

COUNTY BULLETIN



MARCH 2022

Save the Date

IACBM Annual Meeting

May 12, 2022

Crowne Plaza Hotel • Springfield, Illinois

Registration forthcoming!

Adams County Board presents \$683K check to area nonprofits

Adams County Board members presented a \$683,000 check to local nonprofit organizations eligible for American Rescue Plan Act funding during a ceremony outside the county courthouse on March 4. The county had agreed to award no more than \$1 million of ARPA funds to eligible nonprofits. Late last year, the United Way of Adams County administered an application process for organizations affected by the COVID-19 pandemic.

Adams County Finance Committee Chairman Bret Austin said supporting local nonprofits was one of the most significant efforts the county wished to perform with its ARPA funding.

"It really spoke a lot when these nonprofits stepped up in the community when this community was struggling," Austin said. "We've had financial struggles, emotional struggles (and) it's been a long past couple of years."

At total of 26 area nonprofits applied for ARPA but only 16 met all criteria the county laid out. Austin said the board is still exploring other efforts to support the 10 ineligible nonprofits.

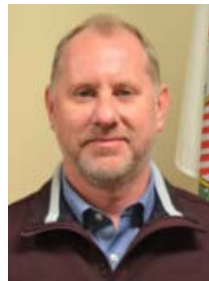
"That's important to remember that we are in this together and hopefully this is a small part of rebuilding some of the things (nonprofits) lost during these last couple of years," Austin said.

Quincy Family YMCA CEO Jim Chamberlain said his organization took a huge hit over the course of the COVID-19 pandemic. But the ARPA money will help to avoid increases to membership costs and allow the YMCA to rebound quicker.

"We weren't able to open our doors so we lost a lot of membership, which is our primary revenue source, but also our programs," Chamberlain said. Quincy Family YMCA requested and received \$59,680.

In addition to the 16 selected nonprofits, the Quincy Area Partnership for Unmet Needs also was awarded \$25,000. The County Board wanted to avoid funding faith-based religious organizations. But because so many area nonprofits participate in Unmet Needs, the board decided to include them as well. The United Way of Adams County also received administrative fees, which were paid using ARPA, for conducting the application process.

Source: Drew Zimmerman, Herald Whig Staff Writer, www.whig.com.



McHenry County shared services initiative



A new police social worker program in McHenry County is the result of the county's efforts to increase shared services among local governments.

Social workers in the new program will support police officers during mental health-related calls. They will connect residents to resources, follow up with cases and clients, and provide consultation to officers across the county.

The McHenry County Coordinated Investment Study, published in early 2021, recommended ways to pursue more service-sharing partnerships and other forms of intergovernmental coordination, such as joint purchasing. These arrangements can help local governments increase efficiency, improve quality, and expand access to services.

The new police social worker program is an example of such collaboration. This is a first-of-its-kind partnership between a county and municipalities.

To learn more about the McHenry County Coordinated Investment Study visit www.cmap.illinois.gov.



"The projects included in this plan are reflective of the ICC's priorities to address crossings with a high collision history, to improve pedestrian access at public highway rail locations and upgrade remote monitoring and automatic warning devices to improve safety and assist with the flow of people and goods on our railways and highways," said ICC Chair Carrie Zalewski.

ICC approves crossing safety improvement plan

Implements highway-rail safety capital projects for local roads across the state

The Illinois Commerce Commission recently approved its annual five-year Crossing Safety Improvement Program to start implementing highway-rail safety capital projects for local roads across the state. For Fiscal Years 2023-2027, the ICC is expected to spend \$386 million dollars from the Grade Crossing Protection Fund (GCPF) to assist local communities and railroads pay for much-needed improvements at nearly 879 crossing locations.

The Plan includes Rebuild Illinois (RBI) capital program funds for the installation of grade crossing protection or grade separations not limited to local routes or other restrictions.

Projects identified in the multi-year Crossing Safety Improvement Plan are prioritized based upon several criteria, including the relative safety of the existing crossing, volume and types of existing train and highway traffic. After each potential project is prioritized based on engineering requirements, geographic location is also considered to ensure projects are awarded across the state as equitably as possible.

The ICC's transportation division is responsible for developing and working with local communities and railroads to implement the Plan. Among the projects included are grade separation projects in various communities across Illinois to keep pedestrians, bicyclists, and commuters away and safe from railroad tracks.

