

**35393**  
**ADOPTED – BOARD OF TRUSTEES**  
**COMMUNITY COLLEGE DISTRICT NO. 508**  
**FEBRUARY 6, 2025**

**BOARD OF TRUSTEES OF COMMUNITY COLLEGE DISTRICT NO. 508**  
**COUNTY OF COOK AND STATE OF ILLINOIS**

**RESOLUTION**  
**TO ADOPT A WAIVER OF RESIDENCY FOR SPECIAL NEEDS POSITIONS**

**WHEREAS**, the Illinois Public Community College Act, as amended, lists the powers and duties of community college districts in the State of Illinois, and states in 110 ILCS 850/3-30, that:

“The board of any community college district has the powers...that may be requisite or proper for the maintenance, operation and development of any college or colleges under the jurisdiction of the board”.

**WHEREAS**, the City Colleges of Chicago Board Policies and Procedures for Management and Government (“the Board Policies”) have been developed to ensure that the proper governance of district policies related to internal controls and related elements are established, reviewed and publicly communicated;

**WHEREAS**, Section 4.3 of the Board Bylaws of City Colleges of Chicago provides for the adoption of policies and states that:

“The Board may adopt, from time to time, policy statements, guidelines, procedures, regulations, collective bargaining agreements, codes of conduct, or similar documents issued for the governance of the Board, the District and the Colleges”.

**WHEREAS**, the Board, pursuant to the above articulated powers, promulgated its residency policy for its employees; and

**WHEREAS**, the residency policy provides that all employees hired on or after July 1, 1977 will be required to be actual residents of the City of Chicago within six months from the day their employment begins, subject to certain exemptions; and

**WHEREAS**, the Provost recommends to the Chancellor and the Chancellor recommends to the Board that Article 4.6(a) of the Board Policies is revised as set forth on Exhibit A hereto; and

**WHEREAS**, the Provost recommends to the Chancellor and the Chancellor recommends to

the Board that the following healthcare positions be designated as "special needs positions" based on the age of vacancies, an insufficient number of qualified applicants and such vacancies significantly increasing the likelihood of a loss of accreditation due to staffing requirements related to programs:

Chart A		
Special Needs Positions		
	Program	Position
1.	Basic Nursing Assistant	Training Specialist
2.	Basic Nursing Assistant	Work-based Learning Coordinator
3.	Basic Nursing Assistant	Director of Nursing
4.	Health Information Technology	Full-time Faculty
5.	Health Information Technology	Health Science Director
6.	Mortuary Science	Full-time Faculty
7.	Nursing	Full-time Faculty
8.	Nursing	Simulation Lab Manager
9.	Nursing	Nursing Education Specialist
10.	Nursing	Work-based Learning Coordinator
11.	Respiratory Care	Full-time Faculty
12.	Respiratory Care	Lab Coordinator
13.	Surgical Technology	Full-time Faculty
14.	Surgical Technology	Work-based Learning Coordinator
15.	Medical Lab Technology	Health Science Director

**WHEREAS**, to ensure optimum flexibility, as may be deemed necessary by the Board, to make revisions to special needs positions and/or special needs waivers as set forth herein and Article 4.6(a) of the Board Policies (as amended), the District is hereby prohibited from adding any language to collective bargaining agreements or similar agreements related to special needs positions and/or special needs waivers (the "Flexibility Requirement").

**NOW, THEREFORE BE IT RESOLVED**, that the Board of Trustees of Community College District No. 508, County of Cook and State of Illinois hereby approves, effective as of April 2, 2025, (i) the designation of the positions listed in Chart A as special needs positions; (ii) the revisions (underlined and in red font for clarity) to Article 4.6(a) of the Board Policies and Procedures for Management and Government set forth on Exhibit A; and (iii) the above-stated Flexibility Requirement.

**February 6, 2025 – The Office of Academics and Student Affairs**

## EXHIBIT A

### ARTICLE 4 HUMAN RESOURCES

#### 4.6 HIRING PRE-REQUISITES & REQUIREMENTS.

The decision or recommendation to hire a full-time job applicant shall be a revocable offer of employment pending Board approval, or in the case of applicants for part-time positions, Board ratification. All applicants for employment, including full-time temporary employees, shall be subject to the pre- and post-offer requirements listed below and all requests for Board approval and ratification of hiring decisions shall certify that the requirements have been met. Independent contractors, while not City Colleges of Chicago employees, are subject to the same pre-employment and post-offer drug test and background check requirements listed below. An independent contractor is an individual or sole proprietor who is contracted to perform work for the City Colleges of Chicago. An independent contractor is not an employee of City Colleges of Chicago and is treated differently with respect to tax withholdings, employee benefits and payment methods.

##### (a) Residency.

All full-time employees hired on or after July 1, 1977 shall be residents of the City of Chicago within six (6) months from their date of employment.

The purposes of this Policy are to establish consistent, equitable and enforceable guidelines concerning the Board's requirement that all officers and employees of the City Colleges of Chicago be residents of the City of Chicago and to establish new provisions to the residency requirement.

##### Definitions.

- A. "Residency" means an employee's domicile, the actual place where an employee lives and has his or her true, permanent home to which, whenever he or she is absent, he or she has an intention of returning.
- B. "Employees" mean all full-time employees. "Employees" does not include part-time employees and temporary employees.
- C. "Continuously employed" means employment that has not been interrupted by a break in service.
- D. "Break in service" means a loss of employment as a result of dismissal, separation, and resignation not followed by rehire within one year.

E. "Material omission of fact" means the employee's intentional failure to disclose his/her actual residence for purposes of concealing from City Colleges of Chicago his/her non-compliance with the residency requirements of this Policy.

