

CITY OF LE ROY
COUNTY OF McLEAN, STATE OF ILLINOIS

RESOLUTION NO. 18-11-02-60

**A RESOLUTION AMENDING THE CITY OF LE ROY SEXUAL HARASSMENT
POLICY**

ADOPTED BY THE CITY COUNCIL OF THE CITY OF LE ROY THIS
5th Day of November, 2018

PRESENTED: **November 5, 2018**

PASSED: **November 5, 2018**

APPROVED: **November 5, 2018**

RECORDED: **November 5, 2018**

PUBLISHED: **November 5, 2018**

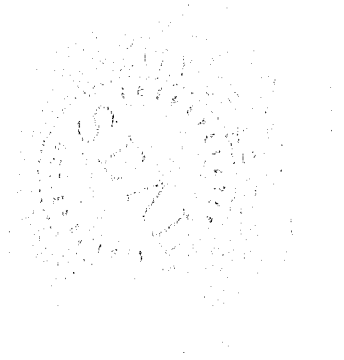
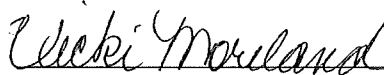
In Pamphlet Form

Voting "Aye" 7

Voting "Nay" 0

The undersigned being the duly qualified and Acting City Clerk of the City of LeRoy does hereby certify that this document constitutes the publication in pamphlet form, in connection with and pursuant to Section 1-2-4 of the Illinois Municipal Code, of the above-captioned **resolution** and that such **resolution** was presented, passed, approved, recorded and published as above stated.

(SEAL)

Vicki Moreland
City Clerk of the City of
Le Roy, McLean County, Illinois

Dated: November 5, 2018

**CITY OF LE ROY
McLEAN COUNTY, ILLINOIS**

RESOLUTION NO. 18-11-02-60

**A RESOLUTION AMENDING THE CITY OF LEROY
SEXUAL HARASSMENT POLICY**

WHEREAS, the City of Le Roy previously established a sexual harassment policy; and

WHEREAS, the Illinois General Assembly recently changed the time limit in which complaints may be filed with the Illinois Department of Human Rights from one hundred eighty (180) days to three hundred (300) days; and

WHEREAS, it is in the best interests of the health, safety and welfare of the citizens of Le Roy to amend the sexual harassment policy for the City of Le Roy to incorporate the new three hundred (300) day complaint procedure established by Illinois law.

NOW, THEREFORE, BE IT RESOLVED BY THE Mayor and City Council of the City of Le Roy, McLean County, Illinois, as follows:

SECTION 1. The above stated recitals are incorporated herein by reference.

SECTION 2. The City of Le Roy sexual harassment policy is hereby amended as set forth in Exhibit A, attached hereto and incorporated herein, and is hereby adopted and established as the updated Sexual Harassment policy for the City of Le Roy.

SECTION 3. This Resolution shall take effect immediately upon its passage and approval as provided by law.

Exhibit A

Updated Sexual Harassment Policy

ARTICLE J. SEXUAL HARASSMENT

J-1. Purpose. It is the responsibility of each individual employee to refrain from harassment including sexual or gender based harassment, and, it is the right of each individual employee to work in an environment free from harassment.

J-2. Definition. According to the Illinois Human Rights Act, sexual harassment is defined as: Any unwelcome sexual advances or requests for sexual favors or any conduct of a sexual nature when

- (a) Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment status, or
- (b) Submission to or rejection of such conduct by an individual is used as the basis for employment status decisions affecting such individual, or
- (c) Such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an immediate, hostile, or offensive working environment.

~~The courts have determined that sexual~~ **Sexual** harassment is a form of discrimination under Title VII of the U.S. Civil Rights Act of 1964, as amended in 1991, **and sexual harassment is prohibited by the Illinois Human Rights Act and the State Officials and Employees Ethics Act.**

J-3. Policy. One such example is a case where a qualified individual is denied employment opportunities and benefits that are awarded to an individual who submits (voluntarily or under coercion) to sexual advances or sexual favors. Another example is where an individual must submit to unwelcome sexual conduct in order to receive a job related opportunity.