It also continues to invest in major multi-year projects that will improve overall safety and public convenience in communities like Springfield and Elmwood Park and provides for construction of new bridges in high growth areas like Will County.

In addition, the Plan furthers the ICC's ongoing commitment to expand the use of advanced remote monitoring systems to better promote track safety and upgrade active warning devices and corridors in rural and urban communities across Illinois.

The GCPF, appropriated by the Illinois Dept. of Transportation, but administered by the ICC, was created by state law to assist local jurisdictions (counties, townships and municipalities) in paying for safety improvements on local roads and streets only. Since the establishment of the GCPF in 1955, virtually every public highway-rail crossing in Illinois has received support from the fund. In 2021, \$78 million was provided as part of the Rebuild Illinois capital program to address long-standing grade crossing protection or grade separation projects needed across Illinois. These funds have been appropriated to IDOT from the Multi-Modal Transportation Bond Fund. In 2021, the ICC ordered \$75 million from the GCPF and \$13.1 million in RBI projects.

Illinois' rail network is operated by 91 railroads or industries providing rail service to ports and industrial facilities.

Illinois is second only to Texas in the total number of highway-rail crossings.

Illinois has 7,550 public highway-rail grade crossings, of which 746 are on state roads, and 6,804 are on local roads. There are 2,670 public highway-rail grade-separated crossings (bridges) in the state.

In 2021, preliminary statistics indicate there were 104 collisions at public highway-rail crossings in Illinois, compared to 83 in 2020, a 25.3 percent increase. In 2021, 28.8% of all collisions involved cars driving into the sides of trains. Total fatalities resulting from collisions at highway-rail crossings in Illinois increased from 16 in 2020 to 22 in 2021, an increase of 37.5%.

To read the ICC Five-Year Crossing Safety Improvement Program along with the full list of projects visit <https://www.icc.illinois.gov/rail-safety/crossing-safety-improvement-program>. An interactive map of projects included in the plan is available as well as crossing inventory information.



Give a Ray solar program opens in Kankakee County

ComEd announced the launch of a community solar project in Kankakee County that offers qualified ComEd customers throughout northern Illinois access to solar energy and savings of up to \$1,000 annually on their electricity bills for a three-year subscription term. The Gar Creek solar project will serve up to 600 customers, and applications will be accepted through April 15 at ComEd.com/GiveARay. The project is owned by Fosler Solar, a Babcock & Wilcox company in Freeport, Ill., and was developed by Trajectory Energy Partners of Illinois.



Community solar facilities are shared by subscribers who earn credits on their electricity bills for their share of the power produced by a solar array. The Gar Creek project is part of ComEd's "Give-A-Ray" program, which increases access to clean, solar energy for low and moderate income customers. The project is open to qualified customers who live anywhere in ComEd's northern Illinois region. ComEd will pay all subscription fees on behalf of customers and manage enrollment.

The program is enabled by Illinois Solar for All, which helps make solar installations more affordable through state incentives, and through ComEd's partnerships with community solar developers. **The first program of its kind in Illinois, Give-A-Ray was launched last year with a community solar project that serves qualified customers in the Rockford area.**

By the end of this year, ComEd expects to have more than 80 community solar projects interconnected to its grid, enabling residential customers to participate in the benefits of solar energy without needing to install solar panels on their own homes. Last year ComEd also received – for the third year in a row – more than 10,000 applications from residential, commercial and industrial customers to connect distributed energy resources like solar energy to the ComEd system.

The Gar Creek community solar project is located in a low-income neighborhood and includes two solar arrays with a combined solar generation capacity of 3.5 megawatts. One of the nation's leading community solar developers, Trajectory Energy Partners develops projects across Illinois with a focus on creating energy bill savings for qualified residents, non-profits and public facilities in environmental justice and low-income areas.

ComEd is a unit of Chicago-based Exelon Corporation, a Fortune 200 energy company. The U.S. ComEd powers the lives of more than 4 million customers across northern Illinois, or 70 percent of the state's population. For more information visit ComEd.com.



CIRMA releases dividends for seventh consecutive year

Piatt County Vice Chairman Shannon Carroll, Board member Gail Jones, and Chairman Ray Spencer proudly display dividend checks issued by the Counties of Illinois Risk Management Agency (CIRMA) for varying policy years.

