

VILLAGE OF GILBERTS

RESOLUTION NO. 20-2021

A RESOLUTION 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 President and Board of Trustees for the Village of Gilberts 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 President and Board of Trustees of the Village of Gilberts, Kane 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 President and Board of Trustees for the Village of Gilberts hereby adopt the Whistleblower Reporting and Anti-Retaliation Policy and Procedures attached as Exhibit A.

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

PASSED BY THE BOARD OF TRUSTEES this 3 day of August, 2021, as follows:

	<u>Ayes</u>	<u>Nays</u>	<u>Absent</u>	<u>Abstain</u>
Trustee Jeanne Allen	✓	_____	_____	_____
Trustee Brandon Coats	✓	_____	_____	_____
Trustee Dan Corbett	✓	_____	_____	_____
Trustee Lou Hacker	✓	_____	_____	_____
Trustee David LeClerq	✓	_____	_____	_____
Trustee Justin Redfield	✓	_____	_____	_____
President Guy Zambetti	_____	_____	_____	_____

APPROVED THIS 3 DAY OF August, 2021

*Guy Zambetti*  
\_\_\_\_\_  
Guy Zambetti, Village President



ATTEST:

A handwritten signature in cursive script, appearing to read "Courtney Baker", written over a horizontal line.

Courtney Baker, Village Clerk

## Exhibit A

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

#### 1. General Policy

It is the policy of the Village of Gilberts, Illinois to act in accordance with Illinois Public Act 101-652 generally, and specifically Section 4.1 of that Act.

It is the policy of the Village 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.

Copies of this Policy and Procedure, along with a copy of Section 4.1 of Public Act 101-652 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.

#### 2. 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, which Auditing Official has been designated in Section III.
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 Public Act 101-652 may also be subject to fines, appropriate employment action, civil or criminal prosecution, or any combination of these actions.

3. Designation of Auditing Official

The Village designates the Village Administrator to serve as the Auditing Official of the Village, with the duties and responsibilities set forth in 50 ILCS 105/4.1 and this Policy.