

VILLAGE OF BRADLEY

RESOLUTION NO. R-11-18-3

A RESOLUTION AMENDING THE VILLAGE OF BRADLEY'S SEXUAL HARASSMENT
POLICIES

ADOPTED BY THE
BOARD OF TRUSTEES OF THE
VILLAGE OF BRADLEY

THIS 26 DAY OF NOVEMBER, 2018

Published in pamphlet form by the authority of the Board of Trustees of the Village of Bradley,
Kankakee County, Illinois this 26 day of NOVEMBER, 2018

RESOLUTION NUMBER: R-11-18-3

A RESOLUTION AMENDING THE VILLAGE OF BRADLEY'S SEXUAL HARASSMENT POLICIES

WHEREAS, the Illinois General Assembly has recently enacted Public Act 100-1066, an Act concerning State government (the "Act"), which became effective immediately, dated August 24, 2018; and

WHEREAS, pursuant to the Act, the time-frame for filing human rights violations with the Illinois Department of Human Rights has been changed; and

WHEREAS, in light of the changes made by the Act the Village's existing policies regarding sexual harassment must be amended to make them consistent with the Act; and

WHEREAS, the President and Board of Trustees of the Village have determined that amending the Village's policies prohibiting sexual harassment, as set forth in this Resolution, are in the best interests of the Village and its citizens.

NOW THEREFORE, BE IT RESOLVED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF BRADLEY, KANKAKEE COUNTY, ILLINOIS, PURSUANT TO ITS STATUTORY AUTHORITY, AS FOLLOWS:

SECTION 1. The President and Board of Trustees hereby find that all of the recitals contained in the preamble to this Resolution are true, correct, and complete and are hereby incorporated by reference hereto and made a part hereof.

SECTION 2. The Village's sexual harassment policies, as amended, are included as Exhibit A to this Resolution and are hereby adopted.

SECTION 3. In the event that any provision or provisions, portion or portions, or clause or clauses of this Resolution shall be declared to be invalid or unenforceable by a Court of competent jurisdiction, such adjudication shall in no way affect or impair the validity or enforceability of any of the remaining provisions, portions, or clauses of this Resolution that may be given effect without such invalid or unenforceable provision or provisions, portion or portions, or clause or clauses.

SECTION 4. That all ordinances, resolutions, motions, or parts thereof, conflicting with any of the provisions of this Resolution, are hereby repealed to the extent of the conflict.

SECTION 5. That the Village Clerk is hereby directed to publish this Resolution in pamphlet form.

SECTION 6. That this Resolution shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law.

PASSED by the Board of Trustees on a roll call vote on the 26 day of NOVEMBER, 2018.

TRUSTEES:

GERALD BALTHAZOR	Aye - <u>✓</u>	Nay - <u> </u>	Absent - <u> </u>
ROBERT REDMOND	Aye - <u>✓</u>	Nay - <u> </u>	Absent - <u> </u>
LORI GADBOIS	Aye - <u>✓</u>	Nay - <u> </u>	Absent - <u> </u>
MICHAEL WATSON	Aye - <u>✓</u>	Nay - <u> </u>	Absent - <u> </u>
DON BARBER	Aye - <u>✓</u>	Nay - <u> </u>	Absent - <u> </u>
NICK ALLEN	Aye - <u>✓</u>	Nay - <u> </u>	Absent - <u> </u>

VILLAGE PRESIDENT:

BRUCE ADAMS	Aye - <u> </u>	Nay - <u> </u>	Absent - <u> </u>
TOTALS:	Aye - <u>6</u>	Nay - <u>0</u>	Absent - <u>0</u>

ATTEST:

Michael J. Lagesse
MICHAEL J. LAGESSE, VILLAGE CLERK

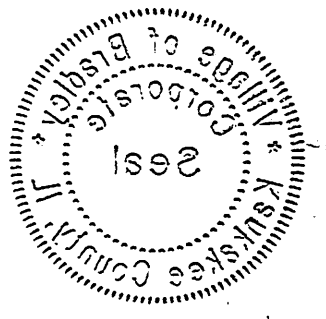
APPROVED this 26 day of NOVEMBER, 2018.

Bruce Adams *MAYOR PRO TEM*
BRUCE ADAMS, VILLAGE PRESIDENT



ATTEST:

Michael J. Lagesse
MICHAEL J. LAGESSE, VILLAGE CLERK



STATE OF ILLINOIS)
) §§
COUNTY OF KANKAKEE)

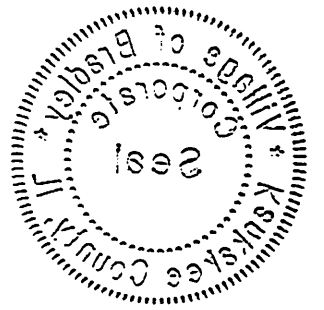
I, Michael J. LaGesse, Village Clerk of the Village of Bradley, County of Kankakee and State of Illinois, DO HEREBY CERTIFY that the attached is a true, perfect, and complete copy of Resolution number R-11-18-3, "A RESOLUTION AMENDING THE VILLAGE OF BRADLEY'S SEXUAL HARASSMENT POLICIES," which was adopted by the Village President and Board of Trustees at a meeting held on the 26 day of NOVEMBER, 2018.

