

CHAPTER 7
ETHICS CODE:
PROHIBITED POLITICAL ACTIVITIES, GIFT BAN REGULATIONS, AND
VILLAGE POLICIES AGAINST HARASSMENT AND RETALIATION

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§1-7-1: SHORT TITLE:

This Chapter may be cited as the “*Ethics Code*” or the “*Village Ethics Code*”, and consists of the following four subjects: Prohibited Political Activities, Gift Ban Regulations, Village Policy Against Harassment, and Village Policy Against Retaliation.

§1-7-2: DEFINITIONS:

As used in this Chapter, the following terms shall be given these definitions:

BOARD OF TRUSTEES: Means the “President and Board of Trustees of the Village”.

CAMPAIGN FOR ELECTIVE OFFICE: Means any activity in furtherance of an effort to influence the selection, nomination, election, or appointment of any individual to any federal, State, or local public office or office in a political organization, or the selection, nomination, or election of Presidential or Vice-Presidential electors, but does not include activities (i) relating to the support or opposition of any executive, legislative, or administrative action, (ii) relating to collective bargaining, or (iii) that are otherwise in furtherance of the person’s official duties.

CANDIDATE: Means a person who has filed nominating papers or petitions for nomination or election to an elected office, or who has been appointed to fill a vacancy in nomination, and who remains eligible for placement on the ballot at a regular election, as defined in Section 1-3 of the Election Code (10 ILCS 5/1-3).

COLLECTIVE BARGAINING: Has the same meaning as that term is defined in Section 3 of the Illinois Public Labor Relations Act (5 ILCS 315/3).

COMPENSATED TIME: Means, with respect to an employee, any time worked by or credited to the employee that counts toward any minimum work time requirement imposed as a condition of his or her employment, but for purposes of this Chapter, does not include any designated holidays, vacation

period, personal time, compensatory time off or any period when the employee is on a leave of absence. With respect to officers or employees whose hours are not fixed, “compensated time” includes any period of time when the officer is on premises under the control of the employer and any other time when the officer or employee is executing his or her official duties, regardless of location.

COMPENSATORY TIME OFF: Means authorized time off earned by or awarded to an employee to compensate in whole or in part for time worked in excess of the minimum work time required of that employee as a condition of his or her employment.

CONTRIBUTION: Has the same meaning as that term is defined in Section 9-1.4 of the Election Code (10 ILCS 5/9-1.4).

CORPORATE AUTHORITIES: Means the President and Board of Trustees of the Village.

EMPLOYEE: Means a person employed by the Village of Tower Lakes, whether on a full-time or part-time basis or pursuant to a contract, whose duties are subject to the direction and control of an employer with regard to the material details of how the work is to be performed, including contract employees.

EMPLOYER: Means the Village of Tower Lakes.

GIFT: Means any gratuity, discount, entertainment, hospitality, loan, forbearance, or other tangible or intangible item having monetary value including, but not limited to, cash, food and drink, and honoraria for speaking engagements related to, or attributable to, government employment or the official position of an employee.

LEAVE OF ABSENCE: Means any period during which an employee does not receive (i) compensation for employment, (ii) service credit toward pension benefits, and (iii) health insurance benefits paid for by the employer.

OFFICER: Means a person who holds, by election or appointment, an office created by statute or ordinance, regardless of whether the officer is compensated for service in his or her official capacity. (See also “Public Official”.)

PERSON: Means any natural person or any other legal entity.

POLITICAL ACTIVITY: Means any activity in support of or in connection with any campaign for elective office or any political organization, but does not include activities (i) relating to the support or opposition of any executive, legislative, or administrative action, (ii) relating to collective bargaining, or (iii) that are otherwise in furtherance of the person’s official duties.

POLITICAL ORGANIZATION: Means a party, committee, association, fund, or other organization (whether or not incorporated) that is required to file a statement of organization with the State Board of Elections or a county clerk under Section 9-3 of the Election Code (10 ILCS 5/9-3), but only with regard to those activities that require filing with the State Board of Elections or a county clerk.

