

**VILLAGE OF VERNON HILLS
RESOLUTION NO. 2018-002**

**A RESOLUTION AMENDING RESOLUTION 2017- 040 AMENDING
THE VILLAGE OF VERNON HILLS PERSONNEL RULES EFFECTIVE MAY 1, 2017
PURSUANT TO PUBLIC ACT 100-0554**

WHEREAS, the Village of Vernon Hills, County of Lake, State of Illinois (*“the Village”*) is a duly organized and existing municipality and unit of local government created under the provisions of the laws of the State of Illinois, and is operating under the provisions of the Illinois Municipal Code; and

WHEREAS, the Illinois General Assembly has recently enacted Public Act 100-0554 (*“the Act”*), an Act concerning government, which became effective immediately, dated November 16, 2017; and

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

WHEREAS, all prior existing sexual harassment policies of the Village shall be superseded by the Policy Prohibiting Sexual Harassment adopted by this Resolution; and

WHEREAS, the Village President and Board of Trustees hereby desire to make necessary amendments the Village’s Personnel Rules, Section 3.02 – Anti-Discrimination, Harassment, and Sexual Harassment Policy, to comply with the Act as attached to this Resolution as Exhibit A.

NOW THEREFORE BE IT RESOLVED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF VERNON HILLS, LAKE COUNTY, ILLINOIS, as follows:

SECTION 1: APPROVAL OF AMENDMENTS. The Village of Vernon Hills Personnel Rules, Section 3.02 – Anti-Discrimination, Harassment, and Sexual Harassment Policy, is hereby approved as amended, as attached to this Resolution in Exhibit A.

SECTION 2: EFFECTIVE DATE. This Resolution shall be in full force and effect upon its passage and approval by a majority of the members of the Village Board.

SECTION FOUR: REPEAL AND SAVINGS CLAUSE: All Resolutions or parts of Resolutions in conflict herewith are hereby repealed, provided, however, that nothing herein contained shall affect any rights, actions or causes of action which shall have accrued to the Village of Vernon Hills prior to the effective date of this Resolution.

SECTION 3: RESOLUTION NUMBER: This Resolution shall be known as Resolution Number 2018-002.

Dated the 9th of January 2018

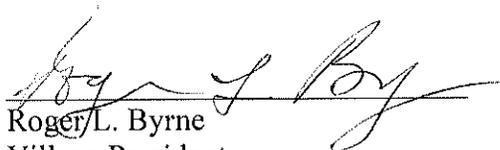
[SIGNATURE PAGE FOLLOWS]

Adopted by roll call votes as follows:

AYES: 6 – Koch, Hebda, Marquardt, Oppenheim, Schultz, Takaoka

NAYS: 0 - None

ABSENT AND NOT VOTING: 0 - None


Roger L. Byrne
Village President

PASSED: January 9, 2018

APPROVED: January 9, 2018

ATTEST: January 9, 2018


John M. Kalmar
Village Clerk



RESOLUTION 2018-002

EXHIBIT A: VILLAGE OF VERNON HILLS PERSONNEL RULES SECTION 3.02 – ANTI-DISCRIMINATION, HARASSMENT AND SEXUAL HARASSMENT POLICY

3.02 – Anti-Discrimination, Harassment, and Sexual Harassment Policy

The Village of Vernon Hills will not tolerate unlawful discrimination or harassment of any kind. It is the responsibility of each staff member to act in a manner appropriate to the work environment and be respectful of the rights of fellow workers. All employees, regardless of their position, are covered by and are expected to comply with this policy, and to take appropriate measures to ensure that prohibited conduct does not occur. Appropriate disciplinary action will be taken against any employee who violates this policy. Based upon the seriousness of the offense, disciplinary action may include verbal or written reprimand, suspension, or termination of employment.

It is a violation of this Policy to discriminate in the provision of employment opportunities, benefits or privileges, to create discriminatory work conditions, or to use discriminatory evaluative standards in employment if the basis of that discriminatory treatment is, in whole or in part, the person's race, color, religion, creed, sex, gender-identity, gender-expression, national origin, ancestry, age, physical or mental disability, citizenship, marital status, pregnancy, medical or common conditions relating to pregnancy and childbirth, military or veteran status, sexual orientation, genetic background, arrest record, status as a beneficiary of an order of protection, or status in any group protected by applicable federal, state or local law. Discrimination of this kind may also be strictly prohibited by a variety of federal, state and local laws; however this policy prohibits discrimination based on an individual's protected status, even if it does not rise to the level of a legal violation. Discrimination ~~of any kind by any employee on the basis of an employee's protected status~~ will not be tolerated and all reports of discrimination will be promptly investigated and corrective action will be taken ~~when the charge is substantiated if conduct in violation of this policy is found to have occurred~~. The Village shall initiate an investigation on any report of discrimination ~~within five business days of receiving promptly upon receipt of~~ the report.

