



City of Chicago



O2022-2485

Office of the City Clerk

Document Tracking Sheet

Meeting Date:

7/20/2022

Sponsor(s):

Napolitano (41)
Lopez (15)
Lee (11)
Gardiner (45)
Moore (17)
Tabares (23)
Sposato (38)
Cardona, Jr. (31)
Quinn (13)
Reilly (42)
O'Shea (19)
Curtis (18)
Nugent (39)
Villegas (36)
Silverstein (50)

Type:

Ordinance

Title:

Amendment of Municipal Code Title 6 by adding new Chapter 6-130 entitled "Chicago Police Mental Health Preservation Ordinance"

Committee(s) Assignment:

Committee on Public Safety

Comments: PUB SAFETY

CHAPTER 6-130 CHICAGO POLICE MENTAL HEALTH PRESERVATION ORDINANCE

6-130-010 Purpose and intent.

This chapter shall be known and may be cited as the "Chicago Police Mental Health Preservation Ordinance". It is the purpose of this chapter and the policy of the City of Chicago: (i) to enact and enforce fair and equitable employment scheduling practices by the City of Chicago; (ii) to provide the Officers of the Chicago Police Department with protections that ensure the Chicago Police Department's scheduling practices do not unreasonably prevent Officers from attending to their families, mental and physical health, education, and other obligations; and (iii) to ensure the Officers of the Chicago Police Department are best equipped to handle the rigors and stresses of their profession by ensuring they receive ample time off to recover both mentally and physically; and (iv) to require the Chicago Police Department needing additional hours, to first offer those hours to current Officers with ample notice; and (v) to ensure the Chicago Police Department is properly staffed to ensure Officers are not overworked and they have sufficient time to recover.

6-130-020 Definitions.

As used in this chapter, the following terms shall have the following meanings:

"Chicago Police Department" includes, by extension, the City of Chicago.

"City of Chicago and Chicago Police Department" shall be used interchangeably and have the same meaning herein.

"Civil unrest" means unpredictable or sudden acts of violence and disorder detrimental to the public law and order. This does not include calendared holidays and prescheduled or predictable events.

"Day Off Group" means the particular group an officer is assigned that determines that officers scheduled working days and scheduled regular days off.

"Department" refers to the Chicago Police Department.

"Extensions of Tour" means additional hours added to the scheduled end of an Officer's shift.

"Officer" means any sworn member of the Chicago Police Department of any rank.

"Predictability Pay" means wages paid to an Officer, calculated on an hourly basis at the Officer's regular rate as compensation for schedule changes made by an Employer to an Officer's schedule pursuant to this chapter, in addition to any wages earned for work performed by that Officer.

"Regular Day Off" means the scheduled regular day off of any sworn member of the Chicago Police Department of any rank. A scheduled regular day off will be determined by the day off group of the particular officer.

"Regular rate" shall have the definition applied to that term in 29 U.S.C. § 207(e).

"Regular overtime rate" means pay of time and one-half to an Officer.

"Shift or Tour or Tour of Duty" means the consecutive hours the Chicago Police Department schedules an Officer to work, including Employer-approved meal periods and rest periods.

"Ticketed Event" means a sporting, entertainment, civic, charitable or other event held at a venue with a capacity of at least 5,000 people and that requires a ticket for admission. The form of the ticket may be electronic, physical, or as a name on a list held by the event's ticket auditor.

"Work Schedule" means all of an Officer's shifts, including specific start and end times for each shift, tour or tour of duty, during a calendar week as set forth in the applicable collective bargaining agreements.

"Writing" or "written" means a printed or printable communication in physical or electronic format including a communication that is transmitted through electronic mail, text message or a computer system or is otherwise sent and stored electronically.

6-130-030 Application to collective bargaining agreements.

Nothing in this chapter shall be deemed to interfere with, impede, or in any way diminish the right of Officers to bargain collectively with the City of Chicago through representatives of their own choosing, or collective bargaining unit, in order to establish wages or other conditions of work in excess of the applicable minimum standards of the provisions of this chapter. Nothing in this chapter shall be deemed to affect the validity or change the terms of bona fide collective bargaining agreements in force on July 1, 2022. After July 1, 2022, the requirements of this chapter may be waived in a bona fide collective bargaining agreement, but only if the waiver is set forth explicitly in such agreement in clear and unambiguous terms.

6-130-040 Advance notice of work schedules.

Initial estimate of work schedule.

(1) Prior to or on commencement of employment, the Chicago Police Department shall provide every Officer with a good faith estimate in writing of the Officer's projected days and hours of work for the first ninety days of employment, including:

(A) The average number of weekly work hours the Officer can expect to work each week;

(B) A subset of days and a subset of times or shifts that the Officer can expect to work, or days of the week and times or shifts on which the Officer will not be scheduled to work. The good faith estimate is not a contractual offer binding the Chicago Police Department, but an estimate made without a good faith basis is a violation of this section.

6-130-050 Schedule changes.