Other conduct commonly considered to be sexual harassment includes:

- (a) Verbal. Sexual innuendoes, suggestive comments, insults, humor and jokes about sex, anatomy - or gender-specific traits, sexual propositions, threats, repeated requests for dates, or statements about other employees, even outside of their presence, of a sexual nature.
- (b) Non-Verbal. Suggestive or insulting sounds "whistling", leering, obscene gestures, sexually suggestive bodily gestures, "catcalls", "smacking" or "kissing" noises.
- (c) Visual. Posters, signs, pin-ups or slogans of a sexual nature.
- (d) Physical. Touching, unwelcome hugging or kissing, pinching, brushing the body, coerced sexual intercourse, or actual assault.

Sexual harassment most frequently involves a man harassing a woman. However, it can also involve a woman harassing a man or harassment between members of the same gender.

Specifically, City of Le Roy employees must address an observed incident of sexual harassment or complaint, with seriousness, take prompt action to investigate it, report the incident in detail to the City Administrator, or department head who will implement appropriate disciplinary action bringing the incident to an end. Strict confidentiality will be maintained by all

persons involved. This action shall also apply when an employee informs a City supervisor of behavior considered sexual harassment but does not want to make a formal complaint.

Retaliation against a person for reporting an allegation of sexual harassment is prohibited, and City of Le Roy officials **will** ensure that no retaliation will result against an employee making a sexual harassment complaint. **Persons who report allegations of sexual harassment may also have whistleblower protections under the State Officials and Employees Ethics Act, the Whistleblower Act, and the Illinois Human Rights Act. Retaliation complaints must be filed within three hundred (300) days of the alleged incident unless it is a continuing offense.**

The City Administrator shall be available to consult with any employee on the proper procedures to follow regarding a sexual harassment complaint.

J-4. Definition of Gender Harassment. Gender harassment can be different than sexual harassment and consists of belittling remarks against a specific gender, female or male. Examples of gender based harassment would include:

- (a) An employee voicing a preference for a male team leader position as opposed to a female.
- (b) An employee voicing, "females will crack under the pressure" where "males are emotionally capable of handling a management role."
- (c) An employer voicing, "a woman who is upset must be menstruating."
- (d) Male coworkers who might say "they wish they could whore their way through life to get what they want."
- (e) An employee saying, "women have no place in management and did not even belong in college."
- (f) An employee saying, "women should be 'barefoot and pregnant'".

J-5. Race, Religion, Age and Disability Harassment. This policy shall also cover harassment based on religion, age, race, or disability. Any comments made to other employees by either supervisors or coworkers, that is demeaning in nature and based upon the employee's race, religion, age or disability shall be considered harassing and subject to the procedures of this policy.

J-6. Procedures for Filing a Complaint. An employee who either observes or believes he/she to be the object of harassment should deal with the incident as directly and firmly as possible by clearly communicating his/her position to his/her immediate supervisor. It is not necessary for harassment to be directed at the person making a complaint.

The following steps may also be taken: Document or record each incident including the following, what was said or done, the date, the time, the place, persons present at time of incident. Documentation can be strengthened by written records such as letters, notes, memos, and telephone messages.

No one making a complaint will be retaliated against even if a complaint made in good faith is not substantiated. In addition, all witnesses will be protected from retaliation.

J-7. The Process for Making a Harassment Complaint Falls into Several Stages:

- (a) Direct Communication: If there is harassing behavior in the workplace, the harassed employee may directly and clearly express his/her objection that the conduct is

unwelcome and request the offending behavior stop immediately. The initial message may be verbal. If subsequent messages are necessary, they should be put in writing either in the form of a note or a memo.

(b) Contact with City Administration: At the same time direct communication is undertaken, or in the event the employee feels threatened or intimidated by the situation, the problem must be promptly reported to City Administration. If the harassment is being caused by anyone of those individuals, the incident shall be reported to the chairperson of the Personnel Committee.

(c) Formal Written Complaint: An employee may also report incidents of harassment directly to City Administration. The department head must be notified of this intent unless any one of them is the result of the harassment complaint.