This Policy prohibits harassment of any kind, toward an individual or group because of race, color, religion, creed, sex, gender-identity, gender expression, national origin, ancestry, age, physical or mental disability, citizenship, marital status, pregnancy, medical or common conditions relating to pregnancy and childbirth, military or veteran status, sexual orientation, genetic background, arrest record, status as a beneficiary of an order of protection, or status in any group protected by applicable federal, state or local law. Harassment may also be strictly prohibited by a variety of federal, state and local laws; however this policy prohibits harassment based on an individual's protected status, even if it does not rise to the level of a legal violation. The Village of Vernon Hills will take appropriate action swiftly to address any violations of this Policy. For the purposes of this policy, harassment is defined as verbal, visual, or physical conduct that may be considered offensive, threatening, intimidating or coercive. Actions that are forbidden under this policy include, but are not limited to: (1) epithets, slurs, negative stereotyping, or intimidating acts that are based on a person's protected status; and (2) the distribution, display or discussion of any written or graphic material that ridicules, denigrates, insults, belittles, or shows hostility or aversion toward a person or persons because of their protected status.

Harassment of employees, occurring in the workplace or in other settings that may affect the workplace, violates this policy and will not be tolerated by The Village of Vernon Hills. Further, any retaliation against an individual who has complained about harassment, discrimination or retaliation against individuals for cooperating with an investigation of a ~~harassment~~-complaint, is similarly violates this policy and will not be tolerated.

1. Sexual Harassment

~~Sexual harassment, deserves special mention. Sexual harassment is strictly prohibited.~~ Sexual harassment, as defined by the United States Equal Employment Opportunity Commission (“EEOC”), is “unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature” that takes place under any of the following conditions:

- ~~a. When submission to the sexual advance, requests or conduct is made either explicitly or implicitly a condition of keeping or getting a job.~~
- ~~b. When a supervisor or manager makes a personnel decision based on an employee’s submission to, or rejection of sexual advances.~~
- ~~a. When sexual conduct substantially interferes with a person’s work performance or creates an intimidating, hostile or offensive work environment.~~
- ~~b. 1. submission to or rejection of this conduct explicitly or implicitly affects a term or condition of individual’s employment;~~
- ~~c. 2. submission to or rejection of the conduct is used as the basis for an employment decision affecting the harassed employee or;~~
- ~~e. 3. the harassment has the purpose or effect of unreasonably interfering with the employee’s work performance or creating an intimidating, hostile or offensive work environment because of the persistent, severe or pervasive nature of the conduct.~~

e.g. _____

Conduct commonly considered to be sexual harassment includes, but is not limited to:

~~Repeated,~~ unwanted sexual flirtations, advances or propositions,

Uninvited physical contact, such as touching, hugging, patting, brushing or pinching,

Display or publication of sexually suggestive reading materials, objects, pictures, posters, or cartoons, or other items

Written or spoken references to sexual conduct, gossip regarding one’s sex life, comments on an individual’s body, sexual activity, deficiencies or prowess.

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Unwelcome leering, whistling or sexual gestures,

~~Continued or repeated jokes~~Jokes, language, epithets or remarks of a sexual nature,

Direct or implied request for sexual favors, accompanied by an implied or overt threat ~~covering~~ regarding an individual's employment status or promises of preferential treatment.

2. Responsibility of Individual Employees

Each individual employee has the responsibility to refrain from any behavior or conduct that could reasonably be interpreted as prohibited discrimination, or harassment or retaliation under this policy. Employees are encouraged to inform others in the workplace whenever their conduct is unwelcome, offensive, inappropriate, or in poor taste. In addition, employees should come forward with complaints about alleged problems or violations of this policy at any time. Employees are expected to come forward promptly and report any problems pursuant to this policy before the alleged offending behavior becomes severe or pervasive. Anyone who has observed an alleged violation of the policy is also encouraged to report such conduct. No employees, not even the highest-ranking people in the Village, are exempt from the requirements of this policy.

3. Responsibility of Supervisory Personnel

Supervisors and managers are responsible for maintaining a workplace free of discrimination and harassment. This is accomplished by promoting a professional environment and by responding to any complaints with seriousness, reporting any reported or suspected violations of this policy to the ~~Assistant~~ Finance Director ~~or~~ Village Manager, or their designee and maintaining confidentiality to the extent ~~practical under the circumstances~~ permissible under the law. Supervisors must report suspected violations of the Policy, even in cases where an employee tells the supervisor about behavior considered discrimination, ~~or~~ harassment or retaliation but does not want a complaint to be investigated. Failure of a supervisor or manager to report suspected violations of this policy may result in disciplinary action being taken against the supervisor or manager.