PROHIBITED POLITICAL ACTIVITY: Means:

- (1) Preparing for, organizing, or participating in any political meeting, political rally, political demonstration, or other political event.

- (2) Soliciting contributions, including but not limited to the purchase of, selling, distributing, or receiving payment for tickets for any political fundraiser, political meeting, or other political event.
- (3) Soliciting, planning the solicitation of, or preparing any document or report regarding anything of value intended as a campaign contribution.
- (4) Planning, conducting, or participating in a public opinion poll in connection with a campaign for elective office or on behalf of a political organization for political purposes or for or against any referendum question.
- (5) Surveying or gathering information from potential or actual voters in an election to determine probable vote outcome in connection with a campaign for elective office or on behalf of a political organization for political purposes or for or against any referendum question.
- (6) Assisting at the polls on election day on behalf of any political organization or candidate for elective office or for or against any referendum question.
- (7) Soliciting votes on behalf of a candidate for elective office or a political organization or for or against any referendum question or helping in an effort to get voters to the polls.
- (8) Initiating for circulation, preparing, circulating, reviewing, or filing any petition on behalf of a candidate for elective office or for or against any referendum question.
- (9) Making contributions on behalf of any candidate for elective office in that capacity or in connection with a campaign for elective office.
- (10) Preparing or reviewing responses to candidate questionnaires.
- (11) Distributing, preparing for distribution, or mailing campaign literature, campaign signs, or other campaign material on behalf of any candidate for elective office or for or against any referendum question.
- (12) Campaigning for any elective office or for or against any referendum question.
- (13) Managing or working on a campaign for elective office or for or against any referendum question.
- (14) Serving as a delegate, alternate, or proxy to a political party convention.
- (15) Participating in any recount or challenge to the outcome of any election.

PROHIBITED SOURCE: Means any person or entity who:

- (1) is seeking official action (i) by an officer or (ii) by an employee, or by the officer or another employee directing that employee;
- (2) does business or seeks to do business (i) with the officer or (ii) with an employee, or with the officer or another employee directing that employee;

- (3) conducts activities regulated (i) by the officer or (ii) by an employee, or by the officer or another employee directing that employee; or
- (4) has interests that may be substantially affected by the performance or non-performance of the official duties of the officer or employee.

PUBLIC OFFICER: See “Public Official”.

PUBLIC OFFICIAL: Means any person holding a position by election or appointment in the service of the Village, whether paid or unpaid, including members of any agency, board, commission, or standing committee established by the Corporate Authorities of the Village by ordinance or by statute. The term “public official” shall include, but shall not be limited to, the Corporate Authorities, members of the Board of Zoning Appeals, and members of the Plan Commission. Independent contractors shall not be considered public officials.

SEXUAL HARASSMENT: Means any unwelcome sexual advances or requests for sexual favors or any conduct of a sexual nature when: (i) submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s employment or other business relationship; (ii) submission to or rejection of such conduct by an individual is used as the basis for employment or business transactional decisions affecting such individual; or (iii) such conduct has the purpose or effect of substantially interfering with an individual’s work or business performance or creating an intimidating, hostile, or offensive working or business environment. For purposes of this definition, the phrase “working or business environment” is not limited to a physical location an employee is assigned to perform his or her duties and does not require an employment or business relationship.

VILLAGE: Means the Village of Tower Lakes.

VILLAGE PRESIDENT: Means the Village President of the Village of Tower Lakes.

§1-7-3: PROHIBITED POLITICAL ACTIVITIES:

- (A) No officer or employee shall intentionally perform any prohibited political activity during any compensated time, as defined herein. No officer or employee shall intentionally use any property or resources of the Village in connection with any prohibited political activity.
- (B) At no time shall any officer or employee intentionally require any other officer or employee to perform any prohibited political activity (i) as part of that officer or employee’s duties, (ii) as a condition of employment, or (iii) during any compensated time off (such as holidays, vacation or personal time off).
- (C) No officer or employee shall be required at any time to participate in any prohibited political activity in consideration for that officer or employee being awarded additional compensation or any benefit, whether in the form of a salary adjustment, bonus, compensatory time off, continued employment or otherwise, nor shall any officer or employee be awarded additional compensation or any benefit in consideration for his or her participation in any prohibited political activity.
- (D) Nothing in this Chapter prohibits activities that are permissible for an officer or employee to engage in as part of his or her official duties, or activities that are undertaken by an officer or employee on a voluntary basis which are not prohibited by this Chapter.