(a) *Right to decline.* Subject to the exceptions in subsection (d) of this section, an Officer has the right to decline any previously unscheduled hours that the Chicago Police Department adds to the Officer's work schedule, including but not limited to, cancelled Regular Days Off or extensions of tour more than two (2) hours.

(b) *Alterations.* Subject to the exceptions in subsection (d) of this section, if the Chicago Police Department alters an Officer's Work Schedule, in addition to the regular overtime rate of pay, the Officer shall receive:

Two (2) hours of Predictability Pay at the double time rate for each shift in which the Chicago Police Department:

- (A) adds more than two (2) hours of work to a scheduled shift;
- (B) changes the location of a work shift with no loss of hours.

(d) *Exceptions.* The requirements of this section shall not apply in the following circumstances:

(1) A Work Schedule change because:

(A) public utilities fail to supply electricity, water, or gas, or the sewer system fails to serve the location of work;

(B) of acts of nature (including, but not limited to, flood, earthquake, tornado, or blizzard);

(C) war, civil unrest, threats to public safety, or pandemics invoked by a written declaration of the Illinois governor or his designee that the expected event would cause a clear and present danger to the public.

(2) A Work Schedule change that is the result of a mutually agreed upon shift trade or coverage arrangement between Officers, subject to any existing Employer policy regarding required conditions for Officers to exchange shifts.

(3) A Work Schedule change that is mutually agreed to by the Officer and Chicago Police Department and is confirmed in writing, or via computer database.

(4) A Officer requests a shift change, that is confirmed in writing, or via computer database, including but not limited to use of sick leave, vacation leave, or other policies offered by Chicago Police Department.

(5) The Chicago Police Department subtracts hours from a Work Schedule for disciplinary reasons for just cause, provided the Chicago Police Department documents the incident leading to the Officer's discipline in writing.

6-130-060 Offer of additional work hours to existing Officers.

(a) Subject to the limitations in this chapter, when the Chicago Police Department needs to fill additional shifts of work, the Chicago Police Department shall first offer additional shifts of work to existing Officers if the Officers are qualified to do the additional work, as determined by the Department.

(b) The Department shall distribute additional shifts in compliance with subsection (a), provided that:

(1) the Department's system for distribution of hours must not discriminate on the basis of race, color, creed, religion, ancestry, national origin, sex, sexual orientation, mental or physical handicap gender identity or expression, disability, age, or marital or familial status;

(2) the Department shall offer those hours pursuant to qualifications, rank, seniority and the applicable collective bargaining agreement(s) subject to payment at double time.

6-130-070 Right to rest.

(a) An Officer has the right to decline Work Schedule hours that are less than 12 hours after the end of the previous day's shift.

(b) When an Officer works a shift that begins less than 12 hours after the end of the previous day's shift, the Department shall pay the Officer at a rate of two (2) times the Officer's regular rate of pay for that shift.

6-130-080 Notice and posting.

(a) The Chicago Police Department shall post in a conspicuous place in each facility where any Officer works that is located within the geographic boundaries of the City, a notice advising the Officers of their rights under this chapter. The Superintendent of Police shall prepare and make available a form notice that satisfies the requirements of this subsection (a).

(b) The Chicago Police Department shall provide with the first paycheck subject to this chapter a notice advising the Officer of their rights under this chapter. The Superintendent of Police shall prepare and make available a form notice that satisfies the requirements of this subsection (b).

6-130-090 Retaliation prohibited.

(a) It shall be unlawful for the Chicago Police Department to discriminate in any manner or take any adverse action against any Officer in retaliation for exercising any right under this chapter, including, but not limited to, disclosing, reporting, or testifying about any violation of this chapter or rules promulgated thereunder. For purposes of this section, prohibited adverse actions include, but are not limited to, any discipline, termination, denial of promotion, negative evaluations, punitive schedule changes, punitive decreases in the desirability of work assignments, and other acts of harassment shown to be linked to such exercise of rights.

(b) A violation of this section shall subject the Chicago Police Department to a \$10,000.00 fine.

6-130-100 Avoidance of application.

It shall be unlawful for the Chicago Police Department to engage in any of the following to avoid coverage under this chapter: (i) change a regular rate of pay, (ii) interfere with, restrain, deny, or change scheduled work days or hours, or (iii) hire, rehire, terminate, or suspend, even temporarily.

6-130-110 Enforcement – Rules.

The Inspector General shall administer and enforce this chapter and is authorized to adopt rules to effectuate that administration and enforcement.

6-130-120 Violation – Penalty.

If the Chicago Police Department violates this chapter or any rule promulgated thereunder shall be subject to a fine of not less than \$1,000.00 nor more than \$2,000.00 for each offense. Each Officer whose rights are affected shall constitute a separate and distinct offense to which a separate fine shall apply. Each day that a violation occurs shall constitute a separate and distinct offense to which a separate fine shall apply. Said fine shall be paid directly to the affected Officer.

6-130-130 Private cause of action.