The CIRMA Board of Directors authorized a return in equity to qualifying members for the seventh consecutive year. In addition, twelve other counties throughout Illinois shared in the dividend release. Piatt County is a founding member of CIRMA, along with Boone, Crawford and Lee counties.

CIRMA is a premier provider of property, liability and workers' compensation coverages for counties and other local divisions in Illinois. It is governed by a Board of Directors comprised of county officials. CIRMA is proud to be in its 16th program year.

Cook County welcomes delegation from Ireland



A delegation of officials from Cork County, Ireland visited Cook County in March to provide local updates, discuss governmental best practices and share ideas about how the two counties can collaborate. Discussions between officials focused on tourism, cultural engagement, economic development and public health.

"We have much to learn from one another, and we look forward to continuing to foster and cultivate connections between the counties we call home," said Cook County Board President Toni Preckwinkle (*pictured on right*).

Cook County and Cork County signed a Sister County Agreement in July 1999 under the administration of Cook County Board President John H. Stroger. The aim of the agreement is to foster economic, commercial, cultural and educational links between the two counties.

"The 23 year Cork County Cook County agreement is the longest standing agreement of its type in Cook County and serves as a testament to the level of success and investment from agencies on both sides," said Cllr Gillian Coughlan, Mayor of the County of Cork.



By Sarah (Wilson) Handler
Vice President
Lexipol Grant Division

Opioid settlement funding: The impact on first responders

Opioid settlements have been reached nationally to resolve litigation brought by states and local communities. The agreement — announced Feb. 25, 2022 — with the drug distributors AmerisourceBergen, Cardinal Health and McKesson, along with opioid manufacturer Johnson & Johnson, will bring relief to states and communities affected by the opioid epidemic. A total of \$26 billion is included in the settlement.

"The settlement is the first of its kind to administer resources directly to the state and local governments specifically for relief programs to help rebuild the devastation caused by the opioid epidemic," the Plaintiffs' Executive Committee press release noted. The opioid settlement funding will have a direct impact on first responders, with states already moving to set up funds that expand naloxone training, fund pre-arrest diversion and post-overdose response, and provide wellness and support services for first responders who experience secondary trauma. Following are key aspects of the settlement.

When and Where Will the Money Be Accessible?

The distributor settlement includes \$21 billion in funding and is open to all states except West Virginia. For a local political subdivision to receive funds, the state must agree to the settlement. The \$5 billion settlement against opioid manufacturer Johnson & Johnson is open to all states. With the exception of Oklahoma, in order for a local political subdivision to receive funds, the state must agree to the settlement.

In both settlements, a limited number of "special districts," such as school districts, fire districts and hospital districts, may be allowed to participate. Washington, D.C., and the five U.S. territories are treated as states in the agreements.

Multiple state Attorneys General filed joint lawsuits and 51 out of an eligible 56 states agreed to the settlement terms, although some are party to only one of the settlements. States that decline to participate may pursue further litigation at trial to obtain damages and abatement relief.

If the proposed settlements are fully adopted by states and subdivisions nationwide:

- The Distributors will pay a maximum of \$21 billion over 18 years, while Johnson & Johnson will pay a maximum of \$5 billion over no more than nine years, with approximately \$22.8 billion in settlement proceeds payable to state and local subdivisions.
- Funds can begin to flow to states and local governments as early as May 2022, depending on when a settling state meets certain requirements.

The Tribes, the distributors and Johnson & Johnson are also working toward resolution of Tribal opioids claims through mediations under the Multidistrict Litigation court.

How Will Funds Be Distributed?

States will receive funds based on the impact of the opioid epidemic in their state. The share of the impact is calculated using data such as the amount of opioids shipped to the state, the number of opioid-related deaths that occurred in the state and the number of people who suffer opioid use disorder in the state.

Although specifics vary by state, we can expect police, fire and EMS to benefit from the effects of the opioid-remediation efforts funded by the settlements and the injunctive relief the settlements provide.

The settlements require 85% of funds be allocated to programs that will help address the ongoing opioid crisis through treatment, education and prevention efforts. A majority of states have already passed agreements that dictate how funds will be distributed between state and local subdivision governments, ensuring funds will effectively reach communities in the coming months.



