



City of Chicago



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Office of the City Clerk

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Meeting Date: 10/8/2014

Sponsor(s): Emanuel (Mayor)
Mitts (37)
Burnett (27)
Graham (29)
Ervin (28)
Brookins (21)
Austin (34)
Suarez (31)
Harris (8)
Moore (49)

Type: Ordinance

Title: Amendment of Municipal Code Chapter 2-160 regarding
employment discrimination

Committee(s) Assignment: Committee on Human Relations



OFFICE OF THE MAYOR
CITY OF CHICAGO

RAHM EMANUEL
MAYOR

October 8, 2014

TO THE HONORABLE, THE CITY COUNCIL
OF THE CITY OF CHICAGO

Ladies and Gentlemen:

At the request of the Chairman of the Commission on Human Relations and the Commissioner of Family and Support Services, I transmit herewith, together with Aldermen Mitts, Burnett, Graham, Ervin, Brookins, Austin, Suarez, Harris, and Moore, an ordinance amending Chapter 2-160 of the Municipal Code regarding employment discrimination.

Your favorable consideration of this ordinance will be appreciated.

Very truly yours,

Mayor



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ORDINANCE

SECTION 1. Section 2-160-010 of the Municipal Code of Chicago is hereby amended by deleting the language stricken and inserting the language underscored, as follows:

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, source of income, or credit or criminal history (as to employment only),¹ 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.

SECTION 2. Section 2-160-020 of the Municipal Code of Chicago is hereby amended by inserting the language underscored, as follows:

2-160-020 Definitions.

Whenever used in this chapter:

(Omitted text is not affected by this ordinance)

(aa) "Applicant" means any person pursuing employment with an employer or with or through an employment agency.

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

(aaaa) "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.

(Omitted text is not affected by this ordinance)

(dd) "Employer" means any individual, partnership, association, corporation, limited liability company, business trust, or any person or group of persons that provides employment

for one or more employees in the current or preceding calendar year, and any agent of such an entity or person. To qualify as an employer for purposes of this chapter, such individual, group, or entity must: (1) be subject to one or more of the license requirements in Title 4 of this Code; and/or (2) maintain a business facility within the geographic boundaries of the City. The City of Chicago and its sister agencies qualify as employers for purposes of this chapter.

(ddd) "Employment" means any occupation or vocation.

(Omitted text is not affected by this ordinance)

(mm) "Sister agency" means the Chicago Public Schools, the Chicago Park District, the Chicago Transit Authority, the City Colleges of Chicago, the Chicago Housing Authority, and the Public Building Commission.

(Omitted text is not affected by this ordinance)

SECTION 2. Chapter 2-160 of the Municipal Code of Chicago is hereby amended by adding a new section 2-160-054, as follows:

2-160-054 Criminal record or criminal history.

(a) Employers that are not subject to the Illinois Job Opportunities for Qualified Applicants Act, including the City of Chicago and its sister agencies, may not inquire about or into, consider, or require disclosure of an applicant's criminal record or criminal history until after the applicant has been determined qualified for the relevant position and notified that he has been selected for an interview, or, if there is no interview, until after a conditional offer of employment is extended to the applicant.

The prohibitions set forth in this subsection 2-160-054(a) do not apply where:

(1) federal or state law excludes applicants with certain criminal convictions from the relevant position;

(2) a standard fidelity bond or an equivalent bond is required for the relevant position, and an applicant's conviction of one or more specified criminal offenses would disqualify the applicant from obtaining such a bond, in which case an employer may include a question or otherwise inquire whether the applicant has ever been convicted of any of those offenses; or

(3) the relevant position requires a license under the Emergency Medical Services (EMS) Systems Act, 210 ILCS 50/1, et seq.

This subsection 2-160-054(a) does not prohibit providing written notice of specific offenses that will disqualify an applicant from employment in a particular position.

(b) If the City of Chicago or a sister agency, subsequent to interviewing or extending a conditional offer of employment to an applicant, determines that he has a criminal conviction, that fact, standing alone, shall not automatically disqualify the applicant from employment. Instead, the decision whether to employ the applicant shall take into account the following factors:

- (1) the nature of the applicant's specific offense or offenses;
- (2) the nature of the applicant's sentencing;
- (3) the applicant's number of convictions;
- (4) the length of time that has passed following the applicant's most recent conviction;
- (5) the relationship between the applicant's crimes and the nature of the relevant position;
- (6) the age of the applicant at the time of his most recent conviction;
- (7) any evidence of rehabilitation, including, but not limited to, whether the applicant has completed a treatment or counseling program or received a certification of relief from disabilities or good conduct;
- (8) the extent to which the applicant has been open, honest, and cooperative in examining his background; and
- (9) any other information relevant to the applicant's suitability for the relevant position.

(c) In the event any employer, including one subject to the Illinois Job Opportunities for Qualified Applicants Act, makes a decision not to hire an applicant that is based, entirely or partially, on the applicant's criminal record or history, the employer shall inform the applicant of this basis at the time he is informed of the decision.

SECTION 3. Section 2-160-120 of the Municipal Code of Chicago is hereby amended by inserting the language underscored, as follows:

2-160-120 Violation – Penalty.

Unless another fine or penalty is specifically provided in this Code, any person who violates any provision of this ordinance as determined by this commission shall be fined not less than \$100.00 and not more than \$1,000.00 for each offense. In addition, any city licensee who violates any provision of this section or any rule or regulation promulgated thereunder may be subject to license discipline pursuant to Section 4-4-280 of this Code. Every day that a violation shall continue shall constitute a separate and distinct offense.

SECTION 4. As applicable to the City of Chicago and its sister agencies, this ordinance shall take effect upon passage and approval. As applicable to all other employers, the ordinance shall take effect on January 1, 2015.