

**AN ORDINANCE ADOPTING THE CITY OF ROLLING MEADOWS
WHISTLEBLOWER REPORTING POLICY AND PROCEDURES**

WHEREAS, in accordance with Section 4.1 of the Public Officer Prohibited Activities Act (50 ILCS 105/4.1), the corporate authorities of the City of Rolling Meadows are required to adopt a written policy and procedures for managing complaints filed pursuant to said Section 4.1.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Rolling Meadows, Cook County, Illinois, as follows:

SECTION 1. Chapter 2, entitled “Administration,” of the Rolling Meadows City Code is hereby amended by adding thereto Article XIV, entitled “Whistleblower Reporting Policy and Procedures,” as follows:

**Article XIV
Whistleblower Reporting Policy and Procedures**

Section 2-2031 Policy

It is the policy of the City of Rolling Meadows (“City”) to prohibit any officer, employee, agent or representative of the City from retaliating against any employee or contractor who: (a) reports an improper governmental action, (b) cooperates with the Appointed Auditing Official, as designated herein, in an investigation related to a report of an improper governmental action, or (c) testifies in a proceeding or prosecution arising out of an improper governmental action. All employees are responsible for reporting improper governmental actions, as well as reporting any retaliatory conduct resulting from that action.

Section 2-2032 Definitions

As used in this Article:

- (a) “Appointed Auditing Official” means an individual appointed by the City whose duties are to receive, register, and investigate reports, complaints and information concerning improper governmental action, as defined hereinafter.
- (b) “Employee” means anyone employed by the City, whether in a permanent or temporary position, including full-time, part-time, and intermittent workers. “Employee” also includes members of appointed boards or commissions, whether or not paid. “Employee” also includes persons who have been terminated because of any report or complaint submitted under this Article.
- (c) “Improper governmental action” means any action by a City employee, an appointed member of a board, commission or committee, or an elected official of the City that is undertaken in violation of a federal, State, or City law or rule; is an abuse of authority; violates the public’s trust or expectation of the individual’s conduct; is of substantial and

specific danger to the public's health or safety; or is a gross waste of public funds. The action need not be within the scope of the employee's, elected official's, board member's, commission member's, or committee member's official duties to be subject to a claim of "improper governmental action." "Improper governmental action" does not include City 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 that the action amounts to retaliation.

- (d) "Retaliate," "retaliation," or "retaliatory action" means any adverse change in an employee's employment status or the terms and conditions of employment that results from an employee's protected activity under this Article. "Retaliatory action" includes, but is not limited to, denial of adequate staff to perform duties; frequent staff changes; frequent and undesirable office changes; refusal to assign meaningful work; unsubstantiated letters of reprimand or unsatisfactory performance evaluations; demotion; reduction in pay; denial of promotion; transfer or reassignment; suspension or dismissal; or other disciplinary action made because of an employee's protected activity under this Article.

Section 2-2033 Designation of Appointed Auditing Official

The City has appointed the City Manager as its Appointed Auditing Official.

Section 2-2034 Procedures for Reporting Improper Governmental Action or Retaliation

In order to invoke the protections of this Article, an employee shall make a written report of the improper governmental action to the Appointed Auditing Official, as has been designated in Section 2-2012. If the Appointed Auditing Official is the subject of the complaint, employees may submit their report to any State's Attorney. If an employee or contractor believes that they have been retaliated against for reporting improper governmental action, or cooperating in the investigation or testifying in a proceeding involving an improper governmental action, the employee or contractor must report such alleged retaliation to the Appointed Auditing Official within sixty (60) days of gaining knowledge of the retaliatory action.

Section 2-2035 Investigation of Complaint of Improper Governmental Action or Retaliation

All reports of improper governmental action covered by this Article will be promptly and thoroughly investigated. The Appointed Auditing Official will keep the identity of the complainant confidential to the extent allowed by law. The complainant may waive confidentiality in writing on a form presented to the Appointed Auditing Official. The Appointed Auditing Official may take reasonable measures to protect employees who reasonably believe they may be subject to bodily harm for reporting improper governmental action.

The Appointed Auditing Official shall investigate the complaint promptly and thoroughly and conclude whether or not the evidence gathered through such investigation warrants 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.

The investigation by the Appointed Auditing Official may include:

- Interviews of the complainant and witnesses;
- Interviews of governmental officials who may have knowledge about the complaint or may be the subject of the complaint;
- Inspection of documentation (in written, printed, or electronic format) relevant to the complaint;
- Take any other appropriate measures to ensure that the complaint has been thoroughly investigated;
- Make a determination whether the complaint has merit or whether the complaint does not have merit;
- Seek legal advice, and/or transfer a report to outside investigators for investigation, including, but not limited to, a State's Attorney.

Section 2-2036 Appointed Auditing Official Determination and Remedial Action, if Necessary

If the Appointed Auditing Official determines that the complaint has no merit, the complaint may be dismissed.

If the Appointed Auditing Official concludes that an improper governmental action has taken place or concludes that the City, Department, agency or supervising officials have hindered the Appointed Auditing Official's investigation, the Appointed Auditing Official shall notify, in writing, the Mayor and any other individual or entity that the Appointed Auditing Official deems necessary under the circumstances.

If the Appointed Auditing Official determines that an employee has been subjected to prohibited retaliation under this Article, the Appointed Auditing Official may take remedial action on behalf of the employee, including reinstatement, reimbursement for lost wages or expenses incurred, promotion, or other remediation action that the Appointed Auditing Official deems appropriate. The Appointed Auditing Official shall submit any recommendation for reimbursement or restitution to the City Council. The Appointed Auditing Official may also make his/her investigation findings available to the employee or the employee's attorney, if the Appointed Auditing Official finds that restitution is not sufficient.

Section 2-2037 Fines

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, as provided in 50 ILCS 105/4.1.

Section 2-2038 Employee Notice Requirement

The City shall provide copies of 50 ILCS 105/4.1 and this Article XIV to all new employees upon commencement of employment, and to each City employee on an annual basis.

SECTION 2. This Ordinance shall be in full force and effect upon its adoption and approval, as provided by law.

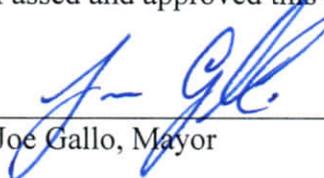
AYES: Reyez, Sanoica, McHale, Budmats, O'Brien, Bisesi

NAYS: 0

ABSENT: Vinezeano

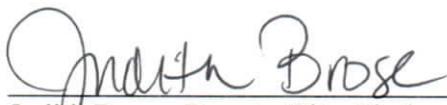
ABSTAIN:

Passed and approved this 26th day of April, 2022.



Joe Gallo, Mayor

ATTEST:



Judith Brose, Deputy City Clerk