

MILTON TOWNSHIP  
Ordinance No. O-18-1

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

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

WHEREAS, the Board of Trustees has determined that, in order to comply with the legislative mandate of P.A. 100-554, it must nevertheless comply with the Act by passage of this Ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF MILTON TOWNSHIP, DuPAGE COUNTY, ILLINOIS, 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 policies of Milton Township Prohibiting Sexual Harassment, included as Exhibits A and B to this Ordinance, are hereby formally adopted by this ordinance.

**SECTION II: Existing Policies.**

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

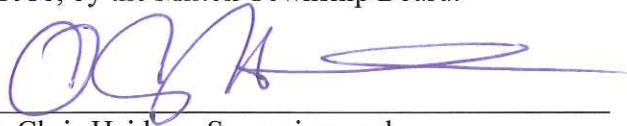
**SECTION III. Severability.**

It is the intention of the Board of Trustees 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 Board.



O. Chris Heidorn, Supervisor and  
Chairman of the Milton Township Board

ATTEST:



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

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hardship to Milton Township.

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

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

For more information about the ADA, contact the Township Supervisor.

### **Discrimination and Harassment**

#### **Discrimination**

Milton Township 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 includes harassment of a sexual nature --see "Sexual Harassment" detailed below);
- sexual orientation;
- ancestry;
- marital status;
- physical or mental handicap;
- arrest record;
- unfavorable discharge from military service;
- access to financial credit,

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. See "Complaint Procedure for Reporting Harassment and Discrimination " detailed below,

#### **Harassment**

Milton Township does not tolerate harassment of its employees or independent contractors. Any form of harassment or discriminatory practice by an employee ( or independent contractor) related to, but not limited to, 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

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termination of Milton Township's contract with the independent contractor):

- the race of the employee or independent contractor;
- the color of the employee or independent contractor;
- the gender of the employee or independent contractor (whether or not of a sexual nature);
- the sexual orientation of the employee or independent contractor;
- the religion of the employee or independent contractor;
- the national origin of the employee or independent contractor;
- the age of the employee or independent contractor;
- the disability or health condition of the employee or independent contractor;
- the protected activity of the employee or independent contractor.

Also, Milton Township does not tolerate harassment of its employees or independent contractors by non-employees (citizