



DEPARTMENT OF HUMAN RESOURCES

CITY OF CHICAGO

CITY OF CHICAGO POLICY ON BACKGROUND CHECKS

Effective Date: February 16, 2023

I. Purpose

This Policy lays out the process and guidelines for investigating job candidates' backgrounds as part of the City's hiring process.

II. Scope and Applicability

This Policy applies to new hires except for Candidates being considered for positions with the Chicago Police Department and for Uniformed positions in the Chicago Fire Department. This policy may apply, in certain circumstances, to current employees who are being considered for another position.

Nothing in this Policy is intended to conflict with the applicable provisions of any Collective Bargaining Agreement (CBA). This Policy shall be implemented in a manner that is consistent with the City's principles supporting workforce diversity and equity.

III. Limitations

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

IV. Policy

- A. In order to ensure that Candidates for hire are suitable for the position for which they are being considered, the City of Chicago will conduct background checks as outlined in this policy. All offers of employment will be contingent on the candidate successfully passing the background check.
- B. The City shall include language in their job postings stating its commitment to Fair Chance Hiring of returning residents or individuals with prior convictions.

V. Criminal Background Checks

- A. The City shall not require Applicants or Candidates to disclose any convictions until a conditional offer of employment has been made. Criminal convictions are not an automatic disqualification from employment and Candidates shall only be excluded if such exclusion is job related, consistent with business necessity and not prohibited by this policy.
- B. Candidates who are not currently employed by the City of Chicago are required to undergo a criminal background check pursuant to this policy.
- C. Process

1. Candidates shall complete and sign the Criminal Background Disclosure Release form prior to being fingerprinted.
 - a. Candidates are required to disclose, if applicable, the dates and nature of any and all convictions that took place in the previous five years from the date that the Candidate completes their Disclosure form, or seven years for a Mayor's Office position. Candidates shall not be required to disclose arrests.
2. Candidates shall be fingerprinted as part of the criminal background check. Fingerprints are submitted to the Chicago Police Department, the Illinois State Police (ISP), and the Federal Bureau of Investigations (FBI).
3. In the event that the criminal background check returns a criminal conviction, Candidates shall be notified if they may be excluded because of past criminal conduct or their failure to disclose past criminal conduct.
4. If there is a discrepancy between the background check report and the Disclosure form, the Candidate shall be informed and provided the opportunity to provide a written statement explaining the discrepancy and why such an exclusion should not apply to them. Candidates shall have 10 business days to provide their written statement. Such written statement may include, but is not limited to:
 - a. Information showing that they were not correctly identified in the criminal record or that the criminal record is otherwise inaccurate;
 - b. An explanation, if applicable, as to why they did not disclose a conviction or convictions;
 - c. Information showing that the criminal record was expunged and should not be considered.
5. In all cases when the background check returns a conviction, the Department of Human Resources shall conduct an individualized assessment that takes into consideration the following information:
 - a. The facts or circumstances surrounding the offense or conduct;
 - b. The number of offenses for which the Candidate has been convicted;
 - c. Age at the time of conviction, or release from prison;
 - d. Evidence that the individual performed the same type of work, post-conviction, with no known incidents of criminal conduct;
 - e. The length and consistency of employment history before and after the offense or conduct;
 - f. Rehabilitation efforts, including additional education and training;
 - g. The nature of the job to be performed, including the level of supervision, oversight and interaction with coworkers or vulnerable individuals; and,
 - h. The relationship between the criminal conduct and the nature of the work to be performed.
 - i. The response provided from the Candidate in (Section V.C.4)
6. As part of the individualized assessment, the City of Chicago will not consider:
 - a. Convictions more than five years old unless required by grant funding or a legal requirement. For Mayor's Office roles, convictions more than seven years old will not be considered, unless required by grant funding or a legal requirement.

