



COOK COUNTY BUREAU OF HUMAN RESOURCES

BACKGROUND CHECK POLICY

Approved: December 1, 2024

Supersede: May 3, 2018

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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 County employees, pursuant to Section 44-45 of the County Code of Ordinances.

F. AREAS AFFECTED

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

G. NONDISCRIMINATION

The 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 County Code of Ordinances.



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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 because 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.

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 Human Resources Officer (CHRO) of BHR, or Designee.



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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 CHRO of BHR, 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.
- 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.



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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 Employment

Any Employee who is convicted of a felony during their Employment must disclose the conviction within twenty-four (24) hours to their direct Supervisor/Manager; and such Supervisor/Manager shall disclose the conviction to the CHRO of BHR, 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 CHRO of BHR, or Designee, will consider the factors listed in Section 42-35(h)(5) of the 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 CHRO of BHR, or Designee, will classify such Report as either approved, pending, or disapproved.

a. **Approved.** Background Check Reports will be designated “approved” provided that:

- 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,
- 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.



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b. Pending: Background Check Reports will be designated "pending" provided that:

- 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,
- 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:

- 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,
- 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

If 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 CHRO of BHR, or Designee, prior to making an employment decision.

If a Background Check is designated "disapproved," the County will provide the Applicant or employee with a Post-Adverse Action Notice that rescinds the Employment offer. Such notice may contain information concerning how to dispute the Background Check Report with the issuing agency.

J. CONFIDENTIALITY

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