

Chicago Criminal History Screening Ordinance Enhanced to Limit Lawful Consideration of Conviction Records

By Ryan Probasco

May 25, 2023

On April 24, 2023, the City of Chicago (the “City”) published amendments to its Municipal Code (the “Code”), which prohibit the use of a person’s conviction record as a basis to, among other things, refuse to hire, promote, discharge or discipline, unless (i) there is a substantial relationship between one or more of the criminal offenses in the conviction record and the employment sought or held, (ii) the granting or continuation of employment would involve an unreasonable risk to property or to the safety or welfare of specific individuals or the general public, or (iii) the use of the conviction record is otherwise authorized by law.

The revised provisions of the Code nearly match those already contained in the Illinois Human Rights Act, 775 ILCS 5/2-103.1(A) (the “IHRA”), which were discussed in a prior Vedder [alert](#). However, there are a number of important differences for Chicago employers to note.

First, the Code’s relevant provisions cover all employers that (i) are subject to at least one license requirement, as defined in Title 4 of the Code, or (ii) maintain a business facility within the geographic boundaries of the City. The parallel IHRA provision covers any employers employing “one or more employees within Illinois during 20 or more calendar weeks within the calendar year of or preceding the alleged violation.” 775 ILCS 5/2-101(B). Accordingly, employers not otherwise covered by the IHRA provision (given the twenty (20) week provision) need to consider whether they are covered by the Chicago requirements.

Second, covered employers who make a final decision to disqualify or take an adverse action against an employee or applicant based in full or part on the individual’s conviction record must notify the individual of their right to file a complaint with the Chicago Commission on Human Relations. To the extent the employer is covered by the parallel IHRA provision, the employer will now need to reference both the complaint-filing rights at the Chicago Commission and the Illinois Department of Human Rights.

Employers covered by the amended Code should act now to evaluate their background check, screening and hiring practices. Employers should also implement policies and training to ensure that disqualification decisions are made consistently across the business, and that individuals are provided with proper notice.

If you have any questions, please reach out to **Ryan Probasco** at rprobasco@vedderprice.com or the Vedder Price lawyer(s) you normally work with.

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