



City of Chicago



SO2017-8241

Office of the City Clerk

Document Tracking Sheet

Meeting Date: 11/8/2017

Sponsor(s): Burke (14)
Austin (34)
Harris (8)
Ervin (28)
Dowell (3)
Curtis (18)
Tunney (44)
Osterman (48)
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Maldonado (26)

Type: Ordinance

Title: Amendment of Municipal Code Chapter 2-156 regarding
addition of sexual harassment as violation of Chicago
governmental ethics ordinance

Committee(s) Assignment: Committee on Finance

SUBSTITUTE
ORDINANCE

WHEREAS, the City of Chicago is a home rule unit of government pursuant to the 1970 Illinois Constitution, Article VII, Section 6(a); and

WHEREAS, pursuant to its home rule power, the City of Chicago may exercise any power and perform any function relating to its government and affairs including the power to regulate for the protection of the public health, safety, morals, and welfare; and

WHEREAS, sexual harassment has long been an abhorred tool of subjugation and abuse in the workplace; and

WHEREAS, a spate of recent high-profile allegations against seemingly unassailable and powerful individuals has culminated in a clamor to hold all aggressors accountable for their actions regardless of their status; and

WHEREAS, according to the U.S. Equal Employment Opportunity Commission (EEOC), 1 in 4 women and 1 in 10 men report being harassed in the workplace and many are reluctant to report it; and

WHEREAS, the EEOC and the City of Chicago define sexual harassment as “unwelcome sexual advances or request for sexual favors or conduct of a sexual nature when (i) submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s employment or receipt of city services; or (ii) when submission to or rejection of such conduct by an individual is used as the basis of an employment or service decision affecting the individual; or (iii) when such conduct has the purpose or effect of substantially interfering with the work performance of an employee or creating an intimidating, hostile or offensive work environment;” and

WHEREAS, sexual harassment includes, but is not limited to, sexually suggestive gesturing, verbal harassment or abuse of a sexual nature, the displaying of sexual objects, requests for sexual favors, stalking, sexual assault, touching, patting, or pinching, sending sexually suggestive e-mails or text messages; and

WHEREAS, the City of Chicago is committed to ensuring that no employee is required to endure sexual harassment by supervisors or coworkers or work in a hostile environment as a condition of employment; and

WHEREAS, to that end, the City’s Human Rights Ordinance prohibits workplace sexual harassment within the City of Chicago in general; and

WHEREAS, furthermore, the City of Chicago Diversity and Equal Employment Opportunity Policy provides for the resolution of complaints of discrimination and harassment brought by City employees against other City employees; and

WHEREAS, such measures do not address the conduct of elected City officials, leaving a gap in accountability that must be addressed; and

WHEREAS, the City's Ethics Ordinance provides for a "Code of Conduct" that "shall be aspirational and shall guide the conduct of every official and employee of the city;" and

WHEREAS, that Code of Conduct is, in part, charged with ensuring that public servants are "loyal to...ethical principles," commit to "a full day's work for a full day's pay," and "adhere to all applicable laws and regulations that provide equal opportunity for all persons;" and

WHEREAS, each of these Code of Conduct edicts are undermined insofar as sexual harassment in the workplace offends all ethical principles, degrades morale and productivity, and violates all applicable workplace laws and regulations; and

WHEREAS, it is therefore only fitting that a commitment to the eradication of workplace sexual harassment also have a place in said "Code of Conduct;" NOW THEREFORE,

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

SECTION 1. Chapter 2-156-005 of the Municipal Code of Chicago is hereby amended by inserting the underscored language, as follows:

2-156-005 Code of conduct.

(a) The code of conduct set forth in this section shall be aspirational and shall guide the conduct of every official and employee of the city. All officials and employees of the city shall:

(Omitted sections are unaffected by this ordinance.)

(12) not engage in, encourage, or permit – by action or inaction – behavior constituting sexual harassment of another City Official or employee.

(b) At the time of employment or becoming a city official, every city official or employee shall sign, in a form prescribed by the board of ethics, a commitment to follow the city's code of conduct set forth in this section. The department of human resources shall administer such commitment and provide a copy of the commitment to each employee at the time of hiring. The board shall administer such commitment and provide a copy of the commitment to each city official at the time of the swearing in or appointment of the official.

(c) This section is not intended to, and does, not create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the city, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

SECTION 2. Chapter 2-156-010 of the Municipal Code of Chicago is hereby amended by inserting the underscored language, as follows:

2-156-010 Definitions.

(Omitted sections are unaffected by this ordinance.)

(z) "Sexual harassment" means any unwelcome sexual advances or requests for sexual favors or conduct of a sexual nature when (i) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; or (ii) submission to or rejection of such conduct by an individual is used as the basis for any employment decision affecting the individual; or (iii) 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.

SECTION 3. Chapter 2-156-149 of the Municipal Code of Chicago is hereby amended by inserting the underscored language, as follows:

PART 5. Sexual Harassment.

2-156-149 Sexual Harassment by Officials.

No official holding any elected office of the city shall engage in, encourage, or permit – by action or inaction – behavior constituting sexual harassment of any other City official or employee. This requirement does not limit or replace any other applicable law, rule, regulation, process, or policy regarding such conduct.

(Omitted sections are unaffected by this ordinance.)

SECTION 4. Chapter 2-156-385 of the Municipal Code of Chicago is hereby amended by inserting the underscored language, as follows:

2-156-385 Probable cause finding.

