



Board of Commissioners of Cook County

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AN ORDINANCE ESTABLISHING THE COOK COUNTY AFFIRMATIVE ACTION PROGRAM (PROPOSED ORDINANCE). Submitting Proposed Ordinance by William M. Beavers, County Commissioner.

PROPOSED ORDINANCE

AN ORDINANCE ESTABLISHING THE COOK COUNTY AFFIRMATIVE ACTION PROGRAM

BE IT ORDAINED, Pursuant to Cook County's home rule authority under Article VII, Section 6(a) of the 1970 Constitution of the State of Illinois, by the Cook County Board of Commissioners ("County Board") that Chapter 44, Human Resources, Article V, Section 44-140 through 44-145 are hereby inserted into a newly created Article V, entitled the "Cook County Affirmative Action Program" and are thereafter amended and renumbered as follows:

ARTICLE V. COOK COUNTY AFFIRMATIVE ACTION PROGRAM.

44-140. DECLARATION OF POLICY.

It is the policy of the County of Cook (the "County") to provide equal employment opportunities to all qualified persons without regard to their race, religion, color, age, disability, sex, national origin, sexual orientation, marital status, membership in the military reserves, creed, ancestry, arrest or conviction record, or use or nonuse of lawful products away from work. In adhering to this policy, the County complies with the Illinois Human Rights Act, Title VII of the Civil Rights Act of 1964, as amended, the Americans with Disabilities Act of 1990, and other applicable statutes and regulations relating to equal employment opportunities. This policy represents the County's commitment to a nondiscriminatory work environment for all qualified applicants and employees. The County is an employer that values the diversity of its employees and as such seeks to achieve the goal of hiring and maintaining an overall County workforce of 50% minority, 25% woman and 5% disabled in every County bureau including the following elected officials or otherwise (as hereinafter defined): the Assessor, the Clerk of the Circuit Court, the County Clerk, the Board of Review, the Recorder of Deeds, the Sheriff, the State's Attorney, the Public Defender, the Cook County Health and Hospitals System and the Treasurer.

44-141. DEFINITIONS.

In this Article V entitled "Cook County Affirmative Action Program" --

a. *"Affirmative action"* means, in employment, the screening of position descriptions and selection criteria to ensure the use of appropriate, job-related requirements; comprehensive and inclusive advertising and recruiting efforts; special or targeted recruiting in addition to traditional methods; training plans and programs, including on-the-job training; and gender-neutral and culturally bias-free criteria to be used when making employment decisions relating to recruitment, hiring, performance evaluation, promotion, transfers, training opportunities, compensation and other terms and conditions of employment and termination.

b. *"Diversity"* means, in addition to differences based on ethnicity, gender, age, religion, disability, national origin and sexual orientation, an infinite range of individuals' unique characteristics and experiences, such as communication styles, career, work, life experience, educational backgrounds and other variables. Diversity focuses on

tapping the talents of people of different backgrounds, experiences and perspectives as a means of improving the workplace environment and productivity. Diversity awareness works to create an environment that recognizes values and utilizes the unique skills and abilities of all employees. The goal of diversity awareness is to create an inclusive, respectful and equitable work environment.

c. *“Equal employment opportunity”* means the equal and fair treatment of all qualified applicants and employees with regard to county employment practices, including, but not limited to, recruitment, selection, hiring, training, promotion, compensation, benefits, transfers, discipline, terms and conditions of employment, and layoffs.

d. *“Elected Officials or Elected Offices”* means the Assessor, the Clerk of the Circuit Court, the County Clerk, the Board of Review, the Recorder of Deeds, the Sheriff, the State’s Attorney, the Public Defender, the Cook County Health and Hospitals System and the Treasurer.

e. *“Minority”* means any person who is one of the following:

- (1) African-American or Black (persons with origins in any of the Black racial groups of Africa);
- (2) Hispanic American (persons of Spanish culture with origins from Puerto Rico, Mexico, Cuba, South or Central America, Spain, Portugal, or the Caribbean Islands regardless of race);
- (3) Native American (American Indian);
- (4) Asian-Pacific American (persons with origins from Japan, China, the Philippines, Vietnam, Korea, Samoa, Guam, the U.S. Trust Territories of the Pacific, Northern Marianas, Laos, Cambodia, Taiwan, or the Indian subcontinent) or
- (5) Any other ethnically or racially identifiable group found by the Contract Compliance Administrator to have suffered actual racial or ethnic discrimination resulting in a competitive disadvantage or decreased opportunities to do business with the County.

f. *“Disabled”* means that same meaning found under the Americans with Disabilities Act of 1990, as amended.

44-142. OFFICE OF DIVERSITY AND OUTREACH OFFICE.

