

AN ORDINANCE OF THE VILLAGE OF CAMPTON HILLS, KANE COUNTY, ILLINOIS ADOPTING A NEW WHISTLEBLOWER PROTECTION POLICY FOR THE VILLAGE OF CAMPTON HILLS, KANE COUNTY.

WHEREAS, the Village of Campton Hills, Kane County, Illinois (the "*Village*") is a duly organized and existing municipal corporation created under the provisions of the laws of the State of Illinois and under the provisions of the Illinois Municipal Code, as from time to time supplemented and amended; and

WHEREAS, the Illinois Municipal Code (65 ILCS 5/1-2-1) provides that the corporate authorities of each municipality may pass all ordinances and make all rules and regulations proper or necessary to carry into effect the powers granted to municipalities, with such fines or penalties as may be deemed proper; and

WHEREAS, the Village of Campton Hills currently has in effect a policy for employees and officials regarding "whistleblower" protections against retaliation; and

WHEREAS, Public Act 101-0652, effective July 1, 2021, amended the Public Officers Prohibited Activities Act by adding a new section at 50 ILCS 105/4.1; and

WHEREAS, the new statutory section more specifically prohibits actions by local governments in retaliation against employees who report improper governmental activities; and

WHEREAS, the Village wishes to amend its existing whistleblower policy to incorporate the provisions of the new statutory section and ensure compliance with the new law; and

WHEREAS, the President and Board of Trustees of the Village (the "*Corporate Authorities*") find that it is in the best interest of the health, safety and welfare of the residents of the Village to enact this amended whistleblower policy.

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the

Village of Campton Hills, Kane County, Illinois, as follows

Section 1. That the above recitals and legislative findings are found to be true and correct and are hereby incorporated herein and made a part hereof, as if fully set forth in their entirety.

Section 2. The Whistleblower Protection Policy, included as Exhibit A to this Ordinance, is hereby adopted, replacing in full the previous version of the same policy.

Section 3. All ordinances, resolutions, motions, orders, or policies in conflict with this Ordinance are hereby repealed to the extent of such conflict.

Section 4. If any section, paragraph, clause or provision of this Ordinance shall be held invalid, the invalidity thereof shall not affect any other provision of this Ordinance.

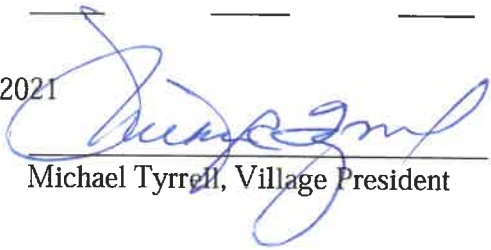
Section 5. This Ordinance shall be in full force and effect upon its passage, approval, and publication in the manner provided by law.

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Passed this 5 day of ^{oct} ~~September~~ 2021, pursuant to a roll call vote as follows:

	AYES	NAYES	ABSENT	ABSTAIN
Trustee Darlene Bakk	_____	_____	_____✓	_____
Trustee Susan P George	_____✓	_____	_____	_____
Trustee Jim McKelvie	_____✓	_____	_____	_____
Trustee Mike Millette	_____	_____	_____✓	_____
Trustee ^{muncie} Michael O'Dwyer	_____	_____	_____✓	_____
Trustee Wendy K. White Eagle	_____✓	_____	_____	_____
President Michael Tyrrell	_____✓	_____	_____	_____

APPROVED this 5 day of ^{oct} ~~September~~, 2021


Michael Tyrrell, Village President

(SEAL)

ATTEST: 
Lynn Baez, Village Clerk

1.1 Whistleblower Act

General

The Village strives to conduct its business with the utmost integrity, honesty and in strict accordance with all applicable federal, state, and local laws. Accordingly, employees are encouraged to immediately, or as soon as practicable, report any improper actions, including violations of Federal, State, or local laws, committed by Village employees or its officials to the Village Administrator, or, if the Village Administrator is involved in the improper actions, to the Village President.

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. The right of a whistleblower for protection against retaliation does not include immunity for any personal wrongdoing that is alleged and investigated.

Definitions

“Whistleblower” means an employee of the Village who:

1. Reports an improper governmental action as defined under the Public Officers Prohibited Activities Act (50 ILCS 105/4.1);
2. Cooperates with an investigation by an Auditing Official related to a report of improper governmental action; or
3. Testifies in a proceeding or prosecution arising out of an improper governmental action.