- (E) No person either (i) in a position that is subject to recognized merit principles of public employment or (ii) in a position the salary for which is paid in whole or in part by federal funds and that is subject to the Federal Standards for a Merit System of Personnel Administration applicable to grant-in-aid programs, shall be denied or deprived of employment or tenure solely because he or she is a member or an officer of a political committee, of a political party, or of a political organization or club.

§1-7-4: GIFT BAN REGULATIONS: Except as permitted by this Chapter, no officer or employee, and no spouse of or immediate family member living with any officer or employee (collectively referred to herein as “recipients”), shall intentionally solicit or accept any gift from any prohibited source, as defined herein, or which is otherwise prohibited by law or ordinance. No prohibited source shall intentionally offer or make a gift that violates this Chapter.

§1-7-5: EXCEPTIONS:

Section 1-7-4 is not applicable to the following:

- (A) Opportunities, benefits, and services that are available on the same conditions as for the general public.
- (B) Anything for which the officer or employee or his or her spouse or immediate family member, pays the fair market value.
- (C) Any (i) contribution that is lawfully made under the Election Code or (ii) activities associated with a fundraising event in support of a political organization or candidate.
- (D) Educational materials and missions.
- (E) Travel expenses for a meeting to discuss business.
- (F) A gift from a relative, meaning those people related to the individual as father, mother, son, daughter, brother, sister, uncle, aunt, great aunt, great uncle, first cousin, nephew, niece, husband, wife, grandfather, grandmother, grandson, granddaughter, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half-brother, half-sister, and including the father, mother, grandfather, or grandmother of the individual’s spouse and the individual’s fiancé or fiancée.
- (G) Anything provided by an individual on the basis of a personal friendship unless the recipient has reason to believe that, under the circumstances, the gift was provided because of the official position or employment of the recipient or his or her spouse or immediate family member and not because of the person friendship. In determining whether a gift is provided on the basis of personal friendship, the recipient shall consider the circumstances under which the gift was offered, such as: (i) the history of the relationship between the individual giving the gift and the recipient of the gift, including any previous exchange of gifts between those individuals; (ii) whether to the actual knowledge of the recipient the individual who gave the gift personally paid for the gift or sought a tax deduction or business reimbursement for the gift; and (iii) whether to the actual knowledge of the recipient the individual who gave the gift also at the same time gave the same or similar gifts to other officers or employees, or their spouses or immediate family members.

- (H) Food or refreshments not exceeding \$75 per person in value on a single calendar day; provided that the food or refreshments are (i) consumed on the premises from which they were purchased or prepared or (ii) catered. For the purposes of this Chapter, “catered” means food or refreshments that are purchased ready to consume which are delivered by any means.
- (I) Food, refreshments, lodging, transportation, and other benefits resulting from outside business or employment activities (or outside activities that are not connected to the official duties of an officer or employee), if the benefits have not been offered or enhanced because of the official position or employment of the officer or employee, and are customarily provided to others in similar circumstances.
- (J) Intra-governmental and inter-governmental gifts. For the purpose of this Chapter, “intra-governmental gift” means any gift given to an officer or employee from another officer or employee, and “inter-governmental gift” means any gift given to an officer or employee by an officer or employee of another governmental entity.
- (K) Bequests, inheritances, and other transfers at death.
- (L) Any item or items from any one prohibited source during any calendar year having a cumulative total value of less than \$100.

Each of the exceptions listed in this Chapter is mutually exclusive and independent of every other.

