

MILTON TOWNSHIP

Ordinance No. HW-O-18-1

AN ORDINANCE OF THE MILTON TOWNSHIP ROAD DISTRICT,
COUNTY OF DuPAGE, ILLINOIS
PURSUANT TO ILLINOIS PUBLIC ACT 100-554

WHEREAS, Milton Township Road District, DuPage County, Illinois is a unit of local government pursuant to Article VII, § 8 of the 1970 Illinois Constitution; and

WHEREAS, the Illinois General Assembly enacted Public Act 100-554 (the "Act"), effective November 16, 2017, which is a comprehensive revision of State statutes regulating policies prohibiting sexual harassment; and

WHEREAS, the Act requires that, no later than 60 days after the effective date of this amendatory Act of the 100th General Assembly, November 16, 2017, each governmental unit shall adopt an ordinance or resolution establishing a policy to prohibit sexual harassment; and

WHEREAS, Milton Township Road District has long had standing policies prohibiting sexual harassment; and

WHEREAS, the Milton Township Highway Commissioner has determined that, in order to comply with the legislative mandate of P.A. 100-554, he must nevertheless comply with the Act by passage of this Ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE MILTON TOWNSHIP HIGHWAY COMMISSIONER, THAT THE FOLLOWING ORDINANCE ESTABLISHING A POLICY TO PROHIBIT SEXUAL HARASSMENT BE AND HEREBY IS ADOPTED:

SECTION I: Adoption of Policies Prohibiting Sexual Harassment.

The existing policy of Milton Township Road District Prohibiting Sexual Harassment, included as Exhibit A to this Ordinance, is hereby formally adopted by this ordinance.

SECTION II: Existing Policies.

All prior existing sexual harassment policies of Milton Township Road District shall continue in full force and effect;

SECTION III. Severability.

It is the intention of the Milton Township Highway Commissioner that this Ordinance and every provision thereof shall be considered separable, and the invalidity of any section, clause, or provision of this Ordinance shall not affect the validity of any other portion of this Ordinance.

SECTION IV: Effective Date.

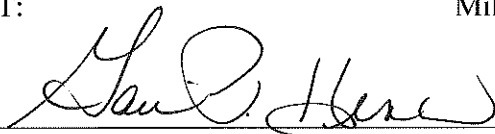
This Ordinance shall be in full force and effect from and after its passage.

ADOPTED this 9th day of January, 2018, by the Milton Township Highway Commissioner.



Gary Muehlfelt, Highway Commissioner
Milton Township Road District

ATTEST:



Gail P. Hinkle, Town Clerk
Milton Township
(SEAL)

compensation; or
selection for training and educational opportunities, including apprenticeship.

Milton Township Highway Department intends to comply with all State and Federal laws relating to employment opportunities.

Work Accommodations under the Americans with Disabilities Act

Milton Township Highway Department will comply with the Americans with Disabilities Act (ADA).

Under the ADA, Milton Township Highway Department is required to make reasonable accommodations necessary to allow disabled employees *to* perform essential job functions, provided these accommodations would not pose an undue hardship to Milton Township Highway Department.

In addition, Milton Township Highway Department will comply with other applicable requirements of the ADA with regard to:

- physical access to Milton Township Highway Department facilities by disabled individuals;
- interviewing and hiring practices.

To the extent the Milton Township Highway Department is unable, for operational reasons, to make an accommodation, or there is no reasonable accommodation that can be made, the Milton Township Highway Department reserves the right to take the appropriate employment measures.

Discrimination and Harassment

Discrimination

Milton Township Highway Department prohibits all unlawful discriminatory conduct. Unlawful discrimination may include, but is not limited to, discrimination related to the employee's:

age;
state of health, including pregnancy and pregnancy related medical conditions;
national origin;
veteran status;
citizenship status;
race or color;
religion;
gender, (also
sexual orientation;
ancestry;
marital status;
physical or mental handicap;
arrest record;
unfavorable discharge from military service; or
access to financial credit,

Discrimination based upon gender and sexual orientation may also include harassment of a sexual nature (see "Sexual Harassment," detailed below). Any employee who witnesses a discriminatory act should immediately report the incident to any supervisor, without fear of reprisal. All incidents will be investigated promptly. Any employee who engages in unlawful discrimination or harassment will be subject to disciplinary action, which may include termination of employment.