Exemptions.

All full-time employees recommended for hire or hired on or after July 1, 1977 shall be residents of the City of Chicago except for the following employees:

- i. Military personnel employed at locations outside the City of Chicago;
- ii. Full-time employees who marry another full-time District employee hired prior to July 1, 1977 and who actually reside with that employee;
- iii. Full-time employees in janitorial, operating engineer and firemen classifications (Job families 811, 821, and 831) hired prior to January 1, 1980; and
- iv. Full-time employees of the Washburne Trade School who were transferred to City Colleges employment from the Chicago Board of Education in or about January 1984.

Waiver of Residency Requirement for Designated Special Needs Positions

The Office of Human Resources may grant special needs waivers ("special needs waivers") of the residency requirement for new employees hired to positions designated by the Board, via written Board resolution, as special needs positions.

- i. Special needs waivers provided for under this section may only be granted at the time of the employee's hire and shall not be granted to existing employees. Nothing in this Policy shall be interpreted to permit an employee, who was a City of Chicago resident at the time of hire, to be eligible to apply for a waiver after changing his or her residency to outside the City of Chicago. Former employees, who did not hold a special needs waiver at the time of the cessation of their employment with the District, who are rehired by the District, must have been separated from the District for at least eighteen months upon their rehire to be eligible to apply for a special needs waiver.
- ii. Special needs waivers shall be valid for three (3) calendar years after the employee's date of hire and may be renewed for subsequent three (3) year periods, provided that the employee

continues to be employed in a special needs position or accepts a different special needs position without an interruption in employment with the Board. Special needs waivers granted under this section shall expire on a date certain. Bi-annually, if determined necessary by the Chancellor, the Chancellor, upon recommendation of the Chief Talent Officer, shall recommend that the Board designate additional and/or revise special needs positions to which special needs waivers shall apply.

- iii. New employees must apply for a special needs waiver at the time of hire. The Office of Human Resources shall implement special needs waiver application procedures in accordance with this section. Employees who are provided a special needs waiver under this section must reapply for such special needs waiver before the expiration of such waiver. The Office of Human Resources shall implement application procedures to reapply for a special needs waiver in accordance with this section.
  
- iv. Applications for special needs waivers and notices to employees that they have been granted a special needs waiver shall clearly inform applicants that: (1) the special needs waiver is limited to a designated three (3) year period; (2) the special needs waiver expires on a date certain; (3) if granted, the employee must re-apply for the special needs waiver before expiration of the waiver; (4) a failure to reapply for a special needs waiver shall obligate the employee to become an actual resident of the City of Chicago within six (6) months of the expiration of the special needs waiver; and (5) if the employee ceases to occupy a designated special needs position after having been granted a special needs waiver, within the waiver period, the employee must become an actual resident of the City of Chicago within six (6) months of vacating such special needs position.

#### Timeline for establishing Residency/Extensions.

A certificate of residence within the City of Chicago shall be required as part of the employment application process for all new hires. Continued residence within the City of Chicago shall be a condition of continued employment for all employees subject to this Policy. A nonresident of the City of Chicago may be hired, provided that such person agrees, as a condition of employment, to establish actual residency within the City of Chicago within six (6) months after the commencement of employment. The Chancellor may extend the time during which a new employee may

establish residency in the City for up to two (2) additional three-month periods, if warranted by the individual circumstances of the employee and if the Chancellor determines that it is in the best interests of the District to do so.

The Chancellor may also grant up to two (2) additional three-month periods when a nonresident is able to show a good faith effort toward selling his/her existing primary residence located outside the City of Chicago in order to meet the residency requirement.

The Inspector General shall conduct an annual audit of the District's compliance with this Policy and shall submit a report of audit findings to the Board no later than the first regularly scheduled public meeting of the Board following July 1<sup>st</sup> of each year.

#### Notification of Change of Address.

All employees must access Employee Self Service to update their home address on record. A full-time employee who represents to the Office of Human Resources that he/she resides in the City of Chicago at the time of his/her hire or at any time thereafter and 1) who subsequently moves his/her actual residence from the City of Chicago, and 2) fails to notify the Human Resources Department of his/her change of address as required by this Section shall be deemed to have made a material omission of fact for the purpose of concealing his/her actual residence.

#### Proof of Residency.

For the purposes of this Policy, the question of an employee's residence is principally one of where an employee intends to live and have his or her one true, permanent home or domicile to which an employee intends to return following an absence. The presumption in this Policy is that the address an employee gives while completing hiring documents or has entered via Employee Self Service is that employee's correct address. In disputed cases, the burden of proof rests with the employee to show that his or her claimed residence is the one where the employee intends to live and have as his or her one true permanent home or domicile. Based on the fact that intent may be manifested in innumerable ways, any residency inquiry must consider all of the pertinent factors on a case-by-case basis. Such an inquiry shall consider, but not be limited to, the following factors: voter registration, place of filing tax returns, property ownership, driver's license and car registration.

#### Annual Certification of Residency.

On February 1<sup>st</sup> of each year every full-time employee of the City Colleges of Chicago will be required to certify their compliance with this residency

policy. The employee's certification shall include an oath or affirmation that the employee is:

- i. an actual resident of the City of Chicago; or
- ii. not required to be an actual resident of the City of Chicago because he/she falls within one of the exceptions listed above; or
- iii. a new full-time hire or a current employee newly promoted to a full-time position and not an actual resident of the City of Chicago, but six months has not yet elapsed since the commencement of employment/promotion or the employee received an approved extension of time that has not yet elapsed.