



## Legislation Text

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### PROPOSED ORDINANCE AMENDMENT

Title 1 Chapter 10: Policy of Nondiscrimination

**BE IT ORDAINED**, by the Forest Preserve District of Cook County Board of Commissioners, that Title 1 - Administrative, Chapter 10 - Policy of Nondiscrimination of the Forest Preserve District of Cook County Code is hereby amended as follows:

### CHAPTER 10 - POLICY OF NONDISCRIMINATION

#### 1-10-1: - COMPLIANCE WITH STATE AND FEDERAL REGULATIONS LAWS.

- A. General:** The District is committed to providing a workplace that is free from discrimination based on age, race, color, religion, national origin, citizenship status, unfavorable discharge from the military, marital status, disability, sex, and any other legally protected class pursuant to any applicable federal, state, or county law. Each employee of the District must refrain from engaging in unlawful discrimination in the workplace.
- B. Sexual Harassment:** The District maintains and hereby re-iterates its policy against sexual harassment. The District acknowledges and affirms that sexual harassment is prohibited by Title VII of the Civil Rights Act of 1964, as amended, and the Illinois Human Rights Act, as amended. Each employee of the District must refrain from engaging in sexual harassment in the workplace. No employee should be subjected to unsolicited or unwelcome sexual overtures or conduct in the workplace. All forms of conduct that could be considered harassing, coercive or disruptive, or that create a hostile or offensive environment, must be eliminated. Instances of sexual harassment must be investigated in a prompt and effective manner.
- C. Sexual Harassment Training:**
- a. Each employee of the District must complete, at least annually, beginning in 2018, a sexual harassment training program. This sexual harassment training program shall be formulated by the District's Department of Human Resources. Compliance with the sexual harassment training program shall be monitored by the Office of the Independent Inspector General.
  - b. The District's Department of Human Resources shall submit to the Office of the Independent Inspector General quarterly reports that: (a) summarize progress towards formulating a sexual harassment training during the previous quarter, the number of training session(s) delivered, and the number of participants in those training session(s); and (b) lay out the plan for the sexual harassment training programs in the coming quarter. The Office of the Independent Inspector General shall compile these reports and submit them to the Board on a quarterly basis. The Office of the Independent Inspector General shall report to the Board any noncompliance with the training obligations set out in this section.
  - c. A person who fills a full-time vacancy in any position in the District, except seasonal positions, must complete his or her initial sexual harassment training within 90 days after the commencement of his or her employment.
  - d. Sexual Harassment Training shall minimally include, but not be limited to: a definition of sexual harassment; examples of various types of sexual harassment in the workplace such as harassment by a

person in authority towards a subordinate; examples of actions that do and do not constitute sexual harassment; examples of hostile work environments; and steps for filing a complaint.

- D. Disability:** The District acknowledges and affirms that the Americans with Disabilities Act of 1990 prohibits discrimination against people with disabilities. In the performance of their respective job duties, each employee of the District must comply with the requirements of the Americans with Disabilities Act of 1990, as amended and as applicable.
- E. Requirements:** All employees of the District are required to become familiar with the contents of the District's Policy of Nondiscrimination and to abide by the requirements it establishes. Furthermore, it is the responsibility of all supervisors and managers to make sure that the work environment is free from unlawful discrimination and sexual harassment.
- F. Penalties:** Any employee's behavior that fits the definition of unlawful discrimination and/or sexual harassment is a form of misconduct that may result in disciplinary action up to and including dismissal.

The Federal government of the United States of America is hereby assured of full compliance by the Forest Preserve District of Cook County with all regulations effectuating Title VI of the Civil Rights Act of 1964.

