	<b>COOK COUNTY BUREAU OF HUMAN RESOURCES</b>	
<b>BACKGROUND CHECK POLICY</b>		
Approved: April 30, 2018	Effective: May 3, 2018	Page   1 of 7

**A. OVERVIEW**

Cook County (“County”) relies on Background Check Reports in making employment decisions, to ensure a safe, accountable, and productive work environment.

**B. PURPOSE**

The purpose of this policy is to set forth the procedures for obtaining and using Background Checks for employment purposes.

**C. INTENT**

This policy is intended to be interpreted consistent with and subject to applicable law. It supersedes all previous policies and/or memoranda that may have been issued from time to time on subjects covered in this policy. This policy is not intended to supersede or limit the County from enforcing provisions in any applicable collective bargaining agreement. Should any provision in this policy conflict with a specific provision in the Personnel Rules, the provision(s) in this policy shall take precedence.

**D. SEVERABILITY**

If any section or provision of this document should be held invalid by operation of law, none of the remainder shall be affected.

**E. JURISDICTION**


The Bureau of Human Resources (“BHR”) is authorized to develop and issue policies for the effective management of Cook County employees, pursuant to Section 44-45 of the Cook County Code of Ordinances.

**F. AREAS AFFECTED**

This policy applies to all Cook County employees and applicants in Departments in the Offices under the President and/or covered by the Cook County Employment Plan.

**G. NONDISCRIMINATION**

Cook County prohibits the discriminatory application, implementation, or enforcement of any provision of this policy on the basis of race, color, sex, age, religion, disability, national origin, ancestry, sexual orientation, marital status, parental status, military discharge status, source of income, housing, or any other protected category established by law, statute or ordinance, as provided in Section 44-53 of the Cook County Code of Ordinances.

	<b>COOK COUNTY BUREAU OF HUMAN RESOURCES</b>	
<b>BACKGROUND CHECK POLICY</b>		
Approved: April 30, 2018	Effective: May 3, 2018	Page   2 of 7

**H. DEFINITIONS**

**Applicant** means an individual who:

- Applies for a specific position with the County for which the County is seeking qualified applicants;
- Is considered for Employment by the County;
- Meets the minimum qualifications of the position;
- Is invited by a representative of the Hiring Department for a personal interview at a designated County location regarding the position (note that additional interviews with representative(s) from the County’s hiring department may be warranted); and,
- Does not withdraw from consideration for the position.

**Background Check** means the process of compiling confidential and public information to investigate an Applicant’s criminal history and confirm information given.

**Background Check Report** means the information obtained as a result of a Background Check.

**Conviction** means a judgment of liability entered upon a plea, verdict or finding of guilt for an offense, rendered by a legally constituted jury, court or administrative authority of competent jurisdiction. Conviction excludes any “minor traffic offense” and “juvenile record” as defined below.

**Juvenile record** means any information regarding an offense committed or alleged to have been committed by an individual who was under eighteen (18) years of age at the time of the offense or alleged offense.

**Offense** means a violation of any penal statute, ordinance, law, or code of any jurisdiction.


**Employment** means hiring, promotion, transfer, reclassification, or demotion.

**I. POLICY AND PROCEDURES**

The County will conduct a Background Check after extending an Employment offer to an Applicant or employee. The specific type of Background Check(s) that will be performed depends on the circumstances. The County will use the information as part of the employment decision-making process. All Employment offers are contingent upon satisfactory completion of a Background Check.

**1. Eligibility**

The County shall perform Background Checks on applicants and employees, as appropriate.

	<b>COOK COUNTY BUREAU OF HUMAN RESOURCES</b>	
<b>BACKGROUND CHECK POLICY</b>		
<b>Approved: April 30, 2018</b>	<b>Effective: May 3, 2018</b>	<b>Page   3 of 7</b>

**2. Basis**

Background checks will be performed during the employment decision-making process and in accordance with any settlement agreements, arbitration awards, court orders, and/or reinstatement agreement, and as otherwise deemed necessary by the Chief of the Bureau of Human Resources (or Designee).


**3. Consent**

Background Checks are subject to advanced written consent by the subject Applicant or employee. The County shall follow requirements set forth by applicable law in obtaining consent from an individual that is subject to a Background Check. Refusal or withholding of consent shall result in rescission of the employment offer.

**4. Types of Background Checks Performed**

The following types of Background Checks may be performed, to the extent permitted by law and as deemed necessary by the BHR Chief (or Designee):

- Criminal Background Checks, including but not limited to:
  - Multi-State Criminal search;
  - Multi-State Sex Offender search;
  - Civil Court files records check;
  - Fingerprint check;
  - National Social Security search; and,
  - Government Watch List/Patriot Act search.
  