How Can the Funds Be Used?

The settlements allow for a broad range of approved abatement uses by state and local governments. The list of pre-approved uses includes a wide range of intervention, treatment, education and recovery services so that state and local governments can decide what will best serve their communities. Although specifics vary by state, we can expect police, fire and EMS to benefit from the effects of the opioid-remediation efforts funded by the settlements and the injunctive relief the settlements provide.

Eligible uses of funds generally include:

- Medication-assisted treatment
- Mental health treatment and capacity building
- Screening, intervention and referral services
- Training and support to emergency services professionals re: opioid overdoses and opioid-related adverse events
- Community education, outreach and prevention activities (special efforts are given to youth, criminal justice-involved populations and pregnant women)
- Narcan and opioid-reversal interventions
- Revisions to prescribing practices

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How Will the Funds Support First Responders?

States are currently developing guidance for distributing the opioid settlement funding. While the funds will be used for programs across local government — including schools, health care providers, community outreach and recovery programs — state plans also outline many uses that will have a direct impact on first responders.

Here are some examples specific to how the funds may be used to support public safety:

Arizona

- Expand first responder training in the use of naloxone or other FDA-approved drugs to reverse opioid overdoses
- Increase availability and distribution of naloxone and other overdose treatment drugs for use by first responders and other impacted groups
- Support current and future law enforcement expenditures relating to the opioid epidemic
- Educate law enforcement or other first responders regarding appropriate practices and precautions when dealing with fentanyl or other drugs

Florida

- Provide medication-assisted treatment education and awareness training to healthcare providers, EMTs, law enforcement and other first responders
- Provide funding and training for first responders to participate in pre-arrest diversion programs, post-overdose response teams or similar strategies that connect at-risk individuals to behavioral health services and support
- Provide training for law enforcement, correctional and judicial personnel on best practices for addressing the needs of criminal justice-involved persons with opioid use disorder
- Educate law enforcement or other first responders regarding appropriate practices and precautions when dealing with fentanyl or other drugs
- Increase availability and distribution of naloxone and other overdose treatment drugs for use by first responders
- Provide wellness and support services for first responders and others who experience secondary trauma associated with opioid-related emergency events

Ohio

- Increase availability and distribution of naloxone and other overdose treatment drugs for use by first responders
- Provide funds for first responders and criminal justice professionals for expenditures relating to community and statewide opioid supply-and-demand reduction strategies, including criminal interdiction efforts

- Train public safety officials and responders in safe-handling practices and precautions when dealing with fentanyl or other drugs
- Provide trauma-informed resiliency training and support, including services that address compassion fatigue and increased suicide risk of public safety responders

What's Next?

What steps should public safety leaders take next? In a word, advocate. February 25 kickstarted a 60-day countdown to the date this settlement is considered effective. This means your local leaders are determining how to spend this money now.

Review the guidance from your state MOU and contact your local government. Be prepared to address which abatement and mitigation efforts will help address the crisis in your community. What has the opioid epidemic done to your community? How has it affected your department in terms of response times, training and equipment? Is your local government body aware? What data supports your needs for training, wellness programs, equipment, etc.?

Advocacy is a means to get your response agency needs in front of the local government decision channel. Identify your needs based on the parameters of what opioid settlement funding can be used for and meet with your local government leaders now. They need to know how this funding will impact your department, address response needs and mitigate the impact this epidemic has had. Many of the same advocacy strategies used to tap American Rescue Plan funds apply to opioid settlement funding as well. Start those conversations with your local leaders today!

Sarah (Wilson) Handler is the vice president of Grants for Lexipol, managing PoliceGrantsHelp, FireGrantsHelp, EMSGrantsHelp, CorrectionsOneGrants, GovGrantsHelp and EducationGrantsHelp as well as the Grant search tool GrantFinder. Sarah has a bachelor's degree from the University of California at Davis.



On February 3, Attorney General Kwame Raoul announced that more than 90% of eligible units of local government in Illinois have signed on to the \$26 billion national opioid settlements, helping Illinois qualify to receive its maximum share of the historic settlement. The Attorney General's office has also reached an agreement with units of local government to ensure the equitable distribution of the approximately \$760 million Illinois could receive once the settlements are finalized. To date, 93 out of Illinois' 102 counties that are eligible to receive a direct distribution from the settlements have committed.