(d) Resolution outside City: It is hoped that harassment issues can be resolved within the City. However, an employee has the right to contact the Illinois Department of Human Rights (IDHR) or the Equal Employment Opportunity Commission (EEOC) about filing complaint. **Complaints must be filed within three hundred (300) days of the alleged incident unless it is a continuing offense.**

J-8 Consequences. The City's policy is to investigate all harassment complaints thoroughly and promptly. If an investigation confirms that a violation of this harassment policy has occurred, the City will take corrective action, including discipline, up to and including termination of employment, as is appropriate.

False and frivolous charges refer to cases where the accuser is using a sexual harassment complaint to accomplish some end other than stopping sexual harassment. It does not refer to charges made in good faith, which cannot be proven. Given the seriousness of the consequences for the accused, a false and frivolous charge is a severe offense that can itself result in disciplinary action up to and including discharge.

PASSED by the City Council of the City of Le Roy, Illinois, upon the motion made by Glenn Reinhart, and seconded by Dawn Hanafin by roll call vote on the 5th day of November, 2018 as follows

Aldermen elected 8

Aldermen Present 7

Voting Aye: Rick Kline, Dawn Hanafin, Glenn Reinhart, Ron Legner, Hilary Neal, Kyle Merkle, Greg Steffen.

Voting Nay:

None

Absent: Brad Poindexter

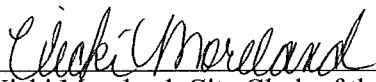
Abstain:

None

Other:

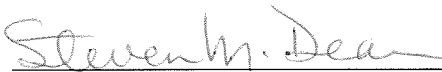
None

And deposited and filed in the office of the City Clerk in said municipality on the 5th day of November, 2018.



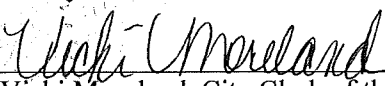
Vicki Moreland, City Clerk of the
City of Le Roy, Mc Lean County, Illinois

APPROVED BY the Mayor of the City of Le Roy, Illinois, this 5th day of November, 2018



Steven M. Dean, Mayor of the City of Le Roy,
Mc Lean County, Illinois

ATTEST: (SEAL)



Vicki Moreland, City Clerk of the City of Le Roy
Mc Lean County, Illinois

CERTIFICATE

I, Vicki Moreland, certify that I am the duly appointed and acting municipal clerk of the City of Le Roy, of McLean County, Illinois.

I further certify that on November 5, 2018 the Corporate Authorities of such municipality passed and approved **Resolution No. 18-11-02-60 entitled:**


**A RESOLUTION AMENDING THE CITY OF LE ROY SEXUAL HARASSMENT
POLICY**

Which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Resolution No. **18-11-02-60**, including the Resolution and a cover sheet thereof, was prepared, and a copy of such Resolution was posted at the municipal building, commencing on November 5, 2018 and continuing for at least ten days thereafter. Copies of such Resolution were also available for public inspection upon request in the office of the municipal clerk.

Dated at Le Roy, Illinois this 5th day of November, 2018.

(SEAL)


Vicki Moreland
City Clerk of the City of
Le Roy, McLean County, Illinois

STATE OF ILLINOIS)
) SS:
COUNTY OF MCLEAN)

I, Vicki Moreland, do hereby certify that I am the duly qualified and acting City Clerk of the City of Le Roy, McLean County, Illinois, and as such City Clerk that I am the keeper of the records and files of the Mayor and the City Council of said City.

I do further certify that the foregoing is a true, correct and complete copy of an ordinance entitled:

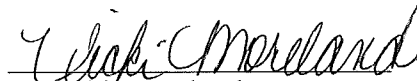
A RESOLUTION AMENDING THE CITY OF LE ROY SEXUAL HARASSMENT POLICY

I do further certify said *resolution* was adopted by the City Council of the City of Le Roy at a regular meeting on the 5th day of November, 2018 and prior to the making of this certificate the said ordinance was on file with the permanent records of said City where it now appears and remains as a permanent record of said ordinance in the record books.

Dated this 5th day of November, 2018



(SEAL)


Vicki Moreland
City Clerk of the City of Le Roy
McLean County, Illinois