

CHAPTER 12

EMPLOYEE REGULATIONS

ARTICLE I – EQUAL EMPLOYMENT POLICY

12-1-1 ADOPTION OF CODES. The Village hereby declares to uphold, defend, enforce, and advocate for all laws related to Equal Employment Opportunity including, but not limited to, the following:

(A) **Title VI of the Civil Rights Act of 1964** which prohibits discrimination in the participation in or benefits of programs or activities receiving federal financial assistance on the basis of race, color, or national origin.

(B) **Title VII of the Civil Rights Act of 1964** which prohibits discrimination because of race, color, religion, sex or national origin in all employment practices including hiring, firing, promotions, compensation, and other terms, privileges and conditions of employment.

(C) **Title IX of the Education Amendments of 1972** which prohibits discrimination in federally assisted education programs.

(D) **The Equal Pay Act of 1963** which covers all employees who are covered by the Fair Labor Standards Act. The Act forbids pay differentials on the basis of sex.

(E) **The Age Discrimination Act of 1967** which prohibits discrimination because of age against anyone between the ages of **forty (40)** and **sixty-five (65)**.

(F) **Federal Executive Order 11246** which requires every contract with federal financial assistance to contain a clause against discrimination because of race, color, religion, sex, or national origin.

(G) **Section 504 of the Rehabilitation Act of 1973 and DOL Implementing Regulations at 29 CFR 32** which prohibits any discrimination based on disability.

(H) **Section 167 of JTPA and the U.S. DOL Regulations at 29 CFR Parts 31 and 32** which provides that no person in the United States shall be excluded from participation in, be denied the benefits of, or be subjected to discrimination on the basis of race, color, or national origin, under any program or activity receiving Federal financial assistance from the Department of Labor.

(I) **Chapter 68, Article I, Section 17-19 of the Illinois Constitution** which prohibits discrimination based on race, color, creed, national ancestry, disability, and sex in the hiring and promotion practices of any employer.

(J) **The Americans with Disabilities Act of 1990** which prohibits any discrimination against qualified individuals with disabilities on the basis of their disability.

12-1-2 NON-DISCRIMINATORY PRACTICES. The Village will assure non-discriminatory employment practices in recruitment advertising, employment, placement, layoff or termination, promotion, demotion or transfer, rate of pay or other forms of compensation and use of facilities.

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12-1-3 CONTRACTING WITH NON-COMPLAINTS. The Village shall not contract with other agencies, banks, businesses, vendors, etc., who practice or establish a pattern of discrimination based on sex, color, race, religion, age, national origin, political affiliation or belief.

(A) The Village will incorporate into any contract for construction work, or modification thereof, subject to the relevant rules, regulations, and orders of the Secretary of Labor or of any prior authority that remain in effect, which is paid for in whole or in part with the aid of such financial assistance, the following “Equal Opportunity Clause”:

- (1) The contractor will not discriminate against any employee or applicant for employment because of race, color, religion, sex, disability or national origin. The contractor will take affirmative action to ensure that applicants are employed, and the employees are treated during employment, without regard to their race, color, religion, sex, national origin or disability. Such action shall include, but not be limited, to the following: employment, upgrading, demotion or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices setting forth the provisions of this nondiscrimination clause.
- (2) The contractor will, in all solicitations or advertisement for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex, national origin, or disability.
- (3) In the event of the contractor’s noncompliance with the Equal Opportunity Clause or with any of the said rules, regulations, and orders, this contract may be canceled, terminated, or suspended in whole or in part and the contractor may be declared ineligible for further government contracts or federally assisted construction contracts.
- (4) The contractor will include the provisions of this Equal Opportunity clause in every subcontract or purchase order, unless exempted by the rules, regulations, or orders of the Secretary of Labor so that such provisions will be binding upon each such subcontractor or vendor.

12-1-4 OUTREACH TO ALL. The Village assures that it will actively provide nondiscriminatory outreach, selection, and service to all individuals.

12-1-5 MINORITY HIRING. Efforts will be made to hire minority individuals for all job categories so that minority employment in all categories of the work force will represent a proportionate share of minority populations in the Village as well as surrounding areas.