The Illinois Opioid Allocation Agreement describes how the state plans to allocate and spend its opioid settlement dollars. This state-subdivision agreement alters the "15%-15%-70%" default allocation framework put forth by the national settlement agreement documents to instead give 20% to the state, 15% to the LG Recovery Fund, an additional 10% to the LG Recovery Fund for counties and 55% to the Illinois Remediation Fund. A statutory trust-related bill, **Senate Bill 3475**, was introduced in January 2022. It creates the Opioid Litigation Proceeds Act and establishes a special fund in the State treasury.

Madison County embraces the power of public art

Artists share their talent and creativity with interactive murals

Whether it's history, food, shopping or entertainment, communities across Madison County share on thing in common – handpainted murals.

Something as simple as a white dandelion painted on black background or a more elaborate piece like a steamboat covering a three-story building turns an ordinary wall into something extraordinary. Artists share their talent and creativity by plastering their creations on the sides of walls and on the streets of towns and neighborhoods creating public art and the results leave a lasting effect. The canvases are often times on buildings and in spaces that may often get overlooked.



Madison County Board member Aaron Messner interacts with a wind blown dandelion mural.

“Many of the murals are bright and colorful,” Chairman Kurt Prenzler said. “They tell a story and the art makes you want to go and see it.”

Murals capture the attention of nearly everyone, but interactive murals are a fun way for people to get creative when taking a photo and sharing on social media. In Madison County, there are more than a dozen murals stretching from Godfrey to Highland and place in between.

It's a field trip kids of all ages can enjoy. Many of the murals are in familiar city areas, but you might also discover some hidden in neighborhoods and even some surprise murals along the way.

“I had no idea there were murals in Granite City,” County Board member Gussie Glasper of Venice said. “They are fun and it makes you want to stop and take a picture.”

Glasper along with a few other county board members (Nick Petrillo, Denise Weihardt and Aaron Messner) recently had some fun checking out the interactive art located in Granite City.

Not many people would envision public art in a steel town, but Brenda Whitaker of Granite City did. She's painted murals on the side of the Garden Gate Tea Room building and its part of her vision “Granite City: Where art and industry meet.”

Other murals across the county tell a town's story or share a piece of history. Some of the more notable murals include Alton's Steamboat and the Alton Ripple, which was completed in October 2021 at State and Third streets.



County Board member Nick Petrillo enjoys an interactive balloon mural.



Madison County Board member Gussie Glasper of Venice stands in front of an interactive mural painted on a wall of a building in Granite City.

NEWS & UPDATES

Franklin County's Courthouse construction project is in it's final phase. A dedication ceremony is set for April 22 which will include tours of the new facility. Construction of the courthouse started in August of 2020. The final cost for the project is around \$18 million.

United Way of Will County has been selected to serve as the Lead Agency for the Will County Continuum of Care (CoC) network, a collaborative partnership of local organizations dedicated to preventing and ending homelessness in Will, Kendall, and Grundy Counties. The transition will be complete June 1.

The **Lee County Board** approved a resolution in support of Ukraine, and members are considering launching a fundraising campaign to provide aid to those in need.

DuPage County Workforce Development Division at workNet DuPage is expanding its Youth Employment Program, *Make Your Way (MY Way)*, to offer paid internships for young people ages 17-24. The expansion will connect the county's youth to professional opportunities and work experiences of their choice through local employers in the private, nonprofit, and public sectors.

Read the complete story in *Talk Around Town* at www.co.madison.il.us. To find out more about Murals Across Madison County or about artists visit www.riversandroutes.com.



"Our committee is working together, with a mission and purpose, and we are conducting our process in a deliberative and transparent manner," said Paul Frank, Chair of the Lake County Special Committee on COVID-19 Pandemic Recovery and Investments.

Lake County focuses on recovery as U.S. marks ARPA one-year anniversary

Nearly one year ago the American Rescue Plan Act (ARPA) was enacted to help communities respond to and recover from the COVID-19 public health emergency and economic crisis. Now as Lake County recognizes this anniversary, the County continues work to review options and allocate nearly \$136 million in federal funds received through the Act to address immediate and long-term needs that will improve lives and help the County become more resilient to future challenges.

