not that appearance, expression, identity or behavior is different from that traditionally associated with the person's designated sex at birth.

Housing status means the type of housing in which an individual resides, whether publicly or privately owned; an individual's ownership status with respect to the individual's residence; or the status of having or not having a fixed residence.

Labor organization includes any organization, labor union, or craft union, or any voluntary incorporated association designed to further the cause of the rights of union labor, which is constituted for the purpose, in whole or in part, of collective bargaining or of dealing with an employer concerning grievances, terms or conditions of employment, or apprenticeships or applications for apprenticeships, or of other mutual aid or protection in connection with employment, including apprenticeships or applications for apprenticeships.

Marital status means the status of being single, married, divorced, separated, or widowed.

Military discharge status means the fact of having been discharged from the Armed Forces of the United States, their Reserve components or any National Guard or Naval Militia other than by a "dishonorable discharge."

National origin means the place in which an individual or one of such individual's ancestors was born.

Parental status means the status of living with one or more dependent minors or disabled children.

Person means one or more individuals; partnerships, associations, or organizations; labor organizations, labor unions, joint apprenticeship committees, or union labor associations; corporations; recipients of County funds; legal representatives, trusts, trustees in bankruptcy, or receivers; state governments other than that of Illinois; or commercial operations or entities controlled by governments other than those of Illinois, or of the United States.

Public accommodation means a person, place, business establishment, or agency that sells, leases, provides, or offers any product, facility, or service to the general public in Cook County, regardless of ownership or operation:

- (1) By a public body or agency;
- (2) For or without regard to profit; or
- (3) For a fee or not for a fee.

The term "public accommodation" also means an institution, club, association, or other place of accommodation in Cook County, whether or not open to the general public, that has more than 400 members and provides regular meal service and regularly receives payment for dues, fees, accommodations, facilities, or services from or on behalf of nonmembers for the furtherance of trade or business. "Public accommodation" also means any products, facilities, or services of a nonpublic accommodation that are made available in Cook County to the general public or to the customers or patrons of another establishment that is a public accommodation.

Religion means all aspects of religious observance and practice, as well as belief, or the actual identification with or perceived identification with a religion.

Sexual orientation means the status or expression, whether actual or perceived, of heterosexuality, homosexuality, or bisexuality.

Source of income means the lawful manner by which an individual supports himself or herself and his or her dependents.

Unlawful discrimination means discrimination against a person because of the actual or perceived status, practice, or expression of that person's race, color, sex, age, religion, disability, national origin, ancestry, sexual orientation, marital status, parental status, military discharge status, source of income, gender identity or housing status; or the actual or perceived association with such a person.

Sec. 42-35. - Employment.

(a) *Coverage.* The prohibitions against unlawful discrimination contained in this section apply as follows:

- (1) To employment that is or would be in whole or in part in the County; or
- (2) When the act of unlawful employment discrimination as described in this section takes place in the County.

(b) *Prohibitions.*

- (1) *Employment.* No employer shall directly or indirectly discriminate against any individual in hiring, classification, grading, recruitment, discharge, discipline, compensation, selection for training and apprenticeship, or other term, privilege, or condition of employment on the basis of unlawful discrimination.
- (2) *Employment agency.* No employment agency shall directly or indirectly discriminate against any individual in hiring, classification, grading, recruitment, discharge, discipline, compensation, selection for training and apprenticeship, or other term, privilege, or condition of employment on the

basis of unlawful discrimination. No employment agency shall publish or cause to be published, in print or on the internet, an advertisement for, or other posting of, any job opportunity which states any other preference, limitation, or discrimination prohibited by this ordinance.

(3) *Labor organizations.* No labor organization shall limit, segregate, or classify its membership, or limit employment opportunities, selection, and training for apprenticeship in any trade or craft, or otherwise take, or fail to take, any action which affects adversely any individual's status as an employee, or as an apprentice, or as an applicant for apprenticeships, or wages, tenure, hours of employment, or apprenticeship conditions, on the basis of unlawful discrimination.

(c) *Exceptions.* The prohibitions contained in section 42-35(b) shall not apply to any of the following:

(1) *BFOQ.* Hiring or selecting between individuals for bona fide occupational qualifications.

(2) *Military discharge status.* Use of an individual's unfavorable discharge from military service as a valid employment criterion where:

a. Authorized by Federal law or regulation;

b. Where the affected position of employment involves the exercise of fiduciary responsibilities and the reasons for the unfavorable discharge relate to the individual's fiduciary capacity; or

c. Where the reasons for the unfavorable discharge specifically relate to criteria which constitute a bona fide occupational qualification for a particular job.

(3) *Veterans.* Giving preferential treatment to veterans and their relatives as required by Federal or State law or regulation.

(4) *Religion.* Giving preference in employment by a religious corporation, association, educational institution, or society to individuals of a particular religion to help carry out the religious activities of such corporation, association, educational institution or society.

(d) *Religious accommodation.*

(1) No employer shall refuse to make all reasonable efforts to accommodate the religious beliefs, observances, and practices of employees or prospective employees unless the employer demonstrates that the employer is unable to reasonably accommodate an employee's or prospective employee's religious observance or practice without undue hardship on the conduct of the employer's business.

(2) Reasonable efforts to accommodate include, but are not limited to, allowing an employee:

a. To take a day of paid leave or vacation, where applicable under the employee's employment agreement;

b. To be excused from work without pay and without discipline or other penalty; or

c. To elect to take the day off with pay in order to practice the employee's religious beliefs, and to make up the lost work time at a time and date consistent with the operational needs of the employer's business. Any employee who elects such deferred work shall be compensated at the employee's regular rate of pay, regardless of the time and date at which the work is made up. The employer may require that any employee who plans to exercise this option provide the employer with notice of the employee's intention to do so, no less than five days prior to the date of absence.