(Omitted sections are unaffected by this ordinance.)

(4) After reviewing all the documents and evidence submitted by the parties, including oral and written responses, the board may: (i) seek to settle the matter by fine, discipline, or in such other manner as it deems appropriate; (ii) pursue an action for discipline; (iii) pursue an action for a fine; or (iv) take no action. If a settlement agreement involves the imposition of discipline and the subject is a current employee, such settlement agreement must be approved by the head of the city department, agency or office in which the employee works. If a settlement is reached, the full final settlement agreement, including the name of the subject of the investigation and the disciplinary measure imposed on him, shall be made publicly available to the extent allowable under applicable law. Except that in matters involving a violation of 2-156-149, the board may only pursue option (i), (iii), or (iv) and may also require attendance at such sexual harassment training as is designated by the Department of Human Resources.

(Omitted sections are unaffected by this ordinance.)

SECTION 5. Chapter 2-156-465 of the Municipal Code of Chicago is hereby amended by inserting the underscored language, as follows:

Chapter 2-156-465 Sanctions.

(a) *Employment sanction.* In addition to any other applicable penalty provided in this article, any employee found to have violated any of the provisions of this chapter, or to have knowingly furnished false or misleading information to the board of ethics, shall be subject to employment sanctions, including discharge, in accordance with procedures under which the employee may otherwise be disciplined. Any official who knowingly files a false or misleading statement of financial interests, or knowingly fails to file a statement within the time prescribed in this chapter, or otherwise violates any provision of this chapter, shall be subject to removal from office.

(b) *Fines.* The following fines shall, as appropriate, apply to violations of this chapter:

(Omitted sections are unaffected by this ordinance.)

(7) Violation of Sexual Harassment provisions. Any person who violates Section 2-156-149 shall be subject to fine of not less than \$1,000 and not more than \$5,000 for each violation.

(7) (8) Violation of Chapter provisions. Any person who violates any other provision of this chapter, where no other fine is specifically provided, shall be subject to a fine of not less than \$500.00 and not more than \$2,000.00 for each offense.

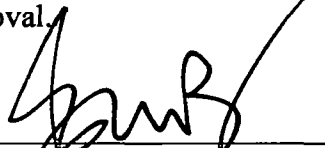
SECTION 6. Chapter 2-56-030 of the Municipal Code of Chicago is hereby amended by inserting the underscored language, as follows:


Chapter 2-56-030 Inspector general – Powers and duties.

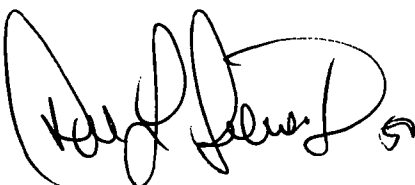
(Omitted sections are unaffected by this ordinance.)

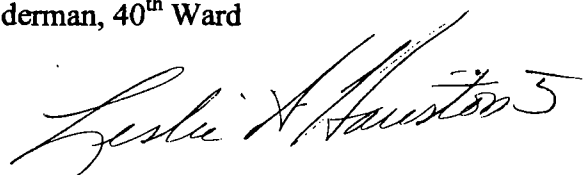
(m) To receive and address complaints of sexual harassment in violation of Chapter 2-156 in accordance with Section 2-56-050.

SECTION 7. This ordinance shall be in full force and effect ninety (90) days after passage and approval.


Edward M. Burke
Alderman, 14th Ward


Patrick J. O'Connor
Alderman, 40th Ward





Carrie Austin
Alderman, 34th Ward

Gilbert Villegas
Alderman, 36th Ward

Pat Dowell
Alderman, 3th Ward

Michelle Harris
Alderman, 8th Ward

Patrick Thompson
Alderman, 11th Ward

Marty Quinn
Alderman, 13th Ward

Raymond Lopez
Alderman, 15th Ward

Derrick Curtis
Alderman, 18th Ward

Jason Ervin
Alderman, 28th Ward

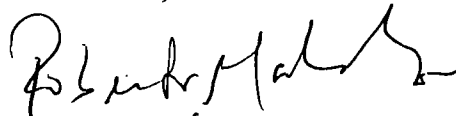
Scott Waguespack
Alderman, 32nd

Margaret Laurino
Alderman, 39th

Brendan Reilly
Alderman, 42nd

Harry Osterman
Alderman, 48th

Joseph A. Moore
Alderman, 49th


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(A1)

CHICAGO November 8, 2017

To the President and Members of the City Council:

Your Committee on Finance having had under consideration

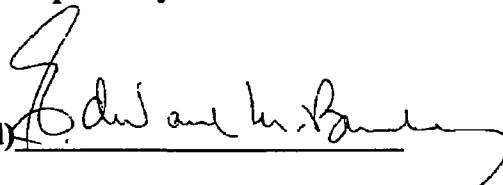
^{Substitute}
A ~~proposed~~ ordinance concerning authority to amend Chapters 2-156 and 2-56 of the Municipal Code of Chicago regarding the addition of sexual harassment as a violation to the City of Chicago's Governmental Ethics Ordinance.

Direct Introduction

Having had the same under advisement, begs leave to report and recommend that your Honorable Body pass the proposed ^{Substitute} **Ordinance Transmitted Herewith.**

This recommendation was concurred in by _____ (a viva voce vote of members of the committee with _____ dissenting vote(s)).

Respectfully submitted

(signed) 

Chairman