12-1-6 ACCOMMODATIONS FOR DISABLED. The Village will provide accommodations to the best of its ability for employees with disabilities, contingent on budget and structural limitations.

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12-1-7 COMPLIANCE BY EMPLOYEES. All Village employees are expected to adhere to the above policy and to work actively for its implementation both internally and in carrying out Village program activities.

12-1-8 DESIGNATED ENFORCERS. The Village designates the Mayor and the Village Board to carry out the EEO/AA plan.

ARTICLE II – SEXUAL HARASSMENT

12-2-1 STATEMENT OF POLICY.

(A) The Village is committed to maintaining a work environment that encourages and fosters appropriate conduct among employees and respect for individual values and sensibilities. According, the Village intends to enforce its sexual harassment policy at all levels within the workplace in order to create an environment free from sexual harassment.

(B) Sexual harassment, according to the Equal Employment Opportunity Commission and the state department of human rights, and for purposes of this subdivision, consists of any unwelcome sexual advances; requests for sexual favors; or other verbal, nonverbal or physical acts of a sexual or sex-based nature; where:

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

(C) Sexual harassment can occur between men and women, or members of the same gender. This behavior is unacceptable in the workplace itself and in other work-related settings such as business trips, court appearances and business-related social events.

(D) It is also unlawful to retaliate in any way against anyone who has complained about sexual harassment or discrimination, whether that complaint relates to harassment of or discrimination against the individual making the complaint or against another individual.

(E) Sexual harassment affects the victim and other employees as well. Each incident of harassment contributes to a general atmosphere in which everyone suffers the consequences. Sexually oriented acts or sex-based conduct have no legitimate business purpose. Where such conduct is directed by a supervisor (or someone in a management position) toward a subordinate, the former will be held to a higher standard of accountability because of the degree of control and influence he or she has or is perceived to have over the employment conditions and benefits of the subordinate.

12-2-2 PROHIBITED CONDUCT. Prohibited acts of sexual harassment can take a variety of forms ranging from subtle pressure for sexual activity or contact to physical contact. At times the offender may be unaware that his or her conduct is offensive or harassing to others. Examples of conduct which could be considered sexual harassment include:

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- or
- (A) Persistent or repeated unwelcome flirting, pressure for dates, sexual comments;
 - (B) Sexually suggestive jokes, gestures or sounds directed toward another or sexually oriented or degrading comments about another;
 - (C) Preferential treatment of an employee, or a promise of preferential treatment to an employee, in exchange for dates or sexual conduct; or the denial or threat of denial of employment, benefits or advancement for refusal to consent to sexual advances;
 - (D) The open display of sexually oriented pictures, posters or other material offensive to others; or
 - (E) Retaliation against an individual for reporting or complaining about sexually harassing conduct.

12-2-3 INDIVIDUALS COVERED. This Article covers all employees and elected officials. The Village will not tolerate, condone or allow sexual harassment, whether engaged in by fellow employees, supervisors, vendors, vendees, or other nonemployees who conduct business with the Village. The Village supports and encourages reporting of all incidents of sexual harassment, regardless of who the offender may be, and will promptly investigate all reported incidents. Where the alleged offender is not an employee of the Village, the Village, in consultation with the complainant, will review the complaint and make every effort to identify a reasonable remedy if sexual harassment has been confirmed.

12-2-4 COMPLAINT PROCESS. While the Village encourages individuals who believe they are being harassed to firmly and promptly notify the offender that his behavior is unwelcome, the Village also recognizes that power and status disparities between an alleged harasser and a target may make such a confrontation impossible. If an individual believes he or she is being sexually harassed, he or she shall file a complaint. The following steps shall be taken to report a sexual harassment complaint:

(A) **Reporting of Incident.** All employees shall report any suspected sexual harassment by another employee or anyone else to the Mayor except where that person is the object of the complaint, in which case the report shall be made to the Village Attorney. The report shall be in writing.