(e) *Sexual harassment.*

- (1) No employer, employee, agent of an employer, employment agency, or labor organization (hereinafter referred to collectively in this section as "employer") shall engage in sexual harassment.
- (2) When used in this subsection, the term "sexual harassment" means any unwelcome sexual advance, request for sexual favors, or conduct of a sexual nature when:
 - a. Submission to such conduct is an explicit or implicit term or condition of an individual's employment;
 - b. Submission to or rejection of such conduct by an individual is used as the basis for any employment decision affecting the individual; or
 - c. Such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

An employer is responsible for its acts and those of its agents and supervisory employees with respect to sexual harassment regardless of whether the specific acts complained of were authorized or even forbidden by the employer and regardless of whether the employer knew or should have known of their occurrence. An employer is responsible for acts of sexual harassment between co-employees in the workplace where the employer (or its agents or supervisory employees) knew or should have known of the conduct, unless it can show that it took immediate and appropriate corrective action. An employer may also be responsible for the acts of nonemployees, with respect to sexual harassment of employees in the workplace, where the employer (or its agents or supervisory employees) knew or should have known of the conduct and failed to take immediate and appropriate corrective action.

(f) *National origin.* No employer may discriminate based on national origin under the guise of discrimination based on an individual's foreign education or training. Nothing in this article shall be construed to conflict with Federal or State licensing or certification requirements.

(g) *Credit History.*

- (1) Except as otherwise provided in section 42-35(g), no employer, agent of an employer or employment agency shall do any of the following:
 - a. Fire or refuse to hire or recruit, discharge, or otherwise discriminate against an individual with respect to employment, classification, grading, discipline, selection for training and apprenticeship, compensation, or other term, condition, or privilege of employment because of the individual's credit history or credit report.
 - b. Inquire about an employee's credit history.
 - c. Order or obtain an employee's credit report from a consumer reporting agency.
- (2) The prohibitions contained in section 42-35(g)(1) shall not prevent an inquiry or employment action if a satisfactory credit history is an established bona fide occupational requirement of a particular position or a particular group of employees. A satisfactory credit history is not a bona fide occupational requirement unless at least one of the following circumstances is present:
 - a. State or federal law requires bonding or other security covering an individual holding the position.
 - b. The duties of the position include custody of or unsupervised access to cash or marketable

assets valued at \$2,500 or more. For the purpose of this exception (b), “marketable assets” means company property that is specifically safeguarded from the public and to which access is only entrusted to managers and other select employees. “Marketable assets” do not include the fixtures, furnishings, or equipment of an employer.

- c. The duties of the position include signatory power over business assets of \$100 or more per transaction.
- d. The position is a managerial position which involves setting the direction or control of the business.
- e. The position involves access to personal or confidential information, financial information, trade secrets, or state or national security information. For the purposes of this exception, the following definitions apply:
 - i. *Personal or confidential information* means sensitive information that an employee, customer, client, or service recipient gives explicit authorization for another person to obtain, process, and keep; that an organization entrusts only to managers and a select few employees; or that is stored in secure repositories not accessible by the public or non-designated employees.
 - ii. *Financial information* means non-public information on the overall financial direction of an organization, including, but not limited to, company taxes or financial reports.
 - iii. *Trade secrets* mean sensitive information regarding a company’s overall strategy or business plans. This does not include general proprietary information such as handbooks, policies or general business strategies.
 - iv. *State or national security information* means information only offered to select employees because it may jeopardize the security of the state or the nation if it were entrusted to the general public.
- f. The position meets criteria in administrative rules, if any, that the U.S. Department of Labor or the Illinois Department of Labor has promulgated to establish the circumstances in which a satisfactory credit history is a bone fide occupational requirement.
- g. The employee’s credit history is otherwise required by or exempt under other applicable law.

(3) The prohibitions contained in section 42-35(g)(1) shall not apply to any of the following:

- a. Any bank holding company, financial holding company, bank, savings bank, savings and loan association, credit union, or trust company, or any subsidiary or affiliate thereof, which is authorized to do business under the laws of Illinois or of the United States.
- b. Any company authorized to engage in any kind of insurance or surety business pursuant to the Illinois Insurance Code, including any employee, agent, or employee of an agent acting on behalf of a company engaged in the insurance or surety business.
- c. Any municipal law enforcement, investigative unit or municipal agency which requires use of the employee’s credit history or credit report including without limitation the Chief Judge, the Cook County Independent Inspector General, the Cook County Auditor, the

Cook County Sheriff and the Cook County State's Attorney.

d. Any entity that is defined as a debt collector under federal or state statute or county ordinance.

(4) Nothing in section 42-35(g) shall prohibit employers from conducting a thorough background investigation, which may include obtaining a report without information on credit history or an investigative report without information on credit history, or both, as permitted under the Fair Credit Reporting Act.

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

Legislative History : 4/29/15 Board of Commissioners referred to the Workforce, Housing & Community Development Committee

A motion was made by Commissioner Suffredin, seconded by Vice Chairman Boykin, that this Ordinance Amendment be recommended for approval. The motion carried.

Aye: Chairman Gainer, Vice Chairman Boykin, Commissioner Suffredin and Tobolski(4)

Absent: Commissioner Sims(1)

ADJOURNMENT

A motion was made by Commissioner Tobolski, seconded by Vice Chairman Boykin, to adjourn the meeting. The motion carried by the following vote:

Aye: Chairman Gainer, Vice Chairman Boykin, Commissioners Suffredin and Tobolski (4)

Absent: Commissioner Sims (1)

Respectfully submitted,


Chairman


Secretary

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