

RESOLUTION NO. 8-2017

A RESOLUTION AMENDING SECTION 24, HARASSMENT/WORK ENVIRONMENT OF THE VILLAGE OF EVERGREEN PARK PERSONNEL POLICY MANUAL

WHEREAS, the Illinois General Assembly enacted Public Act 100-0554, dated November 16, 2017, which became effective immediately; and

WHEREAS, pursuant to the Act, each governmental unit shall adopt an ordinance or resolution establishing a policy to prohibit sexual harassment;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Board of Trustees of the Village of Evergreen Park, Cook County, Illinois, as follows:

SECTION 1

That §24, Sexual Harassment /Work Environment, of the Village of Evergreen Park Personnel Policy Manual is amended to read as follows:

§ 24 Harassment/Work Environment

24.0 Introduction

The Village is committed to a work environment in which all individuals are treated with respect and dignity. Discrimination, including actions, words, jokes and other forms of harassment, based upon an employee's sex, race, national origin, age, religion, sexual orientation or other protected class, will not be tolerated.

24.1 Definitions of Harassment

Sexual harassment may occur whenever there are unwelcome sexual advances, requests for sexual favors, or any other verbal, physical, or visual conduct of a sexual nature when:

- a. Submission to the conduct is made either implicitly or explicitly a condition of the individual's employment;
- b. Submission to or rejection of the conduct is used as the basis for an employment decision affecting the harassed employee;
- c. The harassment has the purpose or effect of interfering with the employee's work performance or creating an environment that is intimidating, hostile, or offensive to the employee.

Sexual harassment may include a range of subtle and not so subtle behaviors and may involve individuals of the same or different gender. Depending on the circumstances, these behaviors may include, but are not limited to: unwanted sexual advances or requests for sexual favors; sexual jokes and innuendo; verbal abuse of a sexual nature; commentary about an individual's body, sexual prowess or sexual deficiencies; leering; catcalls or touching; insulting or obscene comments or gestures; display or circulation in the workplace of sexually suggestive objects or pictures (including through e-mail); and other physical, verbal or visual conduct of a sexual nature.

Harassment on the basis of race, national origin or any other protected class is also strictly prohibited. Under this policy, harassment is verbal or physical conduct that denigrates or shows hostility or aversion toward an individual because of his/her race, color, religion, sex, sexual orientation, age, national origin, disability or any other characteristic protected by law or that of his/her relatives, friends or associates, and that: (i) has the purpose or effect of creating an intimidating, hostile or offensive work environment; (ii) has the purpose or effect of unreasonably interfering with an individual's work performance; or (iii) otherwise adversely affects an individual's employment opportunities.

Conduct prohibited by these policies is unacceptable in the workplace and in any work-related setting outside the workplace, such as during business trips, professional conferences, business meetings and business-related social events.

Any employee engaging in practices or conduct constituting sexual harassment, discrimination or harassment of any kind shall be subject to disciplinary action, up to and including discharge.

24.2 Retaliation Is Prohibited

Retaliation against an individual for reporting harassment or discrimination, for participating in an investigation of a claim of harassment or discrimination, or for filing a charge of discrimination or harassment is a serious violation of this policy and, like harassment or discrimination itself, will be subject to disciplinary action.

In addition, to the Village's policy against retaliation, the Whistleblower Act (740 ILCS 174/15(a)), provides that 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)).

Similarly, pursuant 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.

24.3 Reporting Procedure

The Village strongly urges the reporting of all incidents of discrimination, harassment or retaliation, regardless of the offender's identity or position. Early reporting and intervention have proven to be the most effective method of resolving actual or perceived incidents of harassment or discrimination. The availability of this reporting procedure does not preclude individuals who believe they are being subjected to harassing or discriminatory conduct from promptly advising the offender that his or her behavior is unwelcome and requesting that it be discontinued.

If you experience or witness harassment or discrimination of any kind, you should deal with the incident as directly and firmly as possible by clearly communicating your position to the offending person, and your immediate supervisor. You should also document or record each incident (what was said or done, by whom, the date, time and place, and any witnesses to the incident). Written records such as letters, notes, memos, e-mails, and telephone messages can strengthen documentation. It is not necessary that the harassment be directed at you to make a complaint.

