



COOK COUNTY BUREAU OF HUMAN RESOURCES

POLICY TITLE: EQUAL EMPLOYMENT OPPORTUNITY

EFFECTIVE DATE: DECEMBER 14, 2016

I. POLICY

Cook County Government is an Equal Employment Opportunity (“EEO”) employer. In accordance with applicable anti-discrimination laws and regulations, the purpose of this Equal Employment Opportunity Policy (“Policy”) is to ensure that the Offices under the Cook County Board President provide a workplace free from discrimination and harassment and provide an effective means for the resolution of discrimination and harassment complaints by County employees and applicants for employment. Cook County prohibits illegal discrimination and harassment and affords equal employment opportunities to employees and applicants without regard to race, color, sex, age, religion, disability, national origin, ancestry, sexual orientation, marital status, parental status, military service or discharge status, gender identity, or genetic information. As an employer, Cook County conforms to the spirit and the letter of all applicable laws and regulations, prohibiting discrimination and harassment.

Cook County is committed to keeping its workplace free from discrimination and harassment and to maintaining an environment in which every person is treated with dignity and respect. Cook County encourages its employees and applicants to raise any concerns regarding this Policy with the Equal Employment Opportunity Office (“EEO Office”) within the Cook County Bureau of Human Resources (“BHR”).

Retaliation against any person who makes a report concerning potential violations of this Policy, is expressly forbidden pursuant to the terms of this Policy.

II. SCOPE

This Policy and the procedures set forth herein shall be applicable to all employees under the jurisdiction of the Cook County Board President and Departments covered by the Cook County Employment Plan, volunteers, consultants and contract personnel as well as applicants for employment in Offices under the jurisdiction of the President. The Policy applies to all aspects of the relationship between Cook County and its employees, including: employment; promotion; transfer; training; work conditions; wages and salary administration; employee benefits and application of policies. The policies and principles of equal employment opportunity also apply to the selection and treatment of candidates for employment, independent contractors, personnel working on our premises who are employed by temporary agencies and any other persons or firms doing business for or with Cook County.



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III. LIMITATIONS

Nothing in this Policy is intended to nor shall be construed to create a private right of action against Cook County or any of its employees. Furthermore, no part of this Policy is intended to nor shall be construed to create contractual or other rights or expectations.

Nothing herein is intended to affect the right of any person to:

- File a charge of discrimination at the Cook County Commission on Human Rights or any local, state or federal agency with jurisdiction over such claims;
- Raise a grievance under a collective bargaining agreement; or
- Consult a private attorney.

A determination that this Policy has been violated is not a determination of discrimination, harassment or retaliation under federal, state, or local law. Conduct that may not be considered unlawful under applicable federal, state, or local laws may nevertheless violate this Policy, and result in disciplinary action, up to and including discharge.

IV. POLICY DISSEMINATION AND IMPLEMENTATION

The Office of the President via the Cook County Bureau of Human Resources will be responsible for disseminating this policy. Bureau Chiefs, Department Heads, Managers and Supervisors are responsible for implementing equal employment practices within each department. The Bureau of Human Resources is responsible for overall compliance and will maintain personnel records in compliance with applicable laws and regulations.

V. PROHIBITED CONDUCT

a. Discrimination

Unlawful discrimination is adverse treatment of any employee or applicant based on the employee's or the applicant's real or perceived membership in a protected category. Cook County prohibits discrimination based on race, color, sex, age, religion, disability,¹ national origin, ancestry, sexual orientation, marital status, parental status, military service or discharge status, gender identity, or genetic information. This Policy prohibits discrimination which is based on actual or perceived membership in any of the foregoing protected groups.

¹ Cook County's procedures for requesting a Reasonable Accommodation for a disability as required by the Americans with Disabilities Act, as amended, are set forth in a separate policy.



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b. Harassment

Harassment is unwelcome verbal or physical conduct directed toward, or differential treatment of, an employee because of his/her membership in any protected group or on any other prohibited basis, which has the purpose or effect of unreasonably interfering with an employee's work performance or creates a hostile, intimidating or offensive working environment. Harassment may include, but is not limited to, epithets, nicknames, slurs, negative stereotyping, threatening behavior, denigrating jokes, and written or graphic material that shows hostility or aversion toward an individual or group. Harassment based on race, color, sex, age, religion, disability, national origin, ancestry, sexual orientation, marital status, parental status, military service or discharge status, gender identity and/or genetic information is prohibited by this Policy. This Policy prohibits harassment which is based on actual or perceived membership in any of the foregoing protected groups.

c. Sexual Harassment

Cook County prohibits sexual harassment. Sexual harassment includes any unwelcome sexual advance, request for sexual favors, or conduct of a sexual nature when:

- Submission to such conduct is made, either explicitly or implicitly, a term or condition of an individual's employment or receipt of County services;
- Submission to or rejection of such conduct by an individual is used as the basis of an employment or service decision affecting the individual; and/or
- Such conduct has the purpose or effect of interfering with the work performance of an employee or creating an intimidating, hostile or offensive work environment.