- Department of Motor Vehicles Check, including but not limited to:
  - Driving record; and,
  - Driver's license.
  
- Employment History Verification, including but not limited to:
  - Dates of employment, termination(s) or resignation(s);
  - Job title(s) and/or position(s) held; and,
  - Rehire eligibility.
  
- Education Verification, including but not limited to:
  - Educational Institution; and,
  - Degree Conferral.
  
- Credit History Check, including but not limited to:
  - Name and Social Security number;
  - Current and former address(es);
  - Number of accounts opened;

	<b>COOK COUNTY BUREAU OF HUMAN RESOURCES</b>	
<b>BACKGROUND CHECK POLICY</b>		Page   4 of 7
Approved: April 30, 2018	Effective: May 3, 2018	

- Number of accounts in both good and negative credit status;
  - Payment history;
  - Opening balance or credit limit;
  - Current balance owed; and,
  - Past due, charge off, repossession, and extended debt.
- Personal and Professional Reference
  - Credential Check
  - Federal, state and/or local Departments of Financial and Professional Regulations or Disciplinary Commissions Checks

**5. Falsification and/or Failure to Disclose Criminal Convictions**

a. During the Hiring Process

Falsification of application information and/or failure to disclose criminal conviction information may result in rescission of the Employment Offer and ineligibility for future employment for up two (2) years.

b. During the Course of Their Employment

Any Employee who is convicted of a felony during his or her Employment must disclose the conviction within 24 hours to their direct Supervisor/Manager; and such Supervisor/Manager shall disclose the conviction to the BHR Chief (or designee) as soon as practicable. Falsification or failure to disclose such information may subject the employee to discipline, up to and including discharge, in accordance with the personnel rules and/or applicable collective bargaining agreement.


**6. Use of Criminal Convictions in Employment Decisions**

The BHR Chief (or Designee) will consider the factors listed in Section 42-35(h)(5) of the Cook County Code of Ordinances and the requirements of the job description prior to making an employment decision based on a criminal conviction.

**7. Background Check Review Process**

Upon receiving a Background Check Report, the BHR Chief (or Designee) will classify such Report as either approved, pending, or disapproved.

- a. Approved

	<b>COOK COUNTY BUREAU OF HUMAN RESOURCES</b>	
<b>BACKGROUND CHECK POLICY</b>		
<b>Approved: April 30, 2018</b>	<b>Effective: May 3, 2018</b>	<b>Page   5 of 7</b>

Background Check Reports will be designated “approved” provided that:

- i. Information (educational or employment data, for example) submitted to the County by the Applicant or employee is found to be consistent and accurate when compared to the Background Check Report; and,
- ii. The Applicant or employee does not have any criminal convictions, or the criminal conviction does not render the individual ineligible for employment upon a review conducted in accordance with the provisions of this Policy.

b. Pending

Background Check Reports will be designated “pending” provided that:

- i. Information (educational or employment data, for example) submitted to the County by the Applicant or employee is found to be inconsistent and/or inaccurate when compared to the Background Check Report, and the Applicant or employee has been given an opportunity to cure; and/or,
- ii. The Applicant or employee has a criminal conviction that is pending a review conducted in accordance with the provisions of this Policy.

c. Disapproved


Background Check Reports will be designated “disapproved” provided that:

- i. Information (educational or employment data, for example) submitted to the County by the Applicant or employee is found to be inconsistent and/or inaccurate when compared to the Background Check Report, and the Applicant or employee has not been given an opportunity to cure, or has failed to cure; and/or,
- ii. The Applicant or employee has a criminal conviction that renders the individual ineligible for employment upon a review conducted in accordance with the provisions of this Policy.

**8. Notice and Opportunity to Cure**

In the event that a Background Check is designated “pending,” the County will provide the Applicant or employee with a *Pre-Adverse Action Notice* that contains information obtained from the Background Check Report. Such Notice may provide an opportunity to cure any inconsistencies or inaccuracies found in the application based on the Background Check Report, and/or also solicit additional information concerning any criminal conviction(s), by a date certain, for consideration by the BHR Chief (or Designee) prior to making an employment decision.


In the event that a Background Check is designated “disapproved,” the County will provide the Applicant or employee with a *Post-Adverse Action Notice* that rescinds the

	<b>COOK COUNTY BUREAU OF HUMAN RESOURCES</b>	
<b>BACKGROUND CHECK POLICY</b>		
<b>Approved: April 30, 2018</b>	<b>Effective: May 3, 2018</b>	<b>Page   6 of 7</b>

Employment offer. Such notice may contain information concerning how to dispute the Background Check Report with the issuing agency.

**J. CONFIDENTIALITY**

Cook County maintains confidentiality of information, to the extent required by applicable law.