“Auditing Official” as defined in the Public Officers Prohibited Activities Act (50 ILCS 105/4.1) means the Village Administrator, whose duties include those listed in the statute.

“Employee” means anyone employed by the Village, whether in a permanent or temporary position, including full-time, part-time, and intermittent workers. Employee also includes members of appointed boards or commissions, whether paid or unpaid. Employee also includes persons who have been terminated because of any report or complaint submitted under this policy.

“Improper governmental action” includes any action by an employee that is undertaken in violation of a federal or state law or local ordinance; is an abuse of authority; violates the public’s trust or expectation of their conduct; is of substantial and specific danger to the public’s health or safety; or, is a gross waste of public funds. The action need not be within the scope of the employee’s official duties. It does not include personnel actions, such as employee grievances, complaints, appointments, promotions, transfers, assignments, reassignments, reinstatements, restorations, reemployment, performance evaluations, reductions in pay, dismissals, suspensions, demotions, reprimands, or violations of collective bargaining agreements, except to the extent that the action amounts to retaliation.

“Retaliation” means any adverse change in an employee’s employment status or the terms and conditions of employment that results from an employee acting as a whistleblower. Retaliatory action includes, but is not limited to, denial of adequate staff to perform duties; frequent staff changes; frequent and undesirable office changes; refusal to assign meaningful work;

unsubstantiated letters of reprimand or unsatisfactory performance evaluations; demotion; reduction in pay; denial of promotion; transfer or reassignment; suspension or dismissal; or other disciplinary action made because of an employee acting as a whistleblower.

Confidentiality

The goal of this whistleblower policy is to keep the confidentiality of the employee and protect said employee against retaliation. Where possible, the confidentiality of the employee will be maintained unless the employee's 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. A whistleblower may waive confidentiality in writing.

Duties of the Village Administrator

The Village Administrator shall establish written processes and procedures for managing complaints filed under this policy. Any employee who believes an improper governmental action has occurred must report the action(s) in writing to the Village Administrator, or the Village President if the Village Administrator is the person involved in the action. Similarly, any employee who believes he or she has been retaliated against must submit a written report to the Village Administrator (or Village President) within 60 days of learning about the retaliatory act.

The Village Administrator (or Village President) shall investigate all reports of improper governmental action and retaliation, in accordance with the processes and procedures established as well as best practices for managing such complaints. All investigations into any conduct that has allegedly violated this policy shall be conducted in a timely manner and without unnecessary delay. The Village Administrator (or Village President) will determine the appropriate action to take based on that investigation, up to and including referring the matter to the State's Attorney for further investigation.

The Village Administrator will provide each employee with a copy of the Public Officers Prohibited Activities Act (50 ILCS 105/4.1), this policy, and any other written procedures related to this policy upon commencement of employment and at least once each year. The Village Administrator and Village President are responsible for reading the full context of the Public Officers Prohibited Activities Act (50 ILCS 105/4.1).

The Village Administrator (or Village President) may reinstate, reimburse for lost wages or expenses incurred, promote, or provide some other form of restitution to any employees subjected to adverse actions for reporting improper government action. If the Village Administrator (or Village President) determines that restitution is not enough, the findings of the investigation will be made available to the employee or the employee's attorney to aid in making the employee whole.

Employee Responsibilities

All suspected or known illegal and dishonest activities shall be promptly submitted by employees to the Village Administrator (or Village President). An 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. Employees making good faith complaints or reports that are covered by this policy shall not be subjected to discipline. The

whistleblower is not responsible for investigating the activity or for determining fault or corrective measures.

Employee Acknowledgment

Employees are required to sign a written acknowledgement that they have received, read and understand this Policy, and to submit that acknowledgement to the Village Administrator. The form below will satisfy this requirement upon receipt.

Employee Acknowledgement of Whistleblower Protection Policy

I confirm that I have received, read and understand the "Whistleblower Protection Policy" for employees of the Village of Campton Hills.

I understand that as an employee, it is my responsibility to abide by this Policy. If I have questions about the Policy, I understand it is my responsibility to seek clarification from the proper supervisory department, the Village Administrator or the State's Attorney of Kane County.

Print Name: _____

Employee Signature: _____

Date: _____