Sexual harassment may be subtle or direct and may involve individuals of the opposite sex or members of the same sex. Sexual harassment may include, but is not limited to, sexually suggestive or offensive remarks, comments, jokes, degrading language or behavior that is sexual in nature, sexually suggestive objects, books, magazines, photographs, cartoons, pictures, calendars, posters, requests for sexual favors, stalking, sexual assault, touching, patting, or pinching, sending sexually suggestive email or text messages, and accessing sexually suggestive sites on the Internet.

d. Third Party Harassment

Third party harassment occurs when the harassment is committed by a person or group of people who work outside the control of the employer, such as contractors, clients, customers, vendors and suppliers or some other party which makes frequent visits to the workplace. It is the duty of any employer to provide a place which is safe to work and is free from harassment. Accordingly, this Policy expressly prohibits harassment by third parties in the workplace.



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e. Retaliation

It is a violation of this Policy to retaliate against any person who asserts his or her rights by opposing discriminatory practices in the workplace; complaining about conduct prohibited by this Policy; or complaining to, cooperating with or assisting the EEO Office in resolving a complaint of discrimination or harassment. Retaliatory actions include, but are not limited to, refusal to hire, denial of promotion or job benefits, demotion, suspension or discharge, or any other actions affecting the terms or conditions of employment.

VI. RESPONSIBILITIES

a. The EEO Office is responsible for:

- Managing the County's process for investigating and resolving complaints made pursuant to this Policy.
- Assisting departments with questions related to implementation of this Policy.
- Conducting training to ensure that all employees are aware of this Policy and that all department heads and supervisors understand their role in implementing this Policy and promoting a fair and inclusive workplace.

b. Department Heads are responsible for:

- Each department head must take necessary steps to implement this Policy within his or her department, including making efforts to ensure that employees are aware of the Policy and that they must cooperate fully in investigations conducted pursuant to this Policy.
- Each department head should designate a manager or supervisor to serve as the department's Equal Employment Opportunity Liaison ("EEO Liaison") and the department head should ensure that the EEO Liaison fulfills his or her responsibilities provided by this Policy.

c. Departmental EEO Liaisons are responsible for:

- **Receiving Complaints**

EEO Liaisons must promptly report any complaints of discrimination, harassment or retaliation to the EEO Office. Liaisons must also promptly report conduct they become aware of which may constitute discrimination, harassment or retaliation, even if no employee or applicant reports or complains about the conduct. EEO Liaisons must also advise employees and/or applicants of their right to contact the EEO Office directly with any complaints or concerns.



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- **Assisting with EEO Investigations**

Liaisons will assist with various aspects of the investigation process, such as scheduling time for employees to meet with EEO Investigators, gathering documents pursuant to EEO Office requests and advising participants of the importance of confidentiality.

d. Managers and Supervisors are responsible for:

- **Reporting Potential Violations**

All managers and supervisors have a key responsibility in establishing and maintaining a workplace free from discrimination and harassment. Any supervisor who becomes aware, or reasonably should become aware, of conduct that may be considered discriminatory, harassing or retaliatory, as stated in this Policy, but fails to report such conduct, may be subject to discipline.

- **Reporting Voluntary Relationships**

While voluntary social relationships are not prohibited by this Policy, the existence of a dating relationship and/or physically intimate relationship between a supervisor and subordinate has the inherent potential for coercion and conflicts of interest, and may create the appearance of impropriety. Therefore, any supervisor who has such a relationship with another employee over whom he or she has any supervisory authority must report this fact to his or her Department Head in writing or in the case of a Department Head to the Chief of the Bureau of Human Resources. Failure to report such relationships may result in discipline, up to and including discharge.

e. Employees, including Managers and Supervisors, are responsible for:

- Creating and maintaining a discrimination and harassment-free work environment.
- Complying with this Policy and conducting themselves in an appropriate manner at all times.

VII. MAKING COMPLAINTS

a. Reporting Prohibited Conduct

Any employee or applicant for employment who believes that he or she has been discriminated against, or harassed on the basis of race, color, sex, age, religion, disability, national origin, ancestry, sexual orientation, marital status, parental status, military service or discharge status, gender identity or genetic information, or who claims to have suffered retaliation as a result of



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participating in an EEO investigation, may file a complaint with the EEO Office. Contact information for the EEO Office appears at the end of this Policy and is available on the Bureau of Human Resources' website.

Any employee or applicant may also report any conduct believed to be discriminatory, harassing or retaliatory to a supervisor or to a department EEO Liaison. Supervisors and EEO Liaisons are obligated to inform the EEO Office of any such reports they receive.

b. Time Limits

Any claims of discrimination or harassment will be investigated promptly. To ensure an effective investigation, employees should voice their complaints as soon as possible. By promptly making complaints, employees allow the EEO Office to preserve relevant information and recommend remedial measures.

A complaint of discrimination or harassment must be filed within one year of the date of the last alleged act of discrimination or harassment. A complaint of retaliation must be filed within one year of the date of the alleged action that is alleged to have been retaliatory and within three years of the original underlying complaint.

