



Office of the Chicago City  
Clerk



SO2011-7287

Office of the City Clerk

City Council Document Tracking Sheet

**Meeting Date:**

9/8/2011

**Sponsor(s):**

Pawar, Ameya (47)  
Colón, Rey (35)  
Beale, Anthony (9)  
Reboyras, Ariel (30)  
Cappleman, James (46)  
Dowell, Pat (3)  
Cochran, Willie (20)  
Laurino, Margaret (39)  
Burnett, Walter (27)  
Lane, Lona (18)  
Reilly, Brendan (42)  
O'Connor, Mary (41)  
Ervin, Jason C. (28)  
Zalewski, Michael R. (23)  
Chandler, Michael D. (24)  
Sposato, Nicholas (36)  
Maldonado, Roberto (26)  
Fioretti, Bob (2)  
Moore, Joseph A. (49)  
Jackson, Sandi (7)  
Mell, Richard F. (33)  
Brookins, Howard (21)  
Moreno, Proco Joe (1)  
O'Shea, Matthew J. (19)  
Balcer, James (11)  
Burns, William D. (4)  
Austin, Carrie M. (34)  
Waguespack, Scott (32)  
Foulkes, Toni (15)  
Quinn, Marty (13)  
Thompson, Joann (16)  
Arena, John (45)  
Sawyer, Roderick T. (6)  
Suarez, Regner Ray (31)  
O'Connor, Patrick J. (40)  
Graham, Deborah L. (29)  
Burke, Edward M. (14)  
Cullerton, Timothy M. (38)  
Osterman, Harry (48)  
Smith, Michele (43)

**Type:**

Ordinance

**Title:**

Amendment of Chapter 2-160 of Municipal Code concerning  
unlawful discriminatory activities

**Committee(s) Assignment:**

Committee on Human Relations

**SUBSTITUTE**  
**ORDINANCE**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHICAGO:**

**SECTION 1.** Chapter 2-160 of the Municipal Code of Chicago is hereby amended by adding new Sections 2-160-053 and 2-160-055, and Sections 2-120-480, 2-120-510, 2-160-010, 2-160-020 and 2-160-030 of the Municipal Code of Chicago are hereby amended by deleting the stricken language and inserting the underscored language as follows:

**2-120-480 Purpose and intent.**

The city council finds that prejudice and the practice of discrimination against any individual or group because of race, color, sex, gender identity, age, religion, disability, national origin, ancestry, sexual orientation, marital status, parental status, military discharge status, ~~or~~ lawful source of income, or credit history (as to employment only) menace peace and public welfare.

[Omitted text is unaffected by this ordinance]

**2-120-510 Powers and duties.**

The commission shall have the following powers and duties, in addition to those assigned by other provisions of the Municipal Code:

(a) to advise and consult with the mayor and the city council on all matters involving prejudice and discrimination based on race, color, sex, gender identity, age, religion, disability, national origin, ancestry, sexual orientation, marital status, parental status, military discharge status, source of income, credit history (as to employment only) or professional training or education from an accredited institution and recommend such legislative action as it may deem appropriate to effectuate the policy of this ordinance.

[Omitted text is unaffected by this ordinance]

(c) to develop and implement programs to train city employees in methods of dealing with intergroup relations, in order to develop respect for equal rights and to achieve equality of treatment regardless of race, color, sex, gender identity, age, religion, disability, national origin, ancestry, sexual orientation, marital status, parental status, military discharge status, ~~or~~ source of income, or credit history (as to employment only).

[Omitted text is unaffected by this ordinance]

**2-160-010. Declaration of city policy.**

It is the policy of the City of Chicago to assure that all persons within its jurisdiction shall have equal access to public services and shall be protected in the enjoyment of civil rights, and to promote mutual understanding and respect among all who live and work within this city.

The city council of the City of Chicago hereby declares and affirms:

that prejudice, intolerance, bigotry and discrimination occasioned thereby threaten the rights and proper privileges of the city's inhabitants and menace the institutions and foundation of a free and democratic society; and

that behavior which denies equal treatment to any individual because of his or her race, color, sex, gender identity, age, religion, disability, national origin, ancestry, sexual orientation, marital status, parental status, military discharge status, ~~or~~ source of income, or credit history (as to employment only) undermines civil order and deprives persons of the benefits of a free and open society.