The funding Lake County received is critical in providing the assistance our residents and small businesses need through the pandemic," Lake County Chair Sandy Hart said. "As we continue to analyze how to most effectively invest these funds, we will remain focused on long-term growth so our County is stronger and more resilient."



The funds can be used for needs associated with public health, to counteract the negative economic impact, provide services to disproportionately affected communities, infrastructure improvements, provide premium pay, replace lost revenue and for other governmental uses.

The Board recently approved nearly \$41 million in these federal pandemic recovery funds towards 16 projects that focus

on affordable housing, homeless support, infrastructure, and needed technologies. This allocation followed months of review of numerous project ideas and other needs suggested by county departments and community organizations.

ARPA funds dedicated to providing rental and food support have also allowed the County to work with governmental and community partners to address other critical

needs. This includes providing \$22.3 million for rental and utility assistance and providing 359,991 meals to residents in need.

"The funding enables us to successfully respond to the needs of our Lake County neighbors by hosting additional county-wide pop-up distribution events and providing much needed supplemental food items to our Lake County member agencies," said Julie Yurko, executive director of the Northern Illinois Food Bank.

A Special Committee on COVID-19 Pandemic Recovery and Investments is actively working to assess and prioritize additional projects and programs. The money must be earmarked by the end of 2024 and spent by end of 2026.



To learn more about Lake County's Recovery Plan visit www.lakecountyil.gov/ARPA.

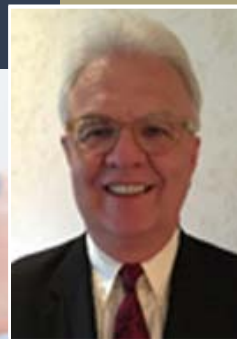
Township supports DeKalb County Crime Stoppers

DeKalb Township Board of Trustees recently voted in favor of allocating Township funds to local public safety programs which benefit DeKalb Township residents.

DeKalb County Crime Stoppers through the DeKalb County Sheriff's Office, Illinois was awarded \$5,000 to fund their Community and School-Based Crime Solving Program in DeKalb. DeKalb Police Department was awarded \$15,000 to aid in the purchase and training of a K-9 (police dog) and \$5,000 to offset costs associated with reinstituting the Police Bicycle Program.

Pictured from left: Bill Davey, President of DeKalb County Crime Stoppers; Andy Sullivan, DeKalb County Sheriff; Mary Hess, DeKalb Township Supervisor; Jacque Schairer, Treasurer of DeKalb County Crime Stoppers.





Understanding Illinois' Hiring Practices

Dave Ryan, SHRM-SCP
Rogers HR Consulting, LLC

With the new laws in Illinois, our state elected officials have created a path for the employment process to follow. If you deviate from this, you could find your organization in harms way.

First, we got the "Job Opportunities for Qualified Applicants Act" (**House Bill 5701**) signed by Governor Pat Quinn on July 19, 2014. This bill prohibited employers from excluding employees on a blanket basis. Some employers had a box asking about convictions and if it was filled out the employees were immediately knocked out of contention for the job. That practice should have stopped several years ago.

The "Ban the Box" measure also prohibits employers, or any agent of an employer, from considering or inquiring into a job applicant's criminal record or history until the individual has been determined qualified for the position and notified of an impending interview, or, if the applicant will not be interviewed, until after a conditional offer of employment is made.

Alleged violations of the Act will be investigated by the Illinois Department of Labor and violations will result in progressively substantial civil penalties. The Act became effective on January 1, 2015.

The Act does not apply in the following situations:

- If the employer is required to exclude applicants with certain criminal convictions from employment under federal or state law;
- If a standard fidelity bond or an equivalent bond is required and a conviction of certain criminal offenses would disqualify the applicant from obtaining such a bond, the employer may inquire whether the applicant has ever been convicted of those offenses prior to determining whether the individual is qualified for the position; and
- If the employer hires individuals licensed under the Emergency Medical Services (EMS) Systems Act.

