

**STATE OF ILLINOIS - COUNTY OF BOND
CITY OF GREENVILLE**

ORDINANCE NO. 3151

**AN ORDINANCE AMENDING CHAPTER 34: PERSONNEL
POLICIES OF THE CITY CODE OF ORDINANCES, BY
THE CITY OF GREENVILLE, BOND COUNTY, ILLINOIS**

**ADOPTED BY THE
CITY COUNCIL
OF
THE CITY OF GREENVILLE**

THIS 12th DAY OF DECEMBER, 2017

**Published in pamphlet form by authority of the City Council of the City of Greenville,
Bond County, Illinois, this 13th day of December, 2017.**

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CITY OF GREENVILLE
ORDINANCE NO. 3151**

AN ORDINANCE AMENDING CHAPTER 34: PERSONNEL POLICIES OF THE CITY CODE OF ORDINANCES, BY THE CITY OF GREENVILLE, BOND COUNTY, ILLINOIS

WHEREAS, it is desired that the Greenville Code of Ordinances Chapter 34: Personnel Policies; be amended in the following respects:

That portion of Section 34, being:

34.005 SEXUAL AND OTHER UNLAWFUL HARASSMENT.

(A) It is the policy of the city to provide a work environment for its employees which is free from discrimination and intimidation. The city will not tolerate any form of unlawful harassment. Prompt disciplinary action will be taken against an employee who commits or participates in any form of unlawful harassment, which includes harassment based on an individual's sex, race, color, religion, national origin, age, citizenship status, marital status, handicap or disability.

(B) (1) **SEXUAL HARASSMENT** is defined as unwanted, unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when:

(a) Submission to or rejection of such conduct is made either implicitly or explicitly a term or condition of an individual's employment;

(b) Submission to or rejection of such conduct by an individual is used as the basis for any employment related decision affecting the individual; or

(c) Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance, or creating an offensive, intimidating, degrading or hostile work environment.

(2) Such conduct is illegal. Examples of sexual harassment may include unauthorized touching of a sexual nature, making requests for sexual favors, pressure to engage in sexual activity as a condition of employment or promotion, leering or ogling, or telling jokes or stories of a sexual nature.

(C) If an employee feels he or she is being harassed based upon his or her sex, race, color, religion, national origin, age, citizenship status, marital status, handicap or disability, he or she should at once make his or her feelings known to his or her immediate supervisor. The matter will be investigated and, where appropriate, disciplinary action taken. If the employee feels that the matter cannot be discussed with his or her supervisor, or if he or she is not satisfied with the way his or her report has been handled, he or she should arrange for a conference with the City Manager to discuss the complaint. Remember, do not assume the city is aware of harassment. It is the employee's responsibility to report incidents he or she knows about.

(D) (1) In addition, employees who believe they are being harassed may contact the State Department of Human Rights at (217)785-5100 or the State Human Rights Commission at (217)785-4350. Remedies available through the Human Rights Department and Human Rights Commission in case of a valid substantiated complaint may include, but are not limited to:

- (a) Cease and desist orders;
- (b) Actual damages;
- (c) Hiring, reinstatement, promotion, back pay and employee benefits;
- (d) Attorney's fees and costs;
- (e) Compliance reports;
- (f) Posting of compliance notices; and
- (g) Loss of public contracts.

(2) Employees who file a complaint with the city, or the Human Rights Department will not be retaliated against based on such complaint.

(E) This policy refers not only to supervisor/subordinate actions, but also applies to action between co-workers. Harassment of our employees in connection with their work by non-employees may also be a violation of this policy. Any employee who becomes aware of any harassment of an employee by a non-employee should report such harassment to his or her supervisor. Appropriate action will be taken with respect to violation of this policy by any non-employee.

is hereby amended and replaced with the new Section 34: Personnel Policies which shall say:
34.005 SEXUAL AND OTHER UNLAWFUL HARASSMENT.

(A) It is the policy of the city to provide a work environment for its employees which is free from discrimination and intimidation. The city will not tolerate any form of unlawful harassment. Prompt disciplinary action will be taken against an employee who commits or participates in any form of unlawful harassment, which includes harassment based on an individual's sex, race, color, religion, national origin, age, citizenship status, marital status, handicap or disability.

(B) (1) It is unlawful to harass a person because of that person's sex. The courts have determined that sexual harassment is a form of discrimination under Title VII of the U.S. Civil Rights Act of 1964, as amended in 1991.

(2) Sexual harassment is defined as unwanted, unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when:

(a) Submission to or rejection of such conduct is made either implicitly or explicitly a term or condition of an individual's employment;

(b) Submission to or rejection of such conduct by an individual is used as the basis for any employment related decision affecting the individual; or

(c) Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance, or creating an offensive, intimidating, degrading or hostile work environment.

(3) Such conduct is illegal. Examples of sexual harassment may include sexual innuendos, suggestive or insulting sounds, unauthorized touching of a sexual nature, making requests for sexual favors, pressure to engage in sexual activity as a condition of employment or promotion, leering or ogling, telling jokes or stories of a sexual nature, or textual or electronic messages with sexual content.