Nothing in this ordinance shall be construed as supporting or advocating any particular lifestyle or religious view. To the contrary, it is the intention of this ordinance that all persons be treated fairly and equally and it is the express intent of this ordinance to guarantee to all of our citizens fair and equal treatment under law.

## **2-160-020 Definitions**

Whenever used in this chapter:

- (a) "Age" means chronological age of not less than 40 years.
- (aa) "Credit history" means a record of an individual's past borrowing and repaying, including information about late payments and bankruptcy.
- (aaa) "Credit report" means any written or other communication of any information by a consumer reporting agency that bears on a consumer's creditworthiness, credit standing, credit capacity, or credit history.
- (b) "Credit transaction" means the grant, denial, extension or termination of credit to an individual.

[Omitted text is unaffected by the ordinance]

## **2-160-030 Unlawful discriminatory activities designated**

No person shall directly or indirectly discriminate against any individual in hiring, classification, grading, discharge, discipline, compensation or other term or condition of employment because of the individual's race, color, sex, gender identity, age, religion, disability, national origin, ancestry, sexual orientation, marital status, parental status, military discharge status, credit history or source of income. No employment agency shall directly or indirectly discriminate against any individual in classification, processing, referral or recommendation for employment because of the individual's race, color, sex, gender identity, age, religion, disability, national origin, ancestry, sexual orientation, marital status, parental status, military discharge status, credit history or source of income.

The prohibitions contained in this paragraph shall not apply to any of the following:

- (a) use of an individual's unfavorable discharge from military service as a valid employment criterion where (i) authorized by federal law or regulation; or (ii) where the affected position of

employment involves the exercise of fiduciary responsibilities and the reasons for the dishonorable discharge related to his or her fiduciary capacity;

(b) hiring or selecting between individuals for bona fide occupational qualifications; and

(c) giving preferential treatment to veterans and their relatives as required by federal or state law or regulation.

**2-160-053 Credit History.**

(a) Except as otherwise provided in this section, no employer, agent of an employer, employment agency or labor organization shall do any of the following:

- (i) Fire or refuse to hire or recruit, discharge, or otherwise discriminate against an individual with respect to employment, compensation, or a term, condition, or privilege of employment because of the individual's credit history or credit report.
- (ii) Inquire about an applicant's or employee's credit history.
- (iii) Order or obtain an applicant's or employee's credit report from a consumer reporting agency.

(b) The prohibitions contained in this section 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:

(i) State or federal law requires bonding or other security covering an individual holding the position.

(ii) 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 (ii), "marketable assets" means company property that is specially 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.

(iii) The duties of the position include signatory power over business assets of \$100 or more per transaction.

(iv) The position is a managerial position which involves setting the direction or control of the business.

(v) The position involves access to personal or confidential information, financial information, trade secrets, or state or national security information. For purposes of this exception, the following definitions apply:

- A. "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 low-level employees.

- B. “Financial information” means non-public information on the overall financial direction of an organization, including, but not limited to, company taxes or profit and loss reports.
- C. “Trade secrets” means sensitive information regarding a company’s overall strategy or business plans. This does not include general proprietary company information such as handbooks, policies, or low-level strategies.
- D. “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.

(vi) 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 bona fide occupational requirement.

(vii) The employee’s or applicant’s credit history is otherwise required by or exempt under other applicable law.

(c) The prohibitions contained in this section shall not apply to any of the following:

- (i) 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, that is authorized to do business under the laws of Illinois or of the United States.
- (ii) 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.
- (iii) Any municipal law enforcement or investigative unit, including without limitation the Office of the Inspector General, Police Department, and Independent Police Review Authority.
- (iv) Any entity that is defined as a debt collector under federal or state statute.

## **2-160-055 Job Opportunity Advertisements**

No person shall publish or cause to be published, in print or on the internet, an advertisement for, or other posting of, any job opportunity that requires the applicant for the position to be employed or which states any other preference, limitation, or discrimination prohibited by this ordinance. This prohibition does not apply to any third-party publisher of advertisements which is not itself the employer, agent of an employer, employment agency, or labor organization causing publication of the job opportunity.

**SECTION 2.** This ordinance shall be in force and effect on May 1, 2012 after due passage and publication.