On March 23, 2021, Governor JB Pritzker signed **Senate Bill 1480** ("amendment") into law that amends conviction record protections for applicants and employees under the Illinois Human Rights Act (IHRA). These protections are commonly referred to as "Ban-the-Box" laws. The amendment adds new requirements expanding the prohibitions on employers that perform criminal history checks on their employees. The amendment went into effect immediately upon signing. The IHRA protects a person from being discharged, disciplined, denied employment, or denied promotions, because of a conviction record without notice and an interactive assessment of whether there is a substantial relationship between the conviction and the job.

The requirements apply to any employer employing 1 or more employees within Illinois during 20 or more calendar weeks within the calendar year of or preceding an alleged violation under the IHRA.

The IHRA Conviction Record Protection apply to both Applicants and Employees. The IHRA now prohibits the use of conviction records to disqualify a candidate for employment or promotion, or to make other employment-related decisions, except in limited circumstances as follows:

- **Job Applicants:** A prospective employer can no longer disqualify a job applicant with a conviction record without assessing whether there is a substantial relationship between the conviction and the job, or an unreasonable risk in employing the individual in the particular job. If an employer disqualifies a job applicant with a conviction record, the applicant has the right to provide evidence to challenge the disqualification, which the employer must consider.



- **Employees:** An employer can no longer use an employee's conviction record as the basis for employment decisions such as whether to promote, select for training, discipline, or discharge the employee without first assessing whether there is a substantial relationship between the conviction record and the job, or an unreasonable risk in allowing the employee to hold a particular job. If an employer disqualifies a job applicant with a conviction record, the applicant has the right to provide evidence to challenge the disqualification, which the employer must consider.

Under the IHRA, a conviction record includes, but is not limited to, information showing that a person has been convicted of a felony, misdemeanor, or other crime, placed on probation, fined, imprisoned, or paroled by any law enforcement agency or military authority. Examples include guilty pleas or court orders that show a person was convicted of any felonies, misdemeanors, or other criminal offenses.

Employers must consider six factors before making an employment decision because of criminal history.

Under IHRA, applicants cannot be denied work simply because of their criminal history. Employers may only decline to hire someone based on criminal history if there is a substantial relationship between the applicant's criminal record and the prospective job, or if they can demonstrate that employing the person creates an unreasonable risk to property or to the safety or welfare of specific individuals or the general public.

In doing so, the employer must consider the following factors:

1. Length of time since the conviction.
2. Number of convictions that appear on the conviction record.
3. Nature and severity of the conviction and its relationship to the safety and security of others.
4. Facts or circumstances surrounding the conviction.
5. Age of the employee at the time of the conviction; and
6. Evidence of rehabilitation efforts.

If after reviewing the 6-factors above the employer intends to use a conviction record to make an employment decision, the employer must first engage in an interactive assessment prior to making any final decision.

An employer may discharge an employee based on a conviction record, but only if certain circumstances are present:

1. An employee can be discharged if there is a substantial relationship between the conviction record and the position the employee holds.
2. An employee can be discharged if their continued employment poses an unreasonable risk to the property or the safety or welfare of the employer and its employees.

Before discharging the employee, an employer must engage in an interactive assessment. This requires notification to the employee of the preliminary determination and allows the employee to explain the circumstances of the conviction and whether the conviction should be considered in the decision to discharge.

An "interactive assessment" is required if, after considering the six mitigating factors above, the employer preliminarily decides that the employee's conviction record disqualifies the employee from employment. Then, the employer must notify the employee of the decision in writing.



This notice must contain:

- notice of the disqualifying conviction(s) that are the basis for the preliminary decision.
- the employer's reasoning for the disqualification.
- a copy of the conviction history report.
- an explanation of the employee's right to respond to the notice of the employer's preliminary decision before that decision becomes final; and
- the notice must also inform the employee that the response may include submission of evidence challenging the accuracy of the conviction record or of rehabilitation.

The employee then has at least five business days to respond where the employee can dispute the accuracy of the relevant conviction record and present evidence for the employer to consider. The employer cannot make a final decision without giving the employee an opportunity to respond to the employer's preliminary decision.

Can an Employer have a Policy that Bars all Persons with Conviction Records from Employment? *The short answer is NO.*

An employer may not maintain a policy that bars all persons with a conviction record from employment. An employer is required to take certain steps to determine how the conviction relates to the employment sought or held before they can bar an employee or applicant from employment. However, the new IHRA amendment acknowledges that some laws prohibit employers from hiring persons with specific conviction records. In those instances, the employer must notify the employee or applicant of their employment disqualification pursuant to the law. The employee then has at least five business days to respond where the employee can dispute the accuracy of the relevant conviction record disqualifying their employment.

