

ORDINANCE NO. 2018-1-4

AN ORDINANCE AMENDING CHAPTER 15½, PERSONNEL, ARTICLE I, IN GENERAL, SECTION 15½-9, SEXUAL HARASSMENT PROHIBITION, OF THE MUNICIPAL CODE OF THE VILLAGE OF ALSIP

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

WHEREAS, pursuant to Public Act 100-0554, each governmental unit shall adopt an ordinance or resolution establishing a policy to prohibit sexual harassment;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Board of Trustees of the Village of Alsip, as follows:

Section 1

That Chapter 15½, Personnel, Article I, In General, Section 15½-9, Sexual Harassment Prohibition, of the Municipal Code for the Village of Alsip be amended as follows:

Sec. 15½-9. - Sexual harassment prohibition.

- (a) *Generally.* The village is committed to providing a workplace that is free from all forms of discrimination, including sexual harassment. Sexual harassment is prohibited by title VII of the Civil Rights Act of 1964 and the Illinois Human Rights Act. Accordingly, it is the policy of the village that sexual harassment shall not be permitted. This applies to all employees, elected and/or appointed officials, contractors, clients, customers or other guests, vendors and persons doing business with the village.

A violation of this policy shall be considered grounds for disciplinary action, up to and including termination from the village.

- (b) *Definition.*

Sexual harassment means any unwelcome sexual advances, 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.

Hostile environment sexual harassment is unwelcome sexual conduct that is sufficiently severe or pervasive that it alters the conditions of employment and creates an environment that a reasonable person would find intimidating, hostile, uncomfortable, or inappropriate. The determination of whether an environment is "hostile" is based on consideration of all of the circumstances, including the frequency of the conduct, its severity, and whether it is threatening or humiliating.

(c) *Examples of sexual harassment.* Examples of behavior that would be considered sexual harassment include, but are not limited to, the following:

- (1) Direct or implied threats that submission to sexual advances will be a condition of employment, work status, or promotion;
- (2) Suggesting sexual involvement to or demanding sexual involvement of another employee where such person has made it clear that such a suggestion or demand is unwelcome;
- (3) Any unwelcome communication that is sexually suggestive, sexually degrading or implies sexual motives or intentions, such as sexual remarks or innuendos about an individual's clothing, appearance, or activities; jokes about sex or gender-specific traits; public conversations about sexual activities or exploits; suggestive sounds such as howling, catcalls, and whistles;
- (4) Unwelcome and offensive name calling or profanity that is sexually suggestive, sexually degrading, implies sexual intentions, or that is based on sexual stereotypes or sexual preference;
- (5) Unwelcome leers, stares, gestures or slang that are sexually suggestive, sexually degrading or imply sexual motives or intentions;
- (6) Unwelcome physical contact or closeness that is sexually suggestive, sexually degrading, or sexually intimidating such as the unwelcome touching of another's body parts, cornering or blocking an individual, standing too close, following, stalking, kissing, hugging, pinching etc.;
- (7) Any coerced sexual act or physical assault;
- (8) Unwelcome written or pictorial display or distribution of pornographic or other sexually explicit materials such as magazines, videos, films, internet material, etc.;
- (9) Any other unwelcome gender-based behavior that is offensive, degrading, intimidating, demeaning or that is based on sexual stereotypes and attitudes.

(d) *Procedures for filing a complaint.*

- (1) *Internal.* Any employee who feels that he or she has been sexually harassed, or who has witnessed sexual harassment, should immediately report the conduct. Complaints of sexual harassment should be made to the employee's supervisor, human resources or chief of police. If the person making the complaint does not feel comfortable making a complaint to these persons, the complaint can be made to the Mayor. Every effort should be made to file complaints as soon as possible, while facts are known and potential witnesses are still available.

All complaints of harassment are taken seriously and will be investigated promptly and as confidentially as possible.

Any employee who is found after appropriate investigation to have been in violation of this policy will be disciplined and subjected to corrective action, up to and including termination, from the village.

If either the complaining or offending party disagrees with the decision, he or she may appeal the decision to the Mayor.

All allegations of harassment, 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.

- (2) *External.* The purpose of this policy is to establish prompt, thorough and effective procedures for responding to every complaint and incident so that problems can be identified and remedied internally. However, an employee has the right to contact the Illinois Department of Human Rights (IDHR) or the Equal Employment Opportunity Commission (EEOC) about filing a formal complaint. A charge with the IDHR must be filed within 180 days of the incident of sexual harassment. A charge with the EEOC must be filed within 300 days of the incident.

Contact information:

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

Equal Employment Opportunity Commission
500 W. Madison, Suite 2000
Chicago, IL 60661
(800) 669-4000

- (e) *Retaliation.* Any person who, in good faith, brings forth a complaint of sexual harassment will not be subject to retaliation. Witnesses will also be protected from retaliation. Any individual found to have engaged in retaliatory conduct shall be subject to discipline, up to and including termination.

In addition to the village's policy prohibiting retaliation, employees may be entitled to protections against retaliation under the Whistleblower Act (740 ILCS 174/15) and the Illinois Human Rights Act (775 ILCS 5/6-101). Pursuant to the Whistleblower Act, employers are prohibited from retaliating against employees who disclose 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. Similarly, the Illinois Human Rights Act provides that it is a civil rights violation for a person, or for two or more people to conspire, to retaliate against a person because he or she opposed, made a charge, filed a complaint, testified, assisted, or participated in an investigation, proceeding or hearing regarding that which he or she reasonably and in good faith believed to be sexual harassment in employment.

- (f) *False complaints.* Allegations of sexual harassment are extremely serious. Therefore, all claims of harassment must be made in good faith. Any claims that are brought while knowingly false, with malicious intent, or out of retaliation are a violation of this policy. Individuals who make false complaints in bad faith shall be subject to discipline, up to and including termination.

Section 2

That the Policy, as described herein, is incorporated by reference into the Village of Alsip Employee Handbook, §5, Prohibited Harassment.

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

All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed insofar as they conflict herewith.

Section 5

This ordinance shall be immediately in full force and effect after passage and approval as provided by law.

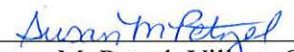
PASSED by the Mayor and Board of Trustees of the Village of Alsip, Cook County, Illinois on January 2, 2018, by the following roll call vote:

	YES	NO	ABSENT	ABSTAIN
McGREAL		X		
DALZELL	X			
PIERCE	X			
ZIELINSKI	X			
JUAREZ		X		
McLAWHORN	X			
MAYOR RYAN				
TOTAL	4	2	0	0

APPROVED:


 John D. Ryan, Mayor

ATTEST:


 Susan M. Petzel, Village Clerk