

**MEMORANDUM OF UNDERSTANDING BETWEEN
THE COOK COUNTY COMMISSION ON HUMAN RIGHTS AND
THE CITY OF CHICAGO COMMISSION ON HUMAN RELATIONS**

WHEREAS, the Chicago Commission on Human Relations (the "City Commission") is charged with administering and enforcing the Chicago Human Rights Ordinance and the Chicago Fair Housing Ordinance, its powers are enumerated in the Chicago Commission on Human Relations Enabling Ordinance (collectively, the "City Ordinance"). The City Ordinances prohibit discrimination in the areas of housing, employment, credit, bonding, and the public accommodations in the City of Chicago. The City Ordinances prohibit discrimination based on race, color, sex (including sexual harassment), age, religion, disability, national origin, ancestry, sexual orientation, marital status, military discharge status, and source of income.

WHEREAS, the Cook County Commission on Human Rights (the "County Commission") is charged with administering and enforcing the Cook County Human Rights Ordinance (the "County Ordinance"). The County Ordinance prohibits discrimination and sexual harassment in the Cook County or by Cook County contractors in the areas of housing, employment, credit and bonding, public accommodations, and County facilities, services and programs. The County Ordinance prohibits discrimination based on race, color, sex, age, religion, disability, national origin, ancestry, sexual orientation, marital status, parental status, military discharge status, source of income, and housing status.

WHEREAS, the drafters of the County Ordinance recognized that the City of Chicago and other municipalities within Cook County have or may adopt their own human rights and/or fair housing ordinances. In acknowledgment of the importance of these local ordinances and in the interest of minimizing duplication of regulation and enforcement, Article XII was included in the County Ordinance. It provides that to the extent a municipal ordinance regulates conduct prohibited by the County Ordinance and provides remedies, the County Ordinance shall not apply within that municipality with respect to such conduct. In all other circumstances, the County Ordinance shall be enforceable within the municipality.

WHEREAS, because the County Ordinance and the City Ordinances regulate substantially similar conduct and provide remedies, the County Ordinance, in most circumstances, does not apply to acts of discrimination which occur within the City of Chicago. Accordingly, most complaints of discrimination concerning conduct in the City of Chicago must be filed with the City Commission and cannot be filed with the County Commission. Examples of conduct which the City Ordinances do not regulate and which are prohibited by the County Ordinance include: complaints based on housing status, complaints of retaliation in housing, and aiding and abetting violations. In those cases, the County Ordinance applies to acts of discrimination occurring within the City of Chicago and the County Commission accepts complaints about such allegations.

WHEREAS, on May 19, 1993, the Board of Commissioners of the Chicago Commission adopted a policy that provides that, in the interest of comity and in deference to the County's adoption of a substantially equivalent ordinance, the City Commission will not accept complaints

filed against Cook County government after May 21, 1993 (the effective date of the County Ordinance). Consequently, the City Commission does not accept complaints of discrimination naming the County as respondent, including those occurring within the City of Chicago.

WHEREAS, §2-120-510(q) of the Chicago Commission on Human Relations Enabling Ordinance allows the City Commission to enter into intergovernmental agreements with the County Commission for the purpose of more efficiently and effectively carrying out the goals of those ordinances. Such agreements may allow the Commission to transfer or coordinate the investigation of complaints filed with the Commission, and/or to decline jurisdiction, to defer the exercise of jurisdiction, or to dismiss a case which is proceeding in an alternate forum. This provision states that the rights of persons to proceed under the City Ordinances shall be governed by any such intergovernmental agreements, but in no event may the Commission refuse to exercise jurisdiction where the complaint cannot be redressed in an alternate forum.

WHEREAS, Article X(E)(8) of the County Human Rights Ordinance provides that the County Commission may enter into a written agreement with any political subdivision, municipal agency, or municipal government within the County, or any state or federal agency, whereby the County Commission and such entity may agree to jointly process, transfer, or refer from one to the other for processing and investigation an individual's complaint alleging unlawful discrimination, sexual harassment, or other civil rights violations.

WHEREAS, on November 18, 1998, the Board of Commissioners of the City Commission passed a resolution stating that, due to conflict of interest concerns, the City Commission shall not accept complaints alleging that the City Commission or any of its staff discriminated against the complainant. Instead, the Board stated that the City Commission should refer such complaints to other agencies which accept discrimination complaints. The Board specifically asked City Commission staff to effectuate an agreement with the County Commission to take complaints against the City Commission to ensure that all such complaints could be redressed in an alternate forum.

WHEREAS, the County Commission has determined that, due to conflict of interest concerns, the County Commission shall not accept complaints alleging that the County Commission or any of its staff discriminated against a complainant. Instead, the County Commission has determined that it should refer such complaints to other agencies which accept discrimination complaints and should effectuate an agreement with the Chicago Commission to accept complaints against the County Commission which could not be redressed in an alternate forum.

WHEREAS, the City Commission and the County Commission want to ensure that individuals seeking to file complaints of discrimination against either of their respective agencies and/or staff have access to a fair and neutral forum where their complaint can be handled in a completely impartial manner without an inherent conflict of interest.

NOW THEREFORE, the City Commission and County Commission agree to refer complaints of discrimination filed against each of their agencies as follows:

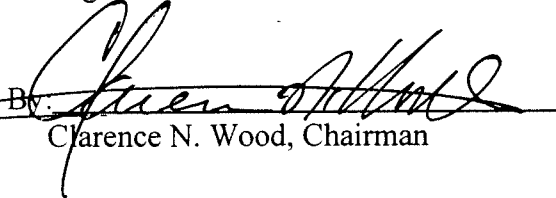
1. Discrimination Claims Against the City Commission. Pursuant to the City Commission's November 18, 1998 resolution, and in accordance with Article XII of the County Ordinance, complaints of discrimination made against the City Commission and/or its staff which cannot be filed at other civil rights agencies, such as the Illinois Department of Human Rights and the Equal Employment Opportunity Commission, shall be referred to and accepted by the County Commission for processing under the County Ordinance.

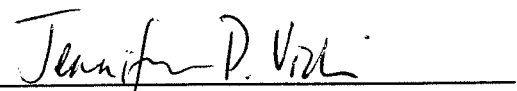
2. Discrimination Claims Against the County Commission. Notwithstanding the City Commission's May 19, 1993 policy of not accepting complaints filed against the Cook County government, complaints of discrimination made against the County Commission and/or its staff which cannot be filed at other civil rights agencies, such as the Illinois Department of Human Rights and the Equal Employment Opportunity Commission, shall be referred to and accepted by the Chicago Commission for processing under the Chicago Ordinances.

The parties acknowledge that this Memorandum of Understanding has no impact upon the jurisdiction of the Chicago Commission or the County Commission over other units of government and does not prevent individuals from filing cases at civil rights agencies other than the City and County Commission, where applicable.

Chicago Commission on Human Relations

Cook County Commission on Human Rights

By: 
Clarence N. Wood, Chairman

By: 
Jennifer D. Vidis, Executive Director

Dated: July 28, 1999

Dated: 3/21/02