
THE CITY OF ROCHELLE
Ogle County, Illinois

RESOLUTION
NO. _____

**A RESOLUTION APPROVING AN AMENDMENT TO THE
PERSONNEL MANUAL**

CHET OLSON, Mayor
SUE MESSER, City Clerk

TOM McDERMOTT
BIL HAYES
DON BURKE
KATE SHAW-DICKEY
DAN McDERMOTT
JOHN BEARROWS
City Council

Published in pamphlet form by authority of the Mayor and City Council of the City of Rochelle
Law Offices of Peterson, Johnson, & Murray—Chicago, City Attorneys
200 W. Adams, Ste. 2125, Chicago, IL 60606

CITY OF ROCHELLE
Ogle County, Illinois

RESOLUTION NO. _____

**A RESOLUTION APPROVING AN AMENDMENT TO THE
PERSONNEL MANUAL**

WHEREAS, the City of Rochelle, County of Ogle, State of Illinois, a non-home rule unit of government, has the power to set policies and procedures for its employees and elected officials and

WHEREAS, previously the City has adopted a policies and procedures manual for employees and elected officials (“Personnel Policies Manual”) setting forth the policies and procedures in current force and effect for City employees and elected officials; and

WHEREAS, by its nature, the Personnel Policies Manual, otherwise referred to as the Employee Handbook is in constant need of review and revision to be consistent with all applicable laws and current technology; and

WHEREAS, the City staff and legal counsel have identified a need to amend the Personnel Policies Manual; and

WHEREAS, the Illinois General Assembly has enacted Public Act 100-1066, an Act concerning State government, which became effective immediately, and

WHEREAS, pursuant to the Act, each governmental unit shall update its policy prohibiting sexual harassment to reflect newly established timelines for filing a claim; and

NOW, THEREFORE, be it Resolved by the corporate authorities of the City of Rochelle the following:

SECTION ONE: The Policy Prohibiting Sexual Harassment adopted by Resolution on October 9, 2018 shall be updated to reflect a 300-day time limit for filing a claim of sexual harassment in accordance with Public Act 100-1066. The Policy Prohibiting Sexual Harassment in the City of Rochelle is hereby amended by deleting the language with a strikethrough and adding the following underlined language:

c. **REPORTING OF INAPPROPRIATE CONDUCT**

Any individual who believes that he or she has been harassed in violation of this policy should immediately make a verbal or written complaint to the Human Resources Coordinator, the City Manager or to any appropriate Manager or Supervisor with whom the employee feels comfortable discussing the situation. In all cases, an individual making a complaint of harassment shall be given the opportunity in the complaint procedure to bypass the person who is allegedly committing the involved harassment. There will be no adverse action resulting against any individual who in good faith makes a complaint under this policy and/or who participates in any investigation into a complaint.

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.

An 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 – due within 300 days (IDHR) or 300 days (EEOC) of the alleged retaliation.

SECTION TWO: The City hereby amends the Personnel Policies Manual, attached hereto as Exhibit 1, subject to final review and revisions by the City Attorney.

SECTION THREE: All prior Ordinances, Resolutions and Personnel Policies in conflict or inconsistent herewith are hereby expressly repealed but only to the extent of such conflict or inconsistency.

SECTION FOUR: This Resolution shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law.

PASSED THIS ____ day of _____, 2018.

AYES:

NAYS:

ABSENT:

APPROVED THIS ____ day of _____, 2018.

MAYOR

ATTEST:

CITY CLERK

STATE OF ILLINOIS)
)
COUNTY OF OGLE) SS.

CERTIFICATE

I, _____, City Clerk of the City of Rochelle, County of Ogle and State of Illinois, DO HEREBY CERTIFY that the foregoing is a true and correct copy of Resolution No. _____, “A RESOLUTION APPROVING AN AMENDMENT TO THE PERSONNEL MANUAL” which was adopted by the Mayor and City Council of the City of Rochelle on _____, 2018.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the City of Rochelle this _____ day of _____, 2018.

CITY CLERK