(B) **Investigation of Complaint.** Upon receipt of a written complaint, the individual informed pursuant to paragraph (A) of this Section will initiate an investigation of the suspected sexual harassment within **five (5) working days** of notification. If necessary, the employer representative receiving the complaint may designate another supervisory or management employee of the opposite gender to assist in the investigation. The investigation will include an interview with the employee who made the initial report, the person towards whom the suspected harassment was directed and the individual accused of the harassment. Any other person who may have information regarding the alleged sexual harassment may also be interviewed.

(C) **Report.** The person responsible for investigating the complaint shall prepare a written report within **ten (10) working days** of his or her notification of the suspected harassment unless extenuating circumstances prevent him or her from doing so. The report shall include a finding that sexual harassment has or has not occurred or that there is inconclusive evidence as to whether sexual harassment occurred. A copy of the report will be given to the employee who made the initial report, the employee to whom the suspected harassment was directed, and the individual accused of the harassment.

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(D) **Records; Confidentiality.** Employees who report incidents of sexual harassment are encouraged to keep written notes in order to accurately record the offensive conduct. Every effort shall be made to keep the investigation and the report confidential. In the event of an administrative complaint or a lawsuit, however, the complaint, ensuing investigation and investigative materials, and the written report shall not be considered privileged from disclosure. Written records will be maintained for **ten (10) years** from the date of the resolution of the complaint unless new circumstances dictate that the file should be kept for a longer period of time.

(E) **Time Frame For Reporting Complaint.** The Village demands prompt reporting of complaints so that rapid appropriate action may be taken. All complaints shall be filed within **thirty (30) days** from the date on which the alleged sexual harassment occurred. Delayed reporting of complaints will not in and of itself preclude the Village from taking remedial action.

(F) **Protection Against Retaliation.** The Village will not retaliate against an individual who reports alleged sexual harassment nor permit any employee or elected official to do so. Retaliation is a serious violation of this subdivision and shall be reported immediately. Any person found to have retaliated against another individual for reporting sexual harassment will be subject to the same disciplinary action provided for sexual harassment offenders.

12-2-5 DISCIPLINE; SANCTIONS.

(A) Disciplinary action will be taken against any employee or elected official found to be engaged in the sexual harassment of any other employee. The extent of sanctions may depend in part upon the length and conditions of employment, previous charges of sexual harassment, and the nature of the offense. The Village has the right to apply any sanction or combination of sections, up to and including termination, to deal with sexual harassment, unreasonable conduct or discrimination.

(B) Where a hostile work environment has been found to exist, the Village will take all reasonable steps to eliminate the conduct creating such an environment.

(C) If an investigation results in a finding that the complainant falsely accused another of sexual harassment knowingly or in a malicious manner, the complainant will be subject to appropriate sanctions, including the possibility of termination.

12-2-6 OTHER REMEDIES. Employees also have legal recourse, investigative and complaint process available through the State Department of Human Rights and the State Human Rights Commission as follows:

(A) Within **one hundred eighty (180) days** after the date that sexual harassment or a civil rights violation allegedly has been committed, a charge in writing under oath or affirmation may be filed with the Department of Human Rights by an aggrieved party or issued by the Department itself under the signature of the Director.

(B) The Department shall serve a copy of the charge on the respondent and shall conduct a full investigation of the allegations set forth in the charge. If there is a failure to settle or adjust any charge through conciliation, the Department shall file a complaint with the Commission.

(C) A complaint may be filed with the State Human Rights Commission. Within **five (5) days** after a complaint is filed by the Department or the aggrieved party, notice shall be served upon the respondent and the matter set down for hearing before a hearing before a Hearing Officer who shall make findings of fact; and if he finds against the respondent, he shall issue a recommended order for

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appropriate relief. The Commission shall review the recommendations of the Hearing Officer and shall file its written order and decision.

(D) Complaints may be filed with the Illinois Department of Human Rights at 222 South College, Room 101A, Springfield, Illinois 62704 (217-785-5100), or with the Illinois Human Rights Commission at Room 404A, Stratton Office Building, Springfield, Illinois 62706 (217-785-4350).

12-2-7 EMPLOYEE AGREEMENTS. The Village has engaged the services of certain employees on a full and/or part-time basis in the past, and may, in the discretion of the Board of Trustees, enter into an employment agreement with such employees or any future employees to more fully define the respective rights, duties and responsibilities of the Village and its employees.