	<b>COOK COUNTY BUREAU OF HUMAN RESOURCES</b>	
<b>BACKGROUND CHECK POLICY</b>		
Approved: April 30, 2018	Effective: May 3, 2018	Page   7 of 7

**APPENDIX A**

**CONDITIONAL EMPLOYMENT AFFIDAVIT AND  
CONSENT TO CONDUCT BACKGROUND CHECK FORM**



BUREAU OF HUMAN RESOURCES

VELISHA L. HADDOX

BUREAU CHIEF

118 North Clark Street, Room 840 • Chicago, Illinois 60602 • (312) 603-3300

**COOK COUNTY BUREAU OF HUMAN RESOURCES**

**CONDITIONAL EMPLOYMENT AFFIDAVIT AND CONSENT TO CONDUCT BACKGROUND CHECK**

**TONI PRECKWINKLE**

PRESIDENT

**Cook County Board  
of Commissioners**

RICHARD R. BOYKIN

1st District

DENNIS DEER

2nd District

JERRY BUTLER

3rd District

STANLEY MOORE

4th District

DEBORAH SIMS

5th District

EDWARD M. MOODY

6th District

JESUS G. GARCIA

7th District

LUIS ARROYO JR

8th District

PETER N. SILVESTRI

9th District

BRIDGET GAINER

10th District

JOHN P. DALEY

11th District

JOHN A. FRITCHEY

12th District

LARRY SUFFREDIN

13th District

GREGG GOSLIN

14th District

TIMOTHY O. SCHNEIDER

15th District

JEFFREY R. TOBOLSKI

16th District

SEAN M. MORRISON

17th District

I, [Please Print] \_\_\_\_\_, understand that my employment with Cook County Government as a \_\_\_\_\_ is considered "**CONDITIONAL**" until a thorough background check has been completed.

I hereby consent to the County's use of any information provided during the application process in performing the background check. The County has informed me that I have the right to review and challenge any negative information that would adversely impact a decision employ me. Additionally, I have been informed that following receipt of notice, I will have a period of seven (7) working days to clarify any mistaken information obtained from the background check.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

A background check report containing criminal conviction(s) shall not automatically disqualify the applicant or employee from consideration for employment with Cook County.

**SECTION 1**

**I further understand that I am required to truthfully answer the following three questions and if any of the questions are answered in the affirmative or if there have been sustained findings of child abuse or neglect against me, I must complete Section 2 of this Affidavit.**

Full and complete disclosure of any and all convictions within the specific language of the following three questions is required of all applicants, unless the records were sealed or expunged. This includes guilty pleas, conviction by a jury or a judge, and any convictions you are currently appealing. Conviction also includes offenses for which you received a sentence of probation, even if there was no jail or prison time. Minor traffic convictions that did not result in the suspension, revocation or other type of loss of driving privileges do not need to be disclosed. Finally, a conviction includes all convictions regardless of whether the conviction was in Illinois, another state, federal court, or the court of another country.

**QUESTION 1**

As an adult, have you ever been convicted of a felony offense? (You need not disclose any sealed or expunged convictions.)  No  Yes **If yes, describe the nature of the offense, date of conviction and the sentence received in Section 2 on the back of this Affidavit.**

**QUESTION 2**

As an adult, have you been convicted of a misdemeanor offense (including, but not limited to, Driving Under the Influence ("DUI") and Reckless Driving convictions) within the past 7 years? (You need not disclose any sealed or expunged convictions, and need not include minor traffic violation convictions such as speeding that did not result in the suspension, revocation or other type of loss of driving privileges).  No  Yes **If yes, describe the nature of the offense, date of conviction and the sentence received in Section 2 on the back of this Affidavit.**

**QUESTION 3**

As an adult, have you been found by any court or administrative agency, including without limitation, the Illinois Department of Children and Family Services, to have engaged in child abuse or neglect?

No  Yes **If yes, describe the nature of the finding, date and penalty, if any.**



If you have answered yes to one or more of the above questions, you must complete Section 2 of this Affidavit and list each conviction and/or finding separately and include the date of the conviction or finding, the offense and the sentence received.

**SECTION 2**

**If I have answered "Yes" to any of the questions listed in Section 1, I am required to list below each conviction separately, including the date of the conviction, the offense and the sentence received. You must be specific in describing the sentence, including probation, supervision, fines paid and orders of restitution. Please use additional sheets, if needed.**

**Name of Offense(s):** \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Date of Offense(s):** \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Sentence(s) Received:** \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**I hereby certify that the information included on this Conditional Employment Affidavit and Consent to Conduct a Background Check is true and complete and if it is determined that such information is not true and complete, my conditional offer of employment may be revoked.**

**Signature:** \_\_\_\_\_ **Social Security #** \_\_\_\_\_

**Witnessed By:** \_\_\_\_\_ **Date:** \_\_\_\_\_