(a) If an affected labor organization does not file a class action grievance or civil action, the affected Officer may initiate a civil action asserting that the Officer was subjected to a violation of this chapter after the following sequence of events occurs: (i) the Officer submits to the Inspector General a factually supported written complaint describing the violation, and (ii) the Inspector General forwards to the Chicago Police Department the complaint and provides the Chicago Police Department with an opportunity to either contest the alleged violation, in which case the Chicago Police Department shall provide to the Inspector General factual support for its position, or cure the alleged violation, in which case the Chicago Police Department shall provide the Inspector General with detail as to actions it has taken and will take to make the affected Officer(s) whole and eliminate the basis for future similar complaints, and (iii) the Inspector General has notified the complaining Officer and the Chicago Police Department in writing that the Inspector General considers the complaint to be closed. The Inspector General may consider a complaint closed because: the complaint has been cured by the Chicago Police Department, or the Inspector General has deemed the complaint justified and supported and has enforced it against the Chicago Police Department to conclusion, or the Inspector General has deemed the complaint unjustified or unsupported.

(b) Any claim or action filed under this chapter must be made within 30 days of the alleged conduct resulting in the complaint.

(c) Any affected labor organization or any individual Officer who prevails in a civil action pursuant to this section shall be entitled to an award of compensation for any damages sustained, including the payment of Predictability Pay unlawfully withheld, as a result of the violation, including litigation costs, expert witness fees, and reasonable attorney's fees.

6-130-140 Non-exclusive remedy.

The remedies, fines, and procedures provided under this chapter are cumulative and are not intended to be exclusive of any other available remedies, penalties, and procedures established by law which may be pursued to address violations of this chapter.

6-130-150 Retention of records.

The Chicago Police Department shall maintain for at least three years, or for the duration of any claim, civil action, or investigation pending pursuant to this chapter, whichever is longer, a record of each Officer's name, hours worked, pay rate, and records necessary to demonstrate compliance with this chapter, including but not limited to good faith estimates of Work Schedules, initial posted schedule and all subsequent changes to that schedule, consent to work hours where such consent is required by this chapter, and documentation of offers of hours of

work to existing staff and responses to such offers. The Chicago Police Department shall provide each Officer a copy of the records relating to such Officer upon the Officer's reasonable request.

6-130-160 Access to work site.

The Chicago Police Department shall permit access to work sites and relevant records for authorized Inspector General Representatives for the purpose of monitoring compliance with this chapter and investigating Officer complaints of noncompliance, including production for inspection and copying of its employment records.

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Anthony Napolitano
41st Ward Alderman

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CITY OF CHICAGO

OFFICE OF THE CITY CLERK
ANNA M. VALENCIA

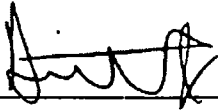
Chicago City Council Co-Sponsor Form

Document No.: O2022-2485

Subject: Amendment of Municipal Code Title 6 by adding new Chapter 6-130 entitled "Chicago Police Mental Health Preservation Ordinance"

Adding Co-Sponsor(s)

Please ADD Co-Sponsor(s) Shown Below – (Principal Sponsor's Consent Required)

Alderman _____  _____ (36 Ward)
(Signature)

Alderman _____ (_____) Ward)
(Signature)

Date Filed: _____

Principal Sponsor: _____
(Signature)

Removing Co-Sponsor(s)

Please REMOVE Co-Sponsor(s) Below – (Principal Sponsor's Consent NOT Required)

Alderman _____ (_____) Ward)
(Signature)

Alderman _____ (_____) Ward)
(Signature)

Date Filed: _____

Final Copies To Be Filed With:

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- City Clerk



CITY OF CHICAGO

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Chicago City Council Co-Sponsor Form

Document No.: 022-2485

Subject: Chicago Police Mental Health Ordinance

Adding Co-Sponsor(s)

Please ADD Co-Sponsor(s) Shown Below – (Principal Sponsor's Consent Required)

Alderman [Signature] 50th Ward
(Signature)

Alderman _____ Ward
(Signature)

Date Filed: 22 JULY 2022

Principal Sponsor: [Signature] 41st

(Signature)

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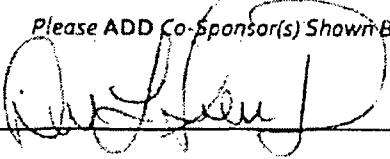
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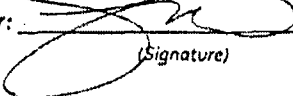
Adding Co-Sponsor(s)

Please ADD Co-Sponsor(s) Shown Below – (Principal Sponsor's Consent Required)

Alderman  (50th Ward)
(Signature)

Alderman _____ (Ward)
(Signature)

Date Filed: 22 JULY 2022

Principal Sponsor:  4/15
(Signature)

Removing Co-Sponsor(s)

Please REMOVE Co-Sponsor(s) Below – (Principal Sponsor's Consent NOT Required)

Alderman _____ (Ward)
(Signature)

Alderman _____ (Ward)
(Signature)

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Alderman _____ Ward)
(Signature)

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(Signature)

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