

DUPAGE TOWNSHIP, WILL COUNTY, ILLINOIS

ORDINANCE 2021 - 21

**AN ORDINANCE ADOPTING AND ESTABLISHING A WHISTLEBLOWER  
AND ANTI-RETALIATION POLICY TO COMPLY WITH P.A. 101-652**

**WHEREAS**, recently, the Illinois General Assembly enacted Public Act 101-652 that requires units of local government to adopt a whistleblower and anti-retaliation policy to provide procedures for reporting improper governmental actions, as defined by that Act; and

**WHEREAS**, the Supervisor and the Board of Trustees desire to adopt the Whistleblower Reporting and Anti-Retaliation Policy and Procedures set forth in Exhibit A attached to this Resolution.

**NOW, THEREFORE, BE IT RESOLVED** by the Supervisor and Board of Trustees of DuPage Township, Will County, Illinois, as follows:

**SECTION 1.** The recitals set forth above are hereby incorporated into and made a part of this Resolution as though set forth in this Section 1.


**SECTION 2.** The Supervisor and Board of Trustees of DuPage Township, Will County, Illinois hereby adopt the Whistleblower Reporting and Anti-Retaliation Policy and Procedures attached as Exhibit A.

**SECTION 3.** This Ordinance shall be in full force and effect immediately upon passage and approval by the Supervisor and Board of Trustees of DuPage Township, Will County, State of Illinois.

PASSED THIS 20th day of July 2021 by the Township Board of DuPage Township, Will County, Illinois.

  
\_\_\_\_\_  
GARY MARSCHKE,  
Township Supervisor

ATTEST:

  
\_\_\_\_\_  
BARBARA PARKER,  
Township Clerk

## Exhibit A

### **Whistleblower Reporting and Anti-Retaliation Policy and Procedures** **General Policy**

It is the policy of DuPage Township to act in accordance with Illinois Public Act 101-652 generally, and specifically Section 4.1 of the Public Officers Prohibited Activities Act.

It is the policy of DuPage Township to prohibit any official from retaliating against any employee who: (a) reports an improper governmental action, (b) cooperates in the investigation related to a report of an improper governmental action, or (c) testifies in a proceeding or prosecution of an improper governmental action. An improper governmental action is defined as follows.

“Improper governmental action” includes any action by a DuPage Township employee, an appointed member of a board, commission, or committee, or an elected official of DuPage Township that is undertaken in violation of federal, State, or unit of local government law or rule; is an abuse of authority; violates the public’s trust or expectation of his or her conduct; is of substantial and specific danger to the public’s health or safety; or is a gross waste of public funds.

“Improper governmental action” does not include a DuPage Township personnel actions, including, but not limited to 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 the actions amounts to retaliation. Retaliation, in this context means retaliatory action that results from an employee’s protected activity of reporting improper governmental action, cooperating in the investigation, proceeding or prosecution of a reported improper governmental action.

Copies of this Policy and Procedure, along with a copy of Section 4.1 of the Public Officers Prohibited Activities Act will be given to every employee upon hiring. Additionally, these same documents will be furnished or made available to all employees on an annual basis.

#### **Designation of Auditing Official**

DuPage Township designates the Township Administrator to serve as the Auditing Official of DuPage Township, with the duties and responsibilities set forth in 50 ILCS 105/4.1. If the Township Administrator is unavailable or unable to perform the duties and responsibilities set forth in 50 ILCS 105/4.1, the Finance Administrator will serve as the Auditing Official.

#### **Procedures for Reporting and Investigating Reports of Improper Governmental Action**

##### A. Reporting an “Improper Governmental Action” or Retaliation.

1. If an employee believes that he/she has witnessed an improper governmental action, as defined in the Policy above, the employee must submit a written report of the improper governmental action to the Auditing Official.
2. If an employee believes that he/she has been retaliated against for reporting improper governmental action, or cooperating in the investigation, or procedure involving an improper governmental action, the employee must report such alleged retaliation to the Auditing Official within sixty (60) days of the retaliatory action taking place.
3. The Auditing Official may transfer the complaint to another auditing official, including the States Attorney, if he/she determines that it is appropriate.
4. If the Auditing Official is also the subject of the complaint, the Complainant may file the complaint with any States Attorney.

B. Investigation of Complaint.

1. Identity of the Complainant
  - a. The Auditing Official will keep the identity of the Complainant confidential to the extent allowed by law.
  - b. The Complainant may waive confidentiality in writing on a form presented to the Auditing Official.
2. The Auditing Official shall investigate the complaint promptly and thoroughly and conclude whether or not the evidence gathered through such investigation warrants merit of a finding that either an improper governmental action, or retaliation for filing such a complaint or complying with such investigation occurred or did not occur.
3. The investigation by the Auditing Official may include:
  - a. Interviews of the Complainant and witnesses;
  - b. Interviews of governmental officials who may have knowledge about the complaint or may be the subject of the complaint;
  - c. Inspection of documentation (in written, printed, or electronic format) relevant to the complaint;
  - d. Take any other appropriate measures to ensure that the complaint has been thoroughly investigated.
  - e. Make a determination whether the complaint has merit or whether the complaint does not have merit.

C. Determination and Remedial Action If Necessary.

1. If the Auditing Official determines that the complaint has no merit, he/she can dismiss the complaint.
2. If the Auditing Official determines that the complaint has merit, he/she may take remedial action on behalf of the Complainant, including reinstatement, reimbursement for lost wages or expenses, promotion, or other remedial action that the Auditing Official deems appropriate. The Auditing Official may also make his/her investigation findings available to the Complainant's attorney if the Auditing Official finds that restitution is not sufficient.
3. Any person who engages in prohibited retaliation under Section 4.1 of the Public Officers Prohibited Activities Act may also be subject to fines, appropriate employment action, civil or criminal prosecution, or any combination of these actions.