There is established an Office of Diversity and Outreach that shall be budgeted as a department under the Bureau of Human Resources and shall maintain at least five (5) full time equivalents (“FTE”) for the purpose of promoting the importance, benefit and necessity of maintaining diversity within the County’s workforce and ensuring compliance with applicable policies, ordinances, statutes, laws and executive orders. With the express goal of achieving an overall County workforce of 50% minority, 25% woman and 5% disabled, this Office shall have the following authority and duties pertinent thereto, including but not limited to:

a. Reviewing and assisting the development of diversity, equal employment opportunity, affirmative action plans of the various County bureaus and Elected Officials to ensure that each plan is consistent with the overall County plan.

b. Maintaining and reporting to the County Board on a quarterly basis statistics, which include, but are not limited to, the proportion of underrepresented group members at all levels and job classifications in the County’s workforce and the availability of qualified underrepresented group members in the labor force of the relevant labor areas. The statistics shall indicate how each group has been affected by new hires, training opportunities, promotions, discipline and terminations.

- c. Counseling employees, managers and others about diversity, equal employment opportunity and affirmative action issues in the workplace.
- d. Facilitating diversity related training programs and workplace mediation.
- e. Receiving and investigating complaints of discriminatory employment practices, workplace violence, or of harassment in the workplace from County employees. If an investigation discloses a violation has occurred, the Diversity and Outreach Officer as defined in Section 44-143 of this Ordinance shall work with bureau chiefs, department heads, managers and Elected Officials to implement corrective action and resolve the situation.
- f. Receiving and filing investigating complaints with the County's Inspector General regarding any employee or applicant who believes that he or she has been discriminated against by the County.
- g. Identifying and maintaining comprehensive and effective recruitment methods that promote a diverse workforce.
- h. Monitoring results of all training, with emphasis on minority, female and disabled recruits.
- i. Participating in performance examinations, job fairs, and recruitment activities at high schools, universities, law schools, chambers of commerce and other locations.
- j. Reviewing all State of Illinois and federal laws, rules and regulations concerning equal employment opportunities to ensure compliance.
- k. Direct participation in the hiring, termination and promotion of each employee of the County including employees of each Elected Official to determine whether such hiring, termination or promotion is promoting this Ordinance's goal of achieving an overall County workforce of 50% minority, 25% woman and 5% disabled.

44-143. DIVERSITY AND OUTREACH OFFICER.

The President of the Cook County Board with the advice and consent of a majority of the County Board shall appoint the Diversity and Outreach Officer to a term of six (6) years. The Diversity and Outreach Officer may be removed by a majority vote of the County Board. The Diversity and Outreach Officer shall manage the day-to-day operations of the Office of Diversity and Outreach; perform complaint intake functions; investigate complaints; serve as the County's Americans with Disabilities Act coordinator; directly participate in the hiring, termination and promotion of each employee of the County including employees of each Elected Official; ensure compliance with applicable ordinances, statutes, laws and executive orders; have responsibility and authority for the development and implementation of a comprehensive diversity, equal employment opportunity and affirmative action plan for the County; and function as the liaison between the County and the media and the community.

44-144. DEPARTMENT DIVERSITY, EQUAL EMPLOYMENT OPPORTUNITY AND AFFIRMATIVE ACTION PLANS.

Beginning thirty (30) days after the effective date of this Ordinance, each County bureau and each Elected Official shall submit and present to the County Board and the Diversity and Outreach Officer its present racial, gender and disabled employment make-up and its diversity, equal employment opportunity and affirmative action plan to achieve in their bureau or elected offices a workforce of 50% minority, 25% woman and 5% disabled. Thereafter, each County bureau and each Elected Official shall submit and present every year to the County Board and the Diversity and Outreach Officer its racial, gender and disabled make-up for that fiscal year and its diversity, equal employment opportunity and affirmative action plan to achieve in their bureau or Elected Offices a workforce of 50% minority, 25% woman and 5% disabled.

44-145. IMPLEMENTATION.

a. *Recruitment.* In collaboration with the Diversity and Outreach Officer, the Director of Human Resources and all Elected Officials shall practice comprehensive and inclusive advertising and recruiting efforts, which may include special recruiting targeting previously underrepresented groups in addition to traditional recruiting methods, and report such recruitment findings to the County Board every year.

b. *Training.* In collaboration with the Diversity and Outreach Officer, the Director of Human Resources and all Elected Officials shall develop training plans and programs, including on-the-job training, designed to develop the knowledge, skills and abilities essential for developing each employee's fullest potential. The Diversity and Outreach Officer shall develop and provide relevant training to each County bureau and Elected Officials to increase employees' knowledge and awareness of laws and regulations, as well as the County's policies relating to diversity, equal employment opportunity, affirmative action and respecting diversity in the workplace. The Director of Human Resources and each Elected Official shall report their training findings to the County Board each year.

c. *Testing, Selection, Placement and Promotion.* The Diversity and Outreach Officer shall review the County testing, selection, placement and promotion policies of each bureau and each Elected Official to ensure that they comply with applicable laws and regulations relating to the goal achieving a workforce consisting of 50% minority, 25% woman and 5% disabled.