IN WITNESS WHEREOF, I have hereunto set my hand in the Village of Bradley, County of Kankakee and State of Illinois, on this 26 day of NOVEMBER, 2018.



MICHAEL J. LAGESSE, VILLAGE CLERK





14.04 – Policy Statement Sexual Harassment

Harassment Prohibited

The Village of Bradley, Illinois prohibits all forms of illegal harassment of employees by managers, fellow employees, employees of outside vendors, or visitors.

The Village of Bradley will not tolerate harassment by or of its employees. Any form of harassment related to an employee's race, color, religion, gender, disability, age, marital status, sexual orientation, veteran status, or national origin, or other legally protected category is a violation of this policy and will be treated as a disciplinary matter.

For these purposes, the term "harassment" includes, but is not necessarily limited to, slurs, jokes, or other verbal, graphic, or physical conduct relating to an individual's race, color, religion, gender, disability, age, marital status, sexual orientation, veteran status or national origin, or other legally protected category.

Sexual Harassment

Sexual Harassment includes but is not necessarily limited to the following:

Any unwelcome sexual advances or requests for sexual favors or any conduct of a sexual nature when:

- (1) Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment,
- (2) Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or
- (3) Such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

Conduct which may constitute sexual harassment includes:

- Verbal: sexual innuendos, suggestive comments, insults, humor, and jokes about sex, anatomy or gender-specific traits, sexual propositions, threats, repeated requests for dates, or statements about other employees, even outside of their presence, of a sexual nature.
- Non-verbal: suggestive or insulting sounds (whistling), leering, obscene gestures, sexually suggestive bodily gestures, "catcalls", "smacking" or "kissing" noises.
- Visual: posters, signs, pin-ups or slogans of a sexual nature, viewing pornographic material or websites.
- Physical: touching, unwelcome hugging or kissing, pinching, brushing the body, any coerced sexual act or actual assault.
- Textual/Electronic: "sexting" (electronically sending messages with sexual content, including pictures and video), the use of sexually explicit language, cyber stalking and threats via all forms of electronic communication (e-mail, text/picture/video messages, intranet/on-line postings, blogs, instant messages and social network websites like Facebook and Twitter).

Consequences of Violating Policy this Policy

Violation of this policy by an employee shall subject him/her to disciplinary action, up to and including discharge.

We also prohibit retaliation against any employee who rejects, protests, or complains about harassment. Any employee who engages in such retaliation is subject to discipline up to and including discharge. (See also Section 14.05).

Investigation of Harassment Complaints

All allegations of harassment will be investigated. The Village of Bradley will investigate every complaint of harassment, without bias or premature judgment. Such an investigation should include interviews with the complaining employee, the subject of the complaint, and co-workers, or others who may have knowledge of the situation. The investigation may include a review of files and other tangible evidence. The investigator will make every reasonable attempt to rationally and objectively resolve any questions or credibility between the complaining and the accused employees. All employees are expected to cooperate fully with such investigations. Where investigations confirm the misconduct, appropriate corrective action will be taken up to and including discharge from employment.

Confidentiality

To the extent possible, the employee's confidentiality and that of any witnesses and the alleged harasser will be protected against unnecessary disclosure. Information obtained during the course of an investigation of harassment will be maintained in confidence. It will be released only to individuals who have a need to know it, e.g., individuals who will enable the Village to investigate the charges thoroughly. However, the identity of allegations by complaining employees and/or witnesses may be disclosed to the accused employee in order to complete the investigation.

14.05 – Procedures for Reporting Sexual Harassment and Prohibition on Retaliation

Reporting Procedure

Employees should promptly report incidents of sexual harassment in the workplace whether he or she observes sexual harassment or believes him or herself to be the object of sexual harassment. Reports should be made to the employee's supervisor, who will conduct thorough, prompt, and confidential investigations of the allegations. In cases of incidents of sexual harassment by an employee's supervisor, reports should be made to the offending employee's supervisor. Supervisors receiving such reports shall immediately inform the Village Administrator. Should the person making the report believe the Village Administrator has violated this policy regarding sexual harassment or retaliation, the report should be made to the Village President. In cases where sexual harassment is evident, proper corrective and disciplinary action, up to and including discharge, will be implemented.

Policy Not Exclusive of Other Remedies

The purpose of this policy is to establish prompt, thorough and effective procedures for responding to every report and incident so that problems can be identified and remedied by the Village. However, all Village employees have the right to contact the Illinois Department of Human Rights (IDHR) or the Equal Employment Opportunity Commission (EEOC) for information regarding filing a formal complaint with those entities. Any complaint filed with either the IDHR or the EEOC must be filed within 300 days of the alleged incident(s) unless it is a continuing offense.

Retaliation for Reporting Sexual Harassment Prohibited

No Village official, Village employee or Village agency or office shall take any retaliatory action against an employee due to the employee's:

1. Disclosure or threatened disclosure of any violation of this policy,
2. The provision of information related to or testimony before any public body conducting an investigation, hearing or inquiry into any violation of this policy, or
3. Assistance or participation in a proceeding to enforce the provisions of this policy.