§1-7-6: DISPOSITION OF GIFTS:

An officer or employee, his or her spouse or an immediate family member living with the officer or employee, does not violate this Chapter if the recipient promptly takes reasonable action to return a gift from a prohibited source to its source or gives the gift or an amount equal to its value to the Village or to an appropriate charity that is exempt from income taxation under the Internal Revenue Code, as now or hereafter amended, renumbered, or succeeded.

§1-7-7: VILLAGE POLICY AGAINST HARASSMENT:

The Village is committed to maintaining an environment free from discrimination and harassment. In keeping with this commitment, the Village prohibits and will not tolerate any form of harassment that violates this Village Policy Against Harassment (sometimes referred to herein as “this Village Policy” or “this Policy”). This Policy Against Harassment is hereby made applicable to and prohibits harassment by any elected or appointed public officials of the Village, any Village employee, and to any vendor, independent contractor, client, customer or other person(s).

(A) Prohibited Conduct:

This Policy prohibits harassment or other workplace discrimination based on a person’s protected status under state and federal law. This includes conduct, whether verbal, physical, or visual, that denigrates or shows hostility or aversion toward an individual based upon that person’s race, gender, sexual orientation, age, color, religious affiliation, national origin, disability, ancestry, marital status, military status, or other legally protected status. The Village prohibits and will not tolerate harassing conduct that has the purpose or effect of interfering unreasonably with an individual’s work performance, affecting an individual’s tangible job benefits, or creating an intimidating, hostile, or offensive work environment.

The conduct prohibited by this Village Policy specifically includes, but is not limited to:

- (i) Epithets, slurs, negative stereotyping, or intimidating acts that are based on a person's protected status;
- (ii) Written or graphic material circulated, available on the Village's computer system, or posted or distributed within the workplace that shows hostility toward a person or persons because of their protected status.

The Village prohibits any such conduct in the Village workplace, and this Village Policy prohibits harassment based on an individual's protected status, even if it does not rise to the level of a legal violation.

(B) Sexual Harassment:

Sexual harassment means any unwelcome sexual advances or requests for sexual favors or any conduct of a sexual nature when: (i) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or other business relationship; (ii) submission to or rejection of such conduct by an individual is used as the basis for employment or business transactional decisions affecting such individual; or (iii) such conduct has the purpose or effect of substantially interfering with an individual's work or business performance or creating an intimidating, hostile, or offensive working or business environment. For purposes of this definition, the phrase "working or business environment" is not limited to a physical location an employee is assigned to perform his or her duties and does not require an employment or business relationship. Sexual harassment also includes any harassing conduct based on gender, regardless of whether the conduct is sexual in nature. Any unwelcome conduct based on gender is also forbidden by this Policy regardless of whether the individual engaged in harassment and the individual being harassed are of the same or different genders.

This Village Policy forbids harassment based on gender regardless of whether it rises to the level of a legal violation. The Village considers the following conduct to represent, not exclusively, some of the types of acts that violate this Village Policy:

- (1) Physical assaults of a sexual nature included but not limited to rape or sexual battery;
- (2) Intentional physical conduct which is sexual in nature, such as touching, pinching, patting, grabbing, etc.
- (3) Unwanted sexual advances, propositions or other sexual comments including but not limited to sexually oriented gestures, noises, remarks, innuendo, jokes, or comments or verbal abuse of a sexual nature. Also included are preferential treatment and promises of a preferential treatment to a person for submitting to sexual conduct;
- (4) Sexual or discriminatory displays, publications, or communications anywhere in the Village work place by persons who are subject to this Village Policy Against Harassment or others including but not limited to pictures, posters, calendars, graffiti, objects, reading materials, or other materials that are suggestive, demeaning, or pornographic and also, including but not limited to, any display, publications(s) or communications(s) made through the use of a computer, cell phone, personal digital assistant ("PDA"), or similar electronic device(s).