Employers that fail to follow the specific factor analysis or fail to follow the process for revoking offers after considering someone's criminal history may be liable for damages and/or penalties under the IHRA.

A few other things employers should consider are:

- Reviewing their hiring process, job postings and applications, to ensure compliance, including the timing of criminal history background checks and the distribution of appropriate notices under the recent amendments to the IHRA.
- Ensuring human resources and hiring staff are fully informed about when and how criminal background information may be considered in the hiring process and how information should be considered where a pending arrest or criminal accusation arises during employment.

The Act does not preclude an employer from notifying applicants in writing of specific offenses that will disqualify an applicant from employment in a particular position due to federal or state law or the employer's policy.

Dave Ryan serves as a consultant for the Counties of Illinois Risk Management Agency (CIRMA).



"It'll be great for Kane County in that we get to work closely with the administrative office of the Illinois courts and it's a huge advantage to have their expertise and their help," Chief Judge Clint Hull said.

Kane County Courts to pilot Illinois' Pre-Trial Fairness Act

In 2021, Illinois became the first state in the country to pass a law ending cash bail for people who have been arrested and are awaiting trial.

The measure, known as the Illinois Pre-Trial Fairness Act, was part of a larger piece of criminal justice legislation signed into law last year and establishes new guidelines for judges to use when making pretrial release and detention decisions.

Kane County's 16th Judicial Circuit has been chosen by a state task force as one of three judicial circuits to develop the ground-work for the implementation of the Pretrial Fairness Act that goes into effect statewide on January 1, 2023.

"I was thrilled to learn the Illinois Supreme Court has selected us to be one of the three pilot sites in the state," Chief Judge Clint Hull said of the honor. "Our selection is a testament to the reputation Kane County has earned over the years of being a forward-thinking county that is always looking to innovate and work together as a team on behalf of its citizens and the State of Illinois. I look forward to working with the Administrative office of the Illinois Courts and our justice partners to put together new policies and practices that we can then share with other jurisdictions throughout the state."

The other circuit court districts participating in the pilot program are the 9th Circuit Court District, a multi-county district in western Illinois, and the 2nd Circuit Court District, a multi-county district in the southeastern part of the state.

Kane County currently has a Pretrial Release Program that supplies the court with accurate information on defendants in order that the amount of bail and/or conditions of bond can be set to lessen the need to jail a person who is accused of committing a crime.

The Pretrial Fairness Act does not guarantee a person accused of a crime will be released from jail pending trial. As they do currently, judges retain the discretion to hold an individual if they believe the person poses a safety risk to others or has a high risk of failing to show up for future court dates.

As a pilot site, staff members and elected leaders in Kane County's 16th Judicial Circuit will be developing new methods and technologies to carry out the Pretrial Fairness Act and will share their data, experiences and eventually advise courts statewide on best practices for implementation of the new law.

The Pretrial Fairness Act is contained in Public Act 101-0652.

NEWS & UPDATES



Hancock County Board accepted an intergovernmental agreement authorizing **Adams County** to assist Hancock County with ambulance system operations. Under terms of the agreement, Adams County will manage routine operations including employee schedules, staff development, assuring proper maintenance of facilities and assisting with grant submissions among other executive decisions. Hancock County will retain responsibility for developing an annual budget, making determinations on employee terminations, and using the county's paramedics and EMTs to respond to calls. Adams County will commit 120 staff hours at the rate of \$5,000 per month. An hourly fee of \$75 would be charged on any additional services.

Macoupin County Sheriff's Office has released a new mobile app to keep residents of the county informed of any updates and information from the Sheriff's Office. Prime features of the app include an inmate search function, a jail information section, a sex offender registry, and a police tip line. Users of the app will also be notified of safety concerns throughout the county including severe weather alerts and traffic accidents.



The Illinois Department of Natural Resources has awarded a \$200,000 grant to the **Rock Island County Forest Preserve District** to support enhancements to the existing Mississippi River Trail/Great River Trail within Illiniwek Forest Preserve. The funds will be used for a new bike lane and bike repair service station. The work is expected to be done by the summer of 2023.