- b. Arrests that did not lead to conviction.
 - c. Convictions from the juvenile justice system.
 - d. Any conviction that has been dismissed, expunged, or sealed.
 - e. Any conviction for conduct that has since been decriminalized, including those related to cannabis consumption or possession
7. The Commissioner of DHR or their designee shall make an individualized assessment of the Candidate's criminal background within 5 business days of receiving the background check report or the Candidate's written response. The Commissioner or their designee may:
- a. Clear the Candidate to be hired;
 - b. Recommend to the applicable Department Head that the contingent offer of employment be withdrawn; or
 - c. Provide the background information to the applicable Department Head along with any other relevant information, including but not limited to, the Candidate's explanation of the background information, asking the Department Head to make a determination if the contingent offer of employment should be withdrawn. The Department Head or their designee must provide their decision in writing within 5 business days of receiving the background information from DHR.
8. If, after the individualized assessment, it is determined that the contingent offer of employment should be withdrawn, the Candidate shall be informed of the preliminary decision in writing. The notification shall include:
- a. Notice of the disqualifying conviction or convictions that are the basis for the preliminary decision and the reasoning for the disqualification;
 - b. A copy of the conviction history report, if any; and
 - c. An explanation of the Candidate's right to respond to the notice of the preliminary decision before that decision becomes final. The explanation shall inform the Candidate that the response may include, but is not limited to, submission of evidence challenging the accuracy of the conviction record that is the basis for the disqualification, or evidence in mitigation, such as rehabilitation.
9. If the Candidate did not have the opportunity to respond in (C.4), they shall be provided with 10 business days to respond to the notification.
10. The Commissioner or Department Head shall consider information submitted by the employee before making a final decision. If a final decision is made to disqualify or take an adverse action solely or in part because of the employee's conviction record, the employer shall notify the employee in writing.

VI. Employment and Education Verification and Reference Checks

- A. The City requires Candidates for certain positions to go through an Employment and Education Verification and Reference check (EER check) that verifies previous employment, education, and licensure. The scope of the EER check will be based on the specific requirements of the position.
- B. EER checks will only be conducted when a conditional offer of employment has been made to a Candidate.

C. The City uses a Vendor to conduct employment and education verifications and background and reference checks. In instances where the Vendor is unable to verify specific information, the City may conduct its own verification.

D. Process

1. Candidates for employment must complete a Background Check Consent form that authorizes the City to request any information regarding the employee's criminal background, motor vehicle records, educational history, social media posts, and/or employment history.
2. The Vendor will be engaged to conduct the background and EER check based on the requirements of the position.
3. If any negative or adverse information about the Candidate is returned from the background check that could result in the conditional offer of employment being rescinded, the Candidate shall be notified and provided an opportunity to explain or respond in writing within 10 calendar days.
 - a. Negative or adverse information about the Candidate shall be provided to the hiring department for consideration, along with any explanation from the Candidate.
 - i. If the hiring department opts to rescind the conditional offer of employment because of the negative or adverse information, they will notify the Candidate in writing.
4. In the event that the Vendor is unable to verify aspects of the Candidate's education or experience, DHR may conduct its own verification process. This process may include, but is not limited to, contacting the previous employers of the Candidate, or requesting tax information or other relevant documents from the Candidate that could verify education and/or employment.

E. In the event that a Department Head or Hiring Manager becomes aware of negative or adverse information about a Candidate for hire that is not discovered through the process outlined above, that information, including an explanation of how the negative or adverse information was discovered, shall be provided to DHR in writing

1. With the approval of DHR, such information may be considered in making a determination of whether to withdraw a conditional offer of employment so long as the Candidate has been notified of the negative or adverse information and been provided an opportunity to respond.

F. Hiring Managers may conduct additional reference checks with the approval of DHR. Reference checks must be documented by the Hiring Manager and included as part of the hiring file. DHR must approve the questions to be asked during the reference check in advance. Follow-up questions may be asked but must be documented.

VII. Ineligible for Rehire Verification

- A. The City of Chicago Policy Regarding Ineligibility For Rehire outlines when separated employees will be designated ineligible for rehire or resigned under inquiry.
- B. As part of the background check process, Candidates for hire will be checked against the City's Ineligible For Rehire List to see if they are deemed Ineligible for Rehire or Resigned

Under Inquiry. This check is in addition to any other checks that may be done as part of the hiring process prior to a conditional offer being made.

- C. In the event that a Candidate is deemed ineligible for rehire, the Hiring Department will be notified that the Candidate is ineligible for rehire. The Candidate shall also be notified of this designation. The Candidate may not be hired unless the designation is removed pursuant to the procedures outlined in the City's Policy Regarding Ineligibility for Rehire.
- D. In the event that a Candidate is deemed Resigned Under Inquiry, the Hiring Department will be notified of the designation and provided with all of the information on file regarding why the Candidate was deemed Resigned Under Inquiry. The Hiring Department may elect to move forward with the selected Candidate or to rescind the contingent offer of employment.
 - 1. If the contingent offer of employment is rescinded, the Candidate will be notified of the reason why the offer has been rescinded.