(C) Responsibilities of Any Affected Persons:

Everyone at the Village is expected to assure that the Village workplace is free from prohibited discrimination or harassment. All persons subject to this Village Policy are expected to avoid

exhibiting and/or participating in any behavior or conduct that could reasonably be interpreted as prohibited discrimination or harassment under this Policy. Any affected person is expected and encouraged to inform the Village President, and/or to inform the employee's supervisor or department head whenever such affected person has observed, experienced and/or has been subjected to discrimination, harassment, and/or conduct in the Village workplace that is discriminatory, harassing, unwelcome, offensive, inappropriate, or in poor taste. Any affected person is expected to come forward promptly and report any alleged violations of this Policy before the alleged offending behavior becomes repetitive, severe or pervasive.

(D) Complaints of Harassment:

If any person subject to this Village Policy experiences or witnesses any conduct that he or she believes is inconsistent with and/or in violation of this Policy, the Village expects the affected person to promptly notify the Village President or an employee's supervisor, or department head. This may be done in writing or orally. Any supervisor or department head who receives a complaint or observes conduct which may violate this Village Policy, must immediately report the complaint or observation to the Village President. This Village Policy does not require reporting harassment or discrimination to any individual who is creating and/or participating in the harassment or discrimination.

(E) Village Response:

All reports describing conduct that is inconsistent with and/or in violation of this Village Policy will be investigated promptly. Any person who believes he or she has been subjected to or has observed discrimination or harassment prohibited by this Policy has the right to request that the Village take appropriate action to terminate any such prohibited activity immediately. The Village may take reasonable interim measures, such as a leave of absence or a transfer, while the Village's investigation of the alleged incident or conduct takes place. The Village will take further appropriate action once the report has been thoroughly investigated. That action may be a conclusion that a violation occurred, as explained immediately below. The Village might also conclude, depending on the circumstances, either that no violation of this Policy occurred or that the Village's investigation was not conclusive, and therefore, it could not be determined whether or not a violation of this Policy occurred.

If an investigation reveals that a violation of this Village Policy or other inappropriate conduct has been committed by an elected or appointed public official or by a Village employee, then the Corporate Authorities of the Village will take corrective action, up to and including discipline or termination of the Village employee, or reprimand, censure, and/or removal from office of such elected or appointed public official, to the extent authorized by Illinois law, as is appropriate under the circumstances. The Village may discipline a Village employee for any inappropriate conduct discovered in investigating reports made under this Policy, regardless of whether the conduct constitutes a violation of law or a violation of this or any other Village policy. If the person who engaged in harassment is not a Village employee and/or an elected or appointed public official of the Village, then the Village will take whatever corrective action is reasonable and appropriate under the circumstances.

Any affected person is encouraged to use the above complaint procedure(s) to report and resolve his or her respective complaints of harassment or retaliation. This Village Policy requires giving of immediate notice of alleged violations of this Policy to an appropriate representative of the Village as listed above, so that the Village may address and resolve any alleged violations of this Policy in an expeditious and timely manner, without waiting for legal proceedings to be initiated and run their course. However, any affected person may also file a charge of discrimination and/or

harassment in writing with the Illinois Department of Human Rights within 300 days of the alleged incident of discrimination and/or harassment, unless it is a continuing offense.

The Department of Human Rights can be contacted at:

Illinois Department of Human Rights
100 W. Randolph St., Suite 10-100
Chicago, IL 60601
(312)814-6200

The Illinois Human Rights Commission can be contacted at:

Illinois Human Rights Commission
100 W. Randolph St., Suite 5-100
Chicago, IL 60601
(312) 814-6269

(F) Retaliation Prohibited:

The Village prohibits the adverse treatment of any person, Village employee, or former Village employee for reporting one or more incidents of harassment, for assisting a person, Village employee or former Village employee in filing a report, for cooperating in a harassment investigation, or for filing an administrative claim with the EEOC or a state governmental agency relative to harassment. All persons who experience or witness any conduct they believe to be retaliatory should immediately follow the reporting procedures provided for in this Village Policy.