The filing of a complaint with the EEO Office does not limit, extend, replace, or delay the right of any person to file a similar charge with the Cook County Commission on Human Rights or any local, state, or federal agency having authority to hear matters of discrimination. Failure to file a complaint with the EEO Office does not impact the rights of any person to file a charge with the Cook County Commission on Human Rights or any local, state, or federal agency.

VIII. Investigation of Complaints

a. Initiating the Investigation

Upon receiving a complaint or report of discrimination, the EEO Office will first determine whether the allegations, if true, would constitute a violation of this Policy. If the allegations presented, even if true, would not constitute a violation, the EEO Office will proceed with one of the options set forth in section VIII of this Policy, *Other Options for Resolution of Complaints*.

In cases where the allegations, if true, describe conduct that would constitute a violation of this Policy, the EEO Office will assign the matter a case number and promptly conduct an equitable and thorough investigation.



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b. Duty to Cooperate

All employees, including managers and supervisors, shall cooperate with the EEO Office staff in the course of an investigation under the Policy. Failure to cooperate may subject an employee to discipline.

c. False Allegations or Information

Any individual who knowingly makes a false accusation of discrimination, harassment or retaliation or knowingly provides false information in the course of an investigation, may be subject to discipline. A complaint made in good faith, even if found to be unsubstantiated, will not be considered a false accusation.

d. Investigation Reports

When the investigation is complete, the EEO Office will prepare an Investigation Report, containing a summary of the evidence, and a finding of whether a Policy violation has occurred. The report will state whether the allegations are “sustained” or “not sustained.” In instances where the EEO Office finds that the allegations are sustained, the Investigation Report shall indicate the specific portion(s) of the Policy, and any applicable conduct section(s) of the Personnel Rules that have been violated, and shall make a recommendation of discipline to the relevant department.

All Investigation Reports will be sent to the relevant department head and copies will be maintained by the Bureau Chief of Human Resources.

e. Notification of Parties

The EEO Office shall provide written notification to the complaining party (“Complainant”) and the accused party (“Respondent”) advising them of the outcome of the investigation. The notification will not include the recommended discipline made in sustained cases.

f. Departmental Response

Within 30 days of receiving an Investigation Report making a sustained finding, the Department Head will advise the EEO Office in writing of the actions taken by the department. The Department Head will indicate whether he or she has followed the recommendation stated in the report, taken some other action or taken no action. If the Department Head decides to take some other action or to take no action, the Department Head must provide a justification for doing so in the written response to the EEO Office. All disciplinary actions taken pursuant to a recommendation in the EEO Investigation Report



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shall be in accordance with applicable collective bargaining agreement provisions and/or applicable personnel rules.

g. Confidentiality

All complaints and investigations will be kept confidential to the extent possible. There are instances, however, when the EEO Office is required by law to disclose information related to an investigation, including disclosing information to the Office of the Independent Inspector General (“OIIG”).

To maintain confidentiality, the EEO Office may limit the distribution of the Investigation Report and the Investigative File. In sustained cases, the EEO Office will provide a copy of the Investigation Report to the Respondent, upon Respondent’s request.

IX. Other Options for Resolutions of Complaints

a. Referral to the Department

If the EEO Officer determines that the allegations of the complaint, even if true, would not violate this Policy, but describe conduct that may be of concern to a department head, the complaint will be forwarded to the relevant department for further review.

b. Referral to the Inspector General’s Office

If the allegations of a complaint describe conduct that is not covered by this Policy, but if true, may constitute other misconduct, the EEO Office will advise the Cook County Office of the Independent Inspector General (“OIIG”) in writing of such complaints.

c. Other Alternatives

In appropriate situations, the EEO Office will work with departments to address complaints through other courses of action as determined by the EEO Office.

X. Complaints Involving Third Parties

Complaints of third party harassment will be tendered to the using department and the Office of the Chief Procurement Officer. The EEO Office will assist the using department, the Chief Procurement Officer and affected employee to determine and seek mitigating action.

XI. Complaints Involving Members of the Public



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Complaints by members of the public alleging that a Cook County employee acting in the scope of his or her employment has engaged in conduct that may violate this Policy should be made to the Cook County Office of the Independent Inspector General (“OIIG”). The EEO Office will refer such complaints to the OIIG in writing.

A Cook County employee who believes that he or she has been subjected to discrimination or harassment by a member of the public outside of the workplace may report such conduct to the Cook County Commission on Human Rights or to any agency having authority to address such complaints.

XII. Penalties

Employees found to be in violation of this Policy will be subject to discipline, up to and including discharge.

XIII. Contacting the EEO Office

Employees may contact the EEO Office in person, by email or by phone, using the contact information below. Office hours are 8:30 a.m. to 4:30 p.m.

Cook County Bureau of Human Resources
EEO Office
118 N. Clark Street, Suite 840
Chicago, Illinois 60602
Phone: (312) 603-6577
Fax: (312) 803-9654
Email: EEO@cookcountyil.gov