For the purposes of this policy, retaliatory action means the reprimand, discharge, suspension, demotion, denial of promotion or transfer, or change in the terms or conditions of employment of any municipal employee that is taken in retaliation for a municipal employee's involvement in protected activity pursuant to this policy.

No individual making a report in good faith will be retaliated against even if the report made in good faith is not substantiated. In addition, any witness will be protected from retaliation.

State Statutes providing Whistleblower Protection

Similarly to the prohibition against retaliation contained in Section 14.09 of this Policy, the State Officials and Employees Ethics Act (5 ILCS 430/15-10) provides whistleblower protection from retaliatory action such as reprimand, discharge, suspension, demotion, or denial of promotion or transfer that occurs in retaliation for an employee who does any of the following:

1. Discloses or threatens to disclose to a supervisor or to a public body an activity, policy, or practice of any officer, member, State agency, or other State employee that the State employee reasonably believes is in violation of a law, rule, or regulation,
2. Provides information to or testifies before any public body conducting an investigation, hearing, or inquiry into any violation of a law, rule, or regulation by any officer, member, State agency or other State employee, or
3. Assists or participates in a proceeding to enforce the provisions of the State Officials and Employees Ethics Act.

Pursuant to the Whistleblower Act (740 ILCS 174/15(a)), an employer may not retaliate against an employee who discloses information in a court, an administrative hearing, or before a legislative commission or committee, or in any other proceeding, where the employee has reasonable cause

to believe that the information discloses a violation of a State or federal law, rule, or regulation. In addition, an employer may not retaliate against an employee for disclosing information to a government or law enforcement agency, where the employee has reasonable cause to believe that the information discloses a violation of a State or federal law, rule, or regulation. (740 ILCS 174/15(b)).

According to the Illinois Human Rights Act (775 ILCS 5/6-101), it is a civil rights violation for a person, or for two or more people to conspire, to retaliate against a person because he/she has opposed that which he/she reasonably and in good faith believes to be sexual harassment in employment, because he/she has made a charge, filed a complaint, testified, assisted, or participated in an investigation, proceeding, or hearing under the Illinois Human Rights Act.

An employee who is suddenly transferred to a lower paying job or passed over for a promotion after filing a complaint with IDHR or EEOC, may file a retaliation charge with either body (such retaliation charges are due within 300 days of the alleged retaliation).

Consequences for making False Reports

Given the seriousness of the consequences for a person accused of sexual harassment, a false report of sexual harassment is a severe offense that can itself result in disciplinary action. Any person who intentionally makes a false report alleging a violation of any provision of this policy shall be subject to discipline or discharge pursuant to applicable Village policies, employment agreements, procedures, employee handbooks and/or collective bargaining agreements.

In addition, any person who intentionally makes a false report alleging a violation of any provision of the State Officials and Employees Ethics Act to an ethics commission, an inspector general, the State Police, a State's Attorney, the Attorney General, or any other law enforcement official is guilty of a Class A misdemeanor. An ethics commission may levy an administrative fine of up to \$5,000 against any person who intentionally makes a false, frivolous or bad faith allegation.

14.09 – Whistleblower Policy

For purposes of this Policy, a whistleblower as defined as an employee of the Village of Bradley who reports an activity that he/she considers to be illegal or dishonest to one or more of the parties specified in this Policy. The whistleblower is not responsible for investigating the activity or for determining fault or corrective measures; appropriate management officials are charged with these responsibilities.

Examples of illegal or dishonest activities are violations of federal, state or local laws; billing for services not performed or for goods not delivered; and other fraudulent financial reporting.

If an employee has knowledge of or a concern about illegal or dishonest fraudulent activity, the employee is to contact his/her immediate supervisor or the Village Administrator. The employee must exercise sound judgment to avoid baseless allegations. An employee who intentionally files a false report of wrongdoing will be subject to discipline up to and including termination.

Whistleblower protections are provided in two important areas – confidentiality and against retaliation. Insofar as possible, the confidentiality of the whistleblower will be maintained. However, identity may have to be disclosed to conduct a thorough investigation, to comply with the law and to provide accused individuals their legal rights of defense. The Village will not retaliate against a whistleblower. This includes, but is not limited to, protection from retaliation in the form of an adverse employment action such as termination, compensation decreases, or poor work assignments and threats of physical harm. Any whistleblower who believes he/she is being retaliated against must contact the Village Administrator immediately. The right of the whistleblower for protection against retaliation does not include immunity for any personal wrongdoing that is alleged and investigated.

All reports of illegal and dishonest activities will be promptly submitted to the Village Administrator who is responsible for investigating and coordinating corrective action.

Employees with any questions regarding this policy should contact the Village Administrator.

14.10 – Conflicts with Binding State and Federal Laws

The provisions of this policy shall apply to the maximum extent permitted by law. In the case of a direct conflict between this policy and any binding provision of state or federal law, the provisions of such state or federal law shall control over the conflicting provisions of this policy, but only to the extent of the conflict.