In addition, supervisors must ensure that no retaliation will result against an employee making a discrimination or harassment complaint. The ~~Assistant~~ Finance Director or their designee is available to consult with supervisors on the proper procedure to follow.

4. Procedures for Filing a Complaint

If an employee experiences or witnesses any conduct that he or she believes violates this policy, the Village expects the employee to immediately report the conduct to his or her supervisor, the Ethics Officer or the ~~Assistant Finance~~ Finance Director or their

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designee. This may be done in writing or orally. This policy does not require that the employee report the conduct to any individual who is engaging in the conduct. If the employee believes that any person to whom such a report should be directed is involved in or associated in any way with the alleged conduct, then the report should be directed to a supervisor not involved in the conduct. Individuals who have questions about discrimination, ~~or~~ harassment or retaliation generally or The Village of Vernon Hills' Policy or feel aggrieved by potential discrimination, ~~or~~ harassment or retaliation in the workplace, are encouraged to contact the Assistant Finance Finance Director or their designee without fear or embarrassment or reprisal.

The Village prohibits retaliation against anyone who makes a complaint of harassment or discrimination or who participates, in any way in the investigation. No one making a complaint will be retaliated against, even if a complaint made in good faith is not substantiated. In addition, the Village forbids retaliation against anyone for cooperation in a discrimination or harassment investigation or for filing an administrative claim with the EEOC or a state government agency. All employees who experience or witness any conduct they believe to be retaliatory should immediately follow the reporting procedures stated above. Illinois law also provides protections to whistleblowers as set forth more fully, in the Whistleblower Act, 740 ILCS 174/15 and the Human Rights Act, 775 ILCS 5/6-101.

All reports describing conduct that is inconsistent with this policy will be investigated promptly. The Village may put reasonable interim measures in place, such as a leave of absence or a transfer, while the investigation takes place. The Village will take further appropriate action once the complaint 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 the policy occurred or that the Village cannot conclude whether or not a violation occurred.

If an investigation reveals that a violation of this policy or other inappropriate conduct has occurred, then the Village will take corrective action, including discipline up to and including dismissal, as is appropriate under the circumstances, regardless of the job positions of the parties involved. The Village may discipline an employee for any inappropriate conduct discovered in investigating reports made under this policy, regardless of whether the conduct amounts to a violation of law or even a violation of this policy. If the person who engaged in harassment is not employed by the Village, then the Village will take whatever corrective action is reasonable and appropriate under the circumstances.

In summary all Village employees are responsible to help assure that harassment and discrimination are avoided. If you believe you have experienced harassment or discrimination and you feel more comfortable discussing these issues with another member of management, you may do so with the understanding that the manager is required to contact senior administrative staff, or if the complaint is regarding the Village Manager, the Village Board of Trustees.

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The Village will take steps to ensure that complaints made are kept confidential to the extent permissible under the law. Individuals who are involved in an investigation under this policy are required to keep the matter confidential to the fullest extent permitted under the law.

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5. Other Agencies You May Contact:

You may also contact the following state and federal agencies with questions regarding a harassment, ~~or~~ discrimination or retaliation complainor to make a confidential report of harassment, discrimination or retaliation:

Illinois Department of Human Rights
100 West Randolph Street
Suite 10-100
Chicago, Illinois 60601
(312) 814-6200

Or the:

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

Comment [JM1]: The Commission adjudicates charges that have first been investigated by the Department. It is not necessary to list the Commission here.

Or the:

Equal Employment Opportunity Commission ("EEOC")
500 West Madison Street
Suite 2800
Chicago, Illinois 60661
(800) 669-4000

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You may contact the state agencies regarding a discrimination harassment complaint within 180 days of the date that the alleged discrimination or harassment took place. The Illinois Department of Human Rights investigates complaints of discrimination and harassment and determines whether there is substantial evidence to support a charge of discrimination. The Illinois Human Rights Commission adjudicates complaints of discrimination or harassment to determine whether a violation of the Illinois Human Rights Act has occurred. The EEOC is a federal government agency tasked with enforcing and interpreting various federal civil rights statutes dealing with employment.

6. False and Frivolous Complaints

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It is a violation of this policy for an employee to knowingly make a false report of discrimination, harassment or retaliation.

~~False and frivolous charges refer to cases where the accuser is using a discrimination or harassment complaint to accomplish some end other than stopping discrimination or harassment. It This prohibition~~ does not refer to charges made in good faith that are not substantiated. ~~Given the seriousness of the consequences for the accused, a false and frivolous charge is a severe offense that can itself result in disciplinary action~~ Employees who knowingly file false reports are subject to disciplinary action up to and including termination of employment.

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Section 3.03 - Responsibility

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The ~~Assistant Finance~~ Finance Director shall be charged with responsibility for administration of Equal Employment Opportunity and Sexual Harassment policies of the Village.

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