
THE VILLAGE OF COAL CITY
GRUNDY & WILL COUNTIES, ILLINOIS

RESOLUTION
NUMBER 21-11

**A RESOLUTION ADOPTING A WHISTLEBLOWER AND ANTI-RETALIATION
POLICY**

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Coal City
on July 28, 2021

RESOLUTION NO. 21-11

**A RESOLUTION ADOPTING A WHISTLEBLOWER AND ANTI-RETALIATION
POLICY**

WHEREAS, the Village of Coal City (“*Village*”) is an Illinois non-home rule municipal corporation, organized and operating pursuant to the Constitution and laws of the State of Illinois; and

WHEREAS, the Village has adopted an Employee Handbook (“*Handbook*”) to provide Village employees with information about working conditions, employee benefits and policies affecting their employment and the Handbook is amended from time-to-time to update various policies and incorporate provisions required by law; and

WHEREAS, the Illinois General Assembly recently amended the Public Officer Prohibited Activities Act requiring the Village to designate an auditing official and to establish written processes and procedures for managing complaints reporting improper governmental actions, as defined 50 ILCS 105/4.1; and

WHEREAS, the President and Board of Trustees of the Village of Coal City (the “*Corporate Authorities*”) desire to approve the Whistleblower Reporting and Anti-Retaliation Policy attached and made part of this Resolution as *Exhibit A*, and to incorporate it as a new Section 4-8 of the Handbook (the “*Amendment*”);

NOW, THEREFORE, BE IT RESOLVED by the President and Board of Trustees of the Village of Coal City, Counties of Will and Grundy, Illinois, as follows:

SECTION 1. RECITALS.

That the foregoing recitals shall be and are hereby incorporated into and made a part of this Resolution as if fully set forth in this Section 1.

SECTION 2. AMENDMENT.

A. The Village Board hereby approves and adopts the Whistleblower Reporting and Anti-Retaliation Policy (“*Policy*”) as an amendment to Chapter 4 (“Conduct of Employees”) of the Village of Coal City Employee Handbook by adding a new Section 4-8 as set forth in **Exhibit A.**

B. The Policy shall be applicable to all employees of the Village, whether in a permanent or temporary position, including full-time, part-time, and intermittent workers, as well as members of appointed boards or commissions, whether or not paid.

C. The Village Administrator shall distribute the Handbook, as amended herein, to Village employees other than sworn police personnel and have such employees acknowledge receipt thereof.

D. The Chief of Police shall distribute the Policy to all sworn police personnel.

SECTION 3. RIGHT TO FURTHER AMEND.

The Handbook is not a contract with employees of the Village, and the Village Board retains the right to make changes to the Handbook from time to time, as the Village Board deems prudent and necessary.

SECTION 4. RESOLUTION OF CONFLICTS.

All enactments in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 5. SAVING CLAUSE.

If any section, paragraph, clause, or provision of this Resolution shall be held invalid, the invalidity thereof shall not affect any of the other provisions of this Resolution, which are hereby declared to be separable.

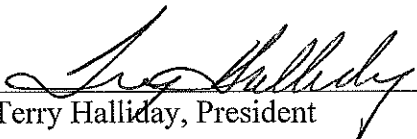
SECTION 6. EFFECTIVENESS.

This Resolution shall be in full force and effect from and after its passage, approval, and publication in the manner provided by law.

SO RESOLVED this 28th day of July, 2021, at Coal City, Grundy and Will Counties, Illinois.

AYES: 4
NAYS: 0
ABSENT: 2
ABSTAIN: 0

VILLAGE OF COAL CITY


Terry Halliday, President

Attest:

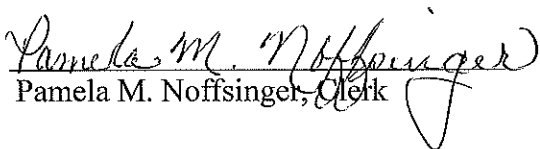

Pamela M. Noffsinger, Clerk

EXHIBIT A
Whistleblower Reporting and Anti-Retaliation Policy

(see attached)

Whistleblower Reporting and Anti-Retaliation Policy

General Policy

It is the policy of the Village of Coal City to act in accordance with Section 4.1 of the Public Officer Prohibited Activities Act regarding retaliation against whistleblowers, 50 ILCS 105/4.1.

It is the policy of the Village of Coal City 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 unit of local government employee, an appointed member of a board, commission, or committee, or an elected official of the unit of local government 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 unit of local government 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.

This Policy contains the written processes and procedures for reporting improper governmental actions, and a copy of this Policy and a copy of 50 ILCS 105/4.1 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.

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 Village Administrator. The Village Administrative is designated as the Village’s “auditing official” with the duties set forth in this Policy and 50 ILCS 105/4.1.

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 Village Administrator within sixty (60) days of the retaliatory action taking place.
3. The Village Administrator may transfer the complaint to another auditing official, including the States Attorney, if he/she determines that it is appropriate.
4. If the Village Administrator 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 Village Administrator 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 Village Administrator.
2. The Village Administrator 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 Village Administrator 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; and
 - 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 Village Administrator determines that the complaint has no merit, he/she can dismiss the complaint.
2. If the Village Administrator 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 Village Administrator deems appropriate. The Village Administrator may also make his/her investigation findings available to the Complainant's attorney if the Village Administrator finds that restitution is not sufficient.
3. Any person who engages in prohibited retaliation under 50 ILCS 105/4.1 may also be subject to fines, appropriate employment action, civil or criminal prosecution, or any combination of these actions.