

JAN - 2 2018

CITY OF COLUMBIA, ILLINOIS
ORDINANCE NO. 3363

AN ORDINANCE AMENDING SECTION 2.68.040 OF THE CITY OF COLUMBIA
MUNICIPAL CODE REGARDING THE PROHIBITION AGAINST UNLAWFUL
HARASSMENT


City Clerk

WHEREAS, the Illinois General Assembly has recently enacted Public Act 100-0554, an Act concerning government, which became effective immediately, dated November 16, 2017; and

WHEREAS, pursuant to the Act, each governmental unit shall adopt an ordinance or resolution establishing a policy to prohibit sexual harassment; and

WHEREAS, the City's Personnel Code needs to be amended to comply with this new state law; and

WHEREAS, the City Council believes it is in the best interest of the City, and now desires to amend Section 2.68.040 of the City Code addressing the City's prohibition against unlawful harassment policy.

NOW, THEREFORE, BE IT ORDAINED, by the City Council of the City of Columbia, Illinois, as follows:

Section 1. That the preceding recitations in the upper part of this Ordinance are realleged, restated and adopted as paragraph one ("1") of this Ordinance.

Section 2. That Section 2.68.040, subparagraphs E and F of the City Code shall be amended to read as follows:

"Section 2.68.040 Prohibition Against Unlawful Harassment.

E. **Reprisal/Retaliation.** The City shall ensure that any employee that reports any form of harassment in good faith or who participates in a harassment related investigation will be protected from any employment related reprisal. In addition, employees who are investigated for a violation of the harassment policy shall be notified by the investigating City official that they are not to retaliate against the employee who has generated the complaint or any other employee that has participated within the investigation. Employees who file a complaint with the Human Rights Department or Human Rights Commission will not be retaliated against based on such complaint. Retaliation will be considered a violation of this policy and shall result in corrective action up to and including termination.

Pursuant to the Whistleblower Act (740 ILCS 174/15(a)), an employer may not retaliate against an employee who discloses information in a court, an administrative hearing, or before a legislative commission or committee, or in any other proceeding, where the employee has reasonable cause to believe that the information discloses a violation of a State or federal law,

rule, or regulation. In addition, an employer may not retaliate against an employee for disclosing information to a government or law enforcement agency, where the employee has reasonable cause to believe that the information discloses a violation of a State or federal law, rule, or regulation. (740 ILCS 174/15(b)).

According to the Illinois Human Rights Act (775 ILCS 5/6-101), it is a civil rights violation for a person, or for two or more people to conspire, to retaliate against a person because he/she has opposed that which he/she reasonably and in good faith believes to be sexual harassment in employment, because he/she has made a charge, filed a complaint, testified, assisted, or participated in an investigation, proceeding, or hearing under the Illinois Human Rights Act.

F. False Report. A false report is a report of harassment made by an accuser using the harassment report to accomplish some end other than stopping harassment or retaliation for reporting harassment. A false report is not a report made in good faith which cannot be proven. Given the seriousness of the consequences for the accused, a false or frivolous report is a severe offense that can itself result in disciplinary action. Any person who intentionally makes a false report alleging a violation of any provision of this policy shall be subject to corrective action up to and including termination.

Section 3. This Ordinance shall be in full force and effect immediately upon passage as provided by law.

Section 4. Any other sections of the City's Personnel Code that are not affected by these two amendments shall remain in full force and effect.

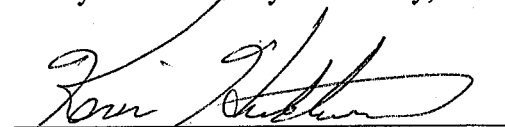
YEAS: Aldermen Ebersohl, Agne, Niemietz, Roessler, Huch, Reis, Holtkamp and Martens.

NAYS: None.

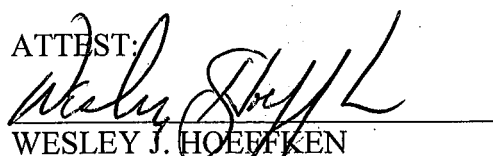
ABSTENTIONS: None.

ABSENT: None.

PASSED by the City Council and APPROVED by the Mayor this 2nd day of January, 2018.



KEVIN B. HUTCHINSON
Mayor
City of Columbia

ATTEST:


WESLEY J. HOEFFKEN
City Clerk
City of Columbia