1-10-2: --FEDERAL HANDICAPPED COMPLIANCE REGULATIONS. PROCEDURE FOR FILING A COMPLAINT

#### **A. Filing a Complaint within the District**

An employee who either observes or believes himself/herself to be the object of discrimination, including, but not limited to, sexual harassment, should deal with the incident(s) as directly and firmly as possible by clearly communicating her/his position to a supervisor and/or the District contact:

- Forest Preserve District of Cook County  
Director of Compliance  
Phone: 312-603-0037  
Fax: 312-603-9850

All complaints and corresponding investigations will be kept confidential to the extent practicable under the circumstances. There are instances, however, when the District may be required by law to disclose information related to an investigation, including, but not limited to, disclosing information to the Office of the Independent Inspector General and/or other law enforcement or legally related entities.

It is not necessary for discrimination or sexual harassment to be directed at the person making a complaint. Pursuant to the whistleblower protections under the Illinois Whistleblower Act (740 ILCS 174/1 et seq.), the Illinois Human Rights Act (775 ILCS 5/2-101 et seq.), the Illinois Governmental Ethics Act (5 ILCS 420/1-101 et seq.), and this ordinance; no one making a complaint will be retaliated against even if a complaint made in good faith is not substantiated. In addition, any witness will be protected from retaliation.

#### **B. Filing outside the District**

An employee has the right to contact the Cook County Office of the Independent Inspector General (OIIG), the Cook County Commission on Human Rights, the Cook County Board of Ethics, the Illinois Department of Human Rights (IDHR) or the Equal Employment Opportunity Commission (EEOC) about filing a formal complaint. In some instances, time limits, mandating that the complaint be filed within one hundred and eighty (180) days, may apply. Administrative contacts for these agencies are as follows:

- Cook County Office of Independent Inspector General (OIIG)  
Phone: 312-603-0745  
Fax: 312-603-9744
- Cook County Commission on Human Rights  
Phone: (312) 603-1100
- Cook County Board of Ethics  
Phone: 312-603-4304  
Fax: 312-603-9988
- Illinois Department of Human Rights (IDHR) Chicago: 312-814-6200 or 800-662-3942 Chicago TTY: 866-740-3953  
Springfield: 217-785-5100  
Springfield TTY: 866-740-3953  
Marion: 618-993-7463  
Marion TTY: 866-740-3953
- United States Equal Employment Opportunity Commission (EEOC) Chicago: 800-669-4000  
Chicago TTY: 800-869-8001

### **C. Filing a False Complaint**

False and frivolous charges refer to cases where the accuser is using an unlawful discrimination or sexual harassment complaint to accomplish some end other than stopping unlawful discrimination or sexual harassment. It does not refer to charges made in good faith which cannot be proven. Given the seriousness of the consequences for the accused, a false and frivolous charge is a severe offense that can itself result in disciplinary action.

- A. *Contracts and Agreements:* Federal Handicapped Compliance Regulations prohibit the District from discriminating on the basis of handicap, either directly or through contractual or other arrangements. All contractual, financial, cooperative and nonfinancial agreements entered into by the District must contain a statement of nondiscrimination. The following language, or equivalent language, is to be included in all contracts and agreements:  
"The Forest Preserve District of Cook County does not discriminate on the basis of handicap in admission or access to, or treatment or employment in District programs or services."

While the ultimate responsibility for inclusion of this statement in the contract or agreement rests with the office initiating the contract or agreement, all signatories to District contracts or agreements are to be aware of the requirements as they review contracts.

- B. *Public Program/Service Accessibility:* Federal Handicapped Compliance Regulations require that the District provide its programs, services and activities in an equivalent manner to both able-bodied and handicapped individuals. Public service or program is defined very broadly to include any program, activity or service involving public use. An equivalent manner is defined to mean that a program, viewed in its entirety, is to be accessible to a handicapped person.

1. *Advertisement of program or service:* Wherever communication or publicity regarding programs and services is

made, each of the District's department heads is encouraged to include a telephone number of a person who may be contacted to assist handicapped persons.