- **Direct Communication with Offender:** If there is harassing or discriminatory behavior in the workplace, you should directly and clearly express your objection to the offending person(s) regardless of whether the behavior is directed at you. If you are the harassed employee, you should clearly state that the conduct is unwelcome and the offending behavior must stop. However, you are not required to directly confront the person who is the source of your report, question, or complaint before notifying any of those individuals listed below. The initial message may be oral or written, but documentation of the notice should be made. If subsequent messages are needed, they should be put in writing.
- **Report to department head:** At the same time direct communication is undertaken, or in the event you feel threatened or intimidated by the offending person, you should promptly report the offending behavior to your immediate supervisor or department head. If you feel uncomfortable doing so, or if your immediate supervisor or department head is the source of the problem, condones the problem or ignores the problem, report directly to the Mayor. An investigation will be conducted and appropriate action will be taken when an allegation is determined to be valid. At no time will personnel involved in the alleged harassment conduct the investigation.

All allegations, including anonymous reports, will be accepted and investigated regardless of how the matter comes to the attention of the Village. However, because of the serious implications of sexual harassment charges and the difficulties associated with their investigation and the questions of credibility involved, the claimant's willing cooperation is a vital component of an effective inquiry and an appropriate outcome.

24.5 Harassment Allegations against Non-Employees/Third Parties

If you make a complaint alleging harassment or discrimination against an agent, vendor, supplier, contractor, volunteer or person using Village programs or facilities, the Mayor will investigate the incident and determine the appropriate action, if any. The Village will make reasonable effort to protect you from further contact with such persons. Please recognize, however, that the Village has limited control over the actions of non-employees.

24.6 Responsibility of Supervisors and Witnesses

Any supervisor who becomes aware of any possible sexual or other harassment or discrimination of or by any employee should immediately advise the department head who will investigate the conduct and resolve the matter as soon as possible.

All employees are encouraged to report incidents of harassment, regardless of who the offender may be or whether or not you are the intended victim.

24.7 The Investigation

Any reported allegations of harassment, discrimination or retaliation will be investigated promptly. The Village will make every reasonable effort to conduct an investigation in a responsible and confidential manner. However, it is impossible to guarantee absolute confidentiality. The investigation may include individual interviews with the parties involved, and where necessary, with individuals who may have observed the alleged conduct or may have other relevant knowledge.

24.8 Responsive Action

The Village will determine what constitutes harassment, discrimination or retaliation based on a review of the facts and circumstances of each situation. Misconduct constituting harassment, discrimination or retaliation will be dealt with appropriately. Responsive action may include, for example, training, referral to counseling and disciplinary action such as warning, reprimand, withholding of a promotion or pay increase, reassignment, temporary suspension without pay or termination, as the Village believes appropriate under the circumstances.

24.9 False and Frivolous Complaints

Given the possibility of serious consequences for an individual accused of sexual harassment, complaints made in bad faith or otherwise false and frivolous charges are considered severe misconduct and may result in disciplinary action, up to and including dismissal.

While we hope to be able to resolve any complaints of harassment within the Village, we acknowledge your right to contact the Illinois Department of Human Rights (IDHR) at the James R. Thompson Center, 100 West Randolph Street, Suite 10-100, Chicago, Illinois 60601, about filing a formal complaint.

SECTION 2

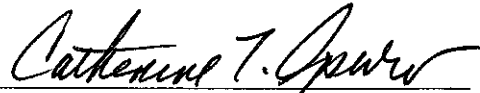
Pursuant to Section 1.2 of the Village of Evergreen Personnel Policy Manual, the Harassment/Work Environment Policy shall apply to all Village employees.

SECTION 3

Should any section, paragraph, sentence, clause or phrase of this Policy, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, such decision shall not affect the validity of the remaining portions of the Policy or its application to other employees or circumstances.

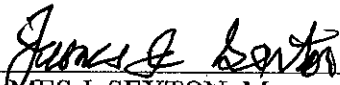
SECTION 4

This resolution was adopted and deposited in the office of the Village Clerk of the Village of Evergreen Park this 18th day of December, 2017.



CATHERINE T. APARO, Village Clerk

Approved by me this 18th day
of December, 2017.



JAMES J. SEXTON, Mayor