No elected or appointed official(s) of the Village, Village employee, or Village agency or office shall take any retaliatory action against any Village employee due to a Village employee's:

- (1) Disclosure or threatened disclosure of any violation of this Village 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 Village Policy, or
- (3) Assistance or participation in a proceeding to enforce the provisions of this Village 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 Village employee that is taken in retaliation for a Village employee's involvement in protected activity pursuant to this Village Policy.

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

Similar to the prohibition against retaliation contained herein, 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.

A Village 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 which is due within 300 days (IDHR) or 300 days (EEOC) of the alleged retaliation.

(G) Confidentiality:

In investigating and in imposing any discipline, the Village will attempt to preserve confidentiality to the extent that the needs of the situation permit.

(H) Training on Policy:

The Village will regularly conduct training for Village officers and employees on this Village Policy Against Harassment. All Village officers and employees shall be required to periodically attend such training.

(Amd. Ord. 2018-12, passed 11-19-18)

§1-7-8: ETHICS OFFICER:

The position of Village Ethics Officer is hereby established, who shall have the responsibility for investigating and presenting recommendations to the Corporate Authorities of the Village concerning any alleged violations of this Chapter by any public official(s) and/or employee(s) of the Village. The Ethics Officer of the Village may from time to time be either an employee of the Village who has been assigned such duties by the Corporate Authorities of the Village or may be any attorney engaged by the Village for this specific purpose relative to alleged violation(s) of this Chapter.

§1-7-9: FALSE REPORTS:

Any person who intentionally makes a false report alleging a violation of any provision of this Chapter to any Village officer or employee, or to any law enforcement official also commits a violation of this Chapter and shall be subject to those enforcement provisions, fines, and penalties as set forth in Section 1-7-12, “Penalties”, of this Chapter.

(Amd. Ord. 2021-11, passed 07-19-21)

§1-7-10: OTHER ALLEGED ETHICS COMPLAINTS:

Any ethics complaint which alleges any violation other than one which is a violation of this Chapter, shall be considered by the Corporate Authorities of the Village, and such alleged ethics complaint shall be subject to such further action as the Corporate Authorities of the Village determine to be necessary and/or appropriate to a particular case, but such alleged ethics complaint may first be referred by the Corporate Authorities of the Village to and considered and investigated by an Ethics and Oversight Committee, an ad hoc Village Board committee which may be appointed from time to time by the Village President with the advice and consent of the Board of Trustees, except where the Corporate Authorities of the Village determine that the immediate referral of any such alleged ethics complaint to another law enforcement agency is necessary or appropriate to the particular circumstances.

§1-7-11: VILLAGE POLICY AGAINST RETALIATION AGAINST WHISTLEBLOWERS AND RELATED PROCEDURES:

(A) Definitions: For purposes of this Section, the following words and/or phrases shall have the following meanings:

“Auditing official” shall have the meaning set forth in 50 ILCS 105/4.1(i).

“Employee” shall have the meaning set forth in 50 ILCS 105/4.1(i).

“Improper governmental action” shall have the meaning set forth in 50 ILCS 105/4.1(i).

“Retaliate”, “retaliation”, or “retaliatory action” shall have the meaning as set forth in 50 ILCS 105/4.1.

“Whistleblower” shall mean any Village employee or contractor of the Village who: (a) reports an alleged improper governmental action, (b) cooperates with an investigation by an auditing official related to a report of alleged improper governmental action, and/or (c) testifies in a proceeding or prosecution arising out of an alleged improper governmental action.

(B) Retaliation Against Whistleblower Prohibited: No agent or representative of the Village, or another employee, shall retaliate against any Village employee or contractor of the Village who is or may be a whistleblower as defined in this Section.

(C) Statutory Remedies Available to a Whistleblower: The remedies which are available to Village employees or to contractors of the Village subjected to adverse actions for reporting alleged improper governmental action shall include those remedies provided in 50 ILCS 105/4.1(f).