(C) If an employee feels he or she is being harassed based upon his or her sex, race, color, religion, national origin, age, citizenship status, marital status, handicap or disability, he or she should at once make his or her feelings known to his or her immediate supervisor, either as a electronic or direct communication. All complaints will be investigated and, where appropriate, disciplinary action taken. If the employee feels that the matter cannot be discussed with his or her supervisor, or if he or she is not satisfied with the way his or her report has been handled, he or she should arrange for a conference with the City Manager to discuss the complaint. Remember, do not assume the city is aware of harassment. It is the employee's responsibility to report incidents he or she knows about.

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- (f) Posting of compliance notices; and
- (g) Loss of public contracts.

(2) Employees who file a complaint with the city, or the Human Rights Department will not be retaliated against based on such complaint. No individual making a report will be retaliated against even if a report made in good faith is not substantiated. In addition, any witness will be protected from retaliation. The State Officials and Employees Ethics Act provides whistleblower protection from retaliatory action and retaliation is a civil rights violation according to the Illinois Human Rights Act.

(E) This policy refers not only to supervisor/subordinate actions, but also applies to action between co-workers. Harassment of our employees in connection with their work by non-employees may also be a violation of this policy. Any employee who becomes aware of any harassment of an employee by a non-employee should report such harassment to his or her

supervisor. Appropriate action will be taken with respect to violation of this policy by any non-employee.

(F) In addition to any and all other discipline that may be applicable pursuant to municipal policies, employment agreements, employee handbooks and collective bargaining agreements, any person who violates this policy or the Prohibition of Sexual Harassment contained in 5 ILCS 430/5-65, may be subject to a fine of up to \$5,000 per offense, applicable discipline or discharge by the municipality and any applicable fines and penalties established pursuant to local ordinance, State law or Federal law. Each violation may constitute a separate offense. Any discipline imposed by the municipality shall be separate and distinct from any penalty imposed by an ethics commission and any fines or penalties imposed by a court of law or State or Federal agency.

(G) Making a false report is a violation of the of the city sexual harassment policy. An employee knowingly making a false report will be subject to discipline up to and including termination. In addition, any person who intentionally makes a false report alleging a violation of any provision of the State Officials and Employees Ethics Act may be guilty of a Class A misdemeanor and subject to an administrative fine.

NOW, THEREFORE, LET IT BE RESOLVED by the Mayor and the City Council of the City of Greenville, Bond County, Illinois, as follows:

SECTION 1-GENERAL STATEMENT: That effective upon its passage, it is desired that Chapter 32: Board of Police Commissioners be amended in the following respects:

That portion of Section 34, being:

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activity as a condition of employment or promotion, leering or ogling, or telling jokes or stories of a sexual nature.

(C) If an employee feels he or she is being harassed based upon his or her sex, race, color, religion, national origin, age, citizenship status, marital status, handicap or disability, he or she should at once make his or her feelings known to his or her immediate supervisor. The matter will be investigated and, where appropriate, disciplinary action taken. If the employee feels that the matter cannot be discussed with his or her supervisor, or if he or she is not satisfied with the way his or her report has been handled, he or she should arrange for a conference with the City Manager to discuss the complaint. Remember, do not assume the city is aware of harassment. It is the employee's responsibility to report incidents he or she knows about.

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(F) In addition to any and all other discipline that may be applicable pursuant to municipal policies, employment agreements, employee handbooks and collective bargaining agreements, any person who violates this policy or the Prohibition of Sexual Harassment contained in 5 ILCS 430/5-65, may be subject to a fine of up to \$5,000 per offense, applicable discipline or discharge by the municipality and any applicable fines and penalties established pursuant to local ordinance, State law or Federal law. Each violation may constitute a separate offense. Any discipline imposed by the municipality shall be separate and distinct from any penalty imposed by an ethics commission and any fines or penalties imposed by a court of law or State or Federal agency.

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SECTION 2-REPEAL: All prior Ordinances and/or Resolutions, which are inconsistent with the provisions of this Ordinance are hereby repealed.

SECTION 3-SAVINGS PROVISIONS: In the event any section, subsection, sentence or phrase of this Ordinance should be declared invalid, all other provisions hereof shall not be affected by such invalidity and shall remain in full force and effect.

SECTION 4-EFFECTIVE DATE: That this Ordinance shall remain in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law.

Adopted this 12th day of December, 2017, at a regular meeting of the Mayor and City Council with a quorum present upon a vote of the Board as follows:

Jes Adam:	<u>Aye</u>
John Gillard:	<u>Aye</u>
Mike Heath	<u>Aye</u>
Kyle Littlefield:	<u>Aye</u>
Alan Gaffner:	<u>Aye</u>


Alan Gaffner, Mayor

ATTEST: Sue Ann Nelson
Sue Ann Nelson, City Clerk

Prepared by the City of Greenville.

**STATE OF ILLINOIS - COUNTY OF BOND
CITY OF GREENVILLE**

CERTIFICATE

I, Sue Ann Nelson, certify that I am the duly appointed and acting City Clerk of the City of Greenville, Bond County, Illinois.

I further certify that on December 12, 2017, the Corporate Authorities of such municipality passed and approved Ordinance No. 3151 entitled:

**“AN ORDINANCE AMENDING CHAPTER 32: BOARD OF POLICE COMMISSIONERS OF
THE CITY CODE OF ORDINANCES, BY THE CITY OF GREENVILLE, BOND COUNTY,
ILLINOIS”**

Dated at Greenville, Illinois, this 13th day of December, 2017.

{SEAL}

Sue Ann Nelson

Sue Ann Nelson, City Clerk