2. *Eligibility:* Federal Handicapped Compliance Regulations require that all printed materials containing information about programs and services include a statement of nondiscrimination. It is suggested that all printed material available to the public (that is, brochures, posters, forms, etc.) include the following, or an equivalent statement:

"The Forest Preserve District of Cook County does not discriminate on the basis of handicap in admission or access to, or treatment or employment in District programs or services."

Each of the District's department heads is responsible for ensuring that department programs and services are accessible in an equivalent manner to handicapped persons.

- C. *Employment Practices and Agreements:* Federal Handicapped Compliance Regulations require that all employment practices and procedures such as advertising and recruiting, testing, compensation, etc., are to be as accessible to handicapped as to nonhandicapped applicants and employees.

1. *Qualified handicapped applicants and employees:* Only qualified handicapped individuals, who with reasonable accommodation can perform the essential functions of the job, are protected from discrimination by section 504 of the Rehabilitation Act of 1973, 29 U.S.C. 794. An accommodation need not be made if it requires the District to modify essential job requirements; in such an instance, it would not be discriminatory to deny employment or advancement to the handicapped person who, despite accommodation, cannot perform essential job functions (i.e., is not qualified). Reasonable accommodation may be denied if it constitutes an undue hardship to the District, such as unreasonable financial costs.
2. *Essential job functions:* All job descriptions should ensure that physical, mental and communications requirements be job related and accurately reflect job functions. No physical, mental or communication requirement should tend to screen out handicapped applicants unless the requirements are essential to the performance or safety of the job. Every effort should be made to review job descriptions to ensure that they reflect the minimum related requirements. Unrealistic or unrelated job requirements are to be excluded from job descriptions.
3. *Pre-employment interviews:* Federal Handicapped Compliance Regulations prohibit an interviewer from asking general, nonrelated questions regarding handicaps. An interviewer may ask an applicant if the applicant has a physical or mental condition which limits or affects the applicant's ability or safety on the job, or the safety of others on the job if such questions are asked of all applicants.

Federal Handicapped Compliance Regulations stipulate that the District may inquire about handicaps if:

- a. An applicant voluntarily discloses a handicap;
  - b. It is related to affirmative actions efforts;
  - c. It is for the purpose of proper job placement; or
  - d. It is for the purpose of some job accommodation.
4. *Medical examinations:* Medical examination of handicapped applicants may be requested only:
    - a. When they are required of all candidates for the job; or
    - b. When there is an objective question as to medical limitations or the ability to perform a job safely.
  5. *Testing:* Testing of a handicapped applicant is appropriate when it is required of all applicants. Occasionally it may be necessary to make some accommodations to a handicapped person.

- D. *Complaint Procedure:* Federal Handicapped Compliance Regulations require that the District adopt a complaint procedure that incorporates appropriate due process standards and that provides for the prompt and equitable

resolution of complaints alleging discrimination.

1. *Filing:* The person alleging a complaint against the District shall file a written statement which adequately explains the problem. The written complaint may be filed by mail or in person and is to be filed with the District's Handicapped Compliance Coordinator, who shall be designated by the General Superintendent.
2. *Seeking a resolution:* Following receipt of the complaint, the District's Handicapped Compliance Coordinator will meet with the complainant to discuss the complaint and seek a remedy. Following the meeting, a written summary of the meeting and the proposed remedy, if any, will be sent to the complainant by the District's Handicapped Compliance Coordinator.
3. *Appeal:* The complainant has a right to appeal the resolution proposed by the District's Handicapped Compliance Coordinator. The appeal is to be filed in the same manner as the initial complaint and is to be filed with the Cook County Handicapped Compliance Officer. The Cook County Handicapped Compliance Officer will then reach a decision to either uphold the original remedy or present an alternate remedy. The Cook County Handicapped Compliance Officer will then inform the complainant in writing of the decision.

The appeal meeting and decision will conclude the complaint procedure.

The preceding complaint procedure does not preclude the complainant from pursuing other remedies, nor is the complaint procedure a prerequisite to pursuing other remedies.

**Effective date:** This ordinance shall be in effect immediately upon adoption.