- (D) Statutory Procedure for Invoking Whistleblower Protections: To invoke the protections of 50 ILCS 105/4.1, a Village employee and/or any contractor of the Village shall make a written report of alleged improper governmental action to the appropriate auditing official. A Village employee or contractor of the Village who believes he or she has been retaliated against in violation of 50 ILCS 105/4.1 must submit a written report relative thereto to the auditing official within sixty (60) days of gaining knowledge of the retaliatory action. If the auditing official is the individual allegedly committing the improper governmental action, the employee or contractor may report the alleged improper governmental action in writing to an alternative auditing official of the Village or to any State's Attorney.
- (E) Auditing Officials Designated: The Village hereby designates the following three (3) persons as alternative auditing officials pursuant to 50 ILCS 105/4.1: (1) the Village President, (2) the Village Attorney, or (3) the Village Treasurer. A Village employee or contractor of the Village wishing to make a written report relative to an alleged improper governmental action shall provide such written report to such alternate auditing official as he or she believes to be more appropriate, given the nature of his or her complaint.
- (F) Responsibilities of Auditing Official(s): The responsibilities of the Village's Auditing Official(s) shall include, but shall not be limited to the following:
- (1) The auditing officials selected by the Village shall establish written processes and procedures for managing complaints of alleged improper governmental action which are submitted pursuant to 50 ILCS 105/4.1.
 - (2) Each auditing official shall investigate and dispose of reports of alleged improper governmental action referred to him or her in accordance with the procedures established herein.
 - (3) If an auditing official of the Village concludes that an alleged improper governmental action has taken place or concludes that the Village or any department, employee or officer thereof has or have hindered a Village auditing official's investigation into the report, the auditing official shall notify in writing the Village President and the other alternative auditing officials and any other individual or entity the auditing official deems necessary in the circumstances.
 - (4) A Village auditing official may transfer a report of alleged improper governmental action to another auditing official of the Village for investigation if an auditing official deems it appropriate, or to the appropriate State's Attorney.
 - (5) All auditing officials of the Village shall take reasonable measures to protect employees subjected to adverse action for reporting alleged improper governmental action who reasonably believe they may be subject to retaliation or bodily harm for reporting improper governmental action.
- (G) Confidentiality of Whistleblower Identity: To the extent permitted by law, the identity of a Village employee or contractor of the Village reporting information about an alleged improper governmental action shall be kept confidential unless the Village employee or contractor of the Village waives confidentiality in writing.
- (H) A Copy or Summary of the Provisions to be Provided to All Employees: Every employee of the Village shall receive a written summary or a complete copy of 50 ILCS 105/4.1 as it may be

amended from time to time upon commencement of his or her employment with the Village and at least once during each year of their respective employment. At the same time, each Village employee shall also receive a copy of Village Ordinance No. 2021-11 which establishes written procedures for reporting alleged improper governmental actions to the appropriate auditing official and/or the appropriate State's Attorney.

(Ord. 2021-11, passed 07-19-21)

§1-7-12: PENALTIES:

- (A) Except as provided below, any person, firm or corporation intentionally violating any provision of this Chapter shall be fined not less than one hundred dollars (\$100.00) nor more than seven hundred fifty dollars (\$750.00). A separate offense shall be deemed committed on each day on which a violation occurs or continues. In addition thereto, any office held by such a person convicted of any violation of this Chapter may be declared vacant as part of the judgment of any Court of competent jurisdiction.
- (B) A violation of any Section of this Chapter may be prosecuted as a quasi-criminal offense by an attorney appointed by the Corporate Authorities for that purpose by filing in the circuit court any information, or sworn complaint, charging such offense. Conviction shall require the establishment of the guilt of a defendant by a preponderance of the evidence.
- (C) In addition to any other penalty that may be applicable, a Village employee who intentionally violates any provision of this Chapter is subject to discipline or discharge, and a Village officer who intentionally violates any provision of this Chapter shall be subject to reprimand, censure, and/or removal from office, to the extent permitted by law.

(Amd. 2014 Code; Amd. Ord. 2017-12, passed 12-18-2017; Amd. Ord. 2021-11, passed 07-19-21)