Harassment

Milton Township Highway Department does not tolerate harassment of its employees or independent contractors. Any form of harassment or discriminatory practice by an employee (or independent contractor) on the basis of the following, is a violation of this policy and will be treated as a disciplinary matter (or, in the case of an independent contractor, grounds for possible termination of Milton Township's Highway Department Contract with the independent contractor):

race;
color;
gender;
sexual orientation;
religion;
national origin;
age;
disability; or
any other protected activity.

Sexual Harassment

Milton Township Highway Department specifically prohibits sexual harassment, which is illegal under federal, state and local laws. It is defined as any unwelcome sexual advance, request for a sexual favor, or other verbal or physical conduct of a sexual nature when:

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 the individual; or
3. such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

Forms of sexual harassment may include, but are not limited to:

subtle or overt pressure for sexual favors;
derogatory or vulgar statements regarding one's sexuality or gender;
unnecessary touching, patting, pinching or attention to one's body;
physical assault;
unwanted sexual compliments, innuendoes or suggestions;
turning work discussions into sexual topics;
displaying visual materials that are sexually suggestive;
making suggestive or insulting gestures or noises;
reciting sexual jokes or stories.

Other Harassment

Harassment may include ethnic, religious or racial slurs, jokes, and other verbal or physical conduct relating to an individual's national origin, disability, religion, gender, color, race, protected activity or age when this conduct:

has the purpose or effect of creating an intimidating, hostile or offensive work environment;
has the purpose or effect of unreasonably interfering with an individual's work performance; or
otherwise adversely affects an individual's employment opportunities.

Milton Township Highway Department will discipline employees or independent contractors who engage in harassing activities, up to and including termination.

Complaint Procedure for Reporting Harassment and Discrimination

If you believe you have been subjected to, or have witnessed any form of discrimination or harassment, you should immediately contact the Milton Township Highway Commissioner, in writing. Employees, within three (3) business days, of the date of the alleged harassing incident, must notify the Highway Commissioner in writing, of discrimination and harassment and to cooperate with the investigation.

Your written complaint will be immediately and thoroughly investigated in a professional, impartial manner. You will be notified of a decision or the status of the investigation within five (5) business days from the filing of your complaint. There will be no retaliation against any employee who files a complaint in good faith, or who assists in providing information relevant to a claim of harassment or discrimination, even if the results of the investigation produces insufficient evidence to support the complaint. If the facts and results of the investigation substantiate the complaint, then the appropriate corrective and/or disciplinary action will be taken immediately, up to, and including terminating the wrongdoer's employment or, if an independent contractor, contract with Milton Township Highway Department.

Confidentiality will be maintained throughout all investigatory processes, to the extent practicable and appropriate under the circumstances. An investigation may include interviews of the parties involved and, where necessary, of individuals who may have observed the alleged conduct or who may have relevant knowledge.

This policy and procedure applies to all conduct engaged in by you and fellow employees and supervisors as well as independent contractors (managers, supervisors and staff) and outside individuals not directly connected to the Township (e.g., consultants, citizens, etc.).

Milton Township Highway Department will make every reasonable effort to ensure its entire staff is familiar with this policy and is aware that every complaint received will be investigated and resolved appropriately. Milton Township Highway Department encourages reporting of all perceived incidents of discrimination and harassment, regardless of the offender.

The Illinois Department of Human Rights requires the employee to file a complaint within 180 days of the last alleged incidence of harassment or discrimination.

LIMITATIONS ON PRIVACY IN THE WORKPLACE