

CITY OF LE ROY  
COUNTY OF McLEAN, STATE OF ILLINOIS

**ORDINANCE NO. 21-09-03-50**

**AN ORDINANCE ADOPTING A WHISTLEBLOWER AND  
ANTI-RETALIATION POLICY TO COMPLY WITH P.A. 101-652**

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ADOPTED BY THE CITY COUNCIL OF THE CITY OF LE ROY THIS

**7<sup>TH</sup> Day of September, 2021**

PRESENTED: **September 7, 2021**

PASSED: **September 7, 2021**

APPROVED: **September 7, 2021**

RECORDED: **September 7, 2021**

PUBLISHED: **September 7, 2021**  
In Pamphlet Form

Voting "Aye" 6

Voting "Nay" 0

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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 **ordinance** and that such **ordinance** was presented, passed, approved, recorded and published as above stated.

(SEAL)



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

Dated: **September 7, 2021**

**ORDINANCE NO. 21-09-03-50**

**AN ORDINANCE ADOPTING A WHISTLEBLOWER AND ANTI-RETALIATION POLICY TO COMPLY WITH P.A. 101-652**

**WHEREAS**, the Illinois General Assembly recently enacted Public Act 101-652, which requires units of local government to adopt a whistleblower and anti-retaliation policy and provide procedures for reporting improper governmental actions, as defined by that Act; and

**WHEREAS**, the Mayor and City Council for the City of Le Roy, desire to adopt the Whistleblower Reporting and Anti-Retaliation Policy and Procedures set forth in **Exhibit A**, attached to this Ordinance, and amend any existing Employee Policy or Handbook accordingly; and

**WHEREAS**, it is in the best interests of the health safety and welfare of the citizens of the City of Le Roy to adopt the attached Policy and Procedures as required by law.

**NOW, THEREFORE, BE IT ORDAINED**, by the Mayor and City Council of the City of Le Roy, as follows:

**Section 1:**     **Recitals.** The recitals set forth above are hereby incorporated into and made a part of this Ordinance as though set forth in this Section 1.

**Section 2:**     **Amendment.** That the Whistleblower Reporting and Anti-Retaliation Policy and Procedures attached as Exhibit A, be and the same are hereby adopted as the official policy of the City and the Employee Handbook, and Employee Policy, if any, are amended accordingly.

**Section 3:**     **Effective Date.** This Ordinance shall take effect immediately upon its passage and approval as provided by law.

## EXHIBIT A

### **WHISTLEBLOWER REPORTING AND ANTI-RETALIATION POLICY AND PROCEDURE**

#### **Section One: General Policy**

It is the policy of the **Mayor and City Council** of the **City of Le Roy (City)** to act in accordance with Illinois Public Act 101-652 generally, and specifically Section 4.1 of the Public Officer Prohibited Activities Act (Act).

It is the policy of the **City** 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.

#### **Section Two: Procedures for Reporting Improper Governmental Action or Retaliation**

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 4.12.4.

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.

The Auditing Official may transfer the complaint to another auditing official, including the States Attorney, if he/she determines that it is appropriate.

If the Auditing Official is also the subject of the complaint, the Complainant may file the complaint with any States Attorney.

### **Section Three: Investigation of Complaint of Improper Governmental Action or Retaliation**

The 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 Auditing Official.

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.

The investigation by the 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.

### **Section Four: Auditing Official Determination and Remedial Action If Necessary**

If the Auditing Official determines that the complaint has no merit, he/she can dismiss the complaint.

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.

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.

### **Section Five: Designation of Auditing Official**

The City designates the **City Administrator** to serve as the Auditing Official of the City, with the duties and responsibilities set forth in 50 ILCS 105/4.1 and this Policy, and the **City Clerk** to serve as the alternate Auditing Official in the event the **City Administrator** is

unable or unavailable to serve. In the event no one is designated or the designated officials cannot act for any reason then the local State's Attorney shall act as the Auditing Official pursuant to this policy.

4848-0379-6724, v. 1

**PASSED** by the City Council of the City of Le Roy, Illinois, upon the motion made by Kelly Lay and seconded by Justin Morfey by roll call vote on the 7<sup>th</sup> day of September, 2021 as follows

Aldermen elected 8

Aldermen Present 6

Voting Aye:

Dawn Hanafin, Justin Morfey, Kyle Merkle, Kelly Lay, Ron Legner, Sara Welte.

Voting Nay:

None

Absent: Ryan Miles, Matt Steffen

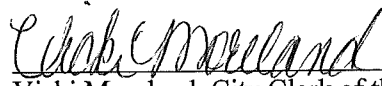
Abstain:

None

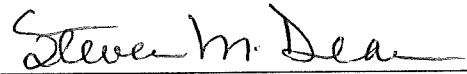
Other:

None


And deposited and filed in the office of the City Clerk in said municipality on the 7<sup>th</sup> day of September, 2021.

  
\_\_\_\_\_  
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 7<sup>th</sup> day of September, 2021

  
\_\_\_\_\_  
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 **September 7, 2021** the Corporate Authorities of such municipality passed and approved **ORDINANCE NO. 21-09-03-50**


**AN ORDINANCE ADOPTING A WHISTLEBLOWER AND  
ANTI-RETALIATION POLICY TO COMPLY WITH P.A. 101-652**

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

The pamphlet form of **Ordinance No. 21-09-03-50**, including the Ordinance and a cover sheet thereof, was prepared, and a copy of such Ordinance was posted at the municipal building, commencing on **September 7, 2021** and continuing for at least ten days thereafter. Copies of such Ordinance were also available for public inspection upon request in the office of the municipal clerk.

Dated at Le Roy, Illinois this 7<sup>th</sup> day of September, 2021.

(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:

**AN ORDINANCE ADOPTING A WHISTLEBLOWER AND ANTI-RETALIATION POLICY TO COMPLY WITH P.A. 101-652**

I do further certify said *ordinance* was adopted by the City Council of the City of Le Roy at a regular meeting on the 7<sup>th</sup> day of September, 2021 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 7<sup>th</sup> day of September, 2021

\_\_\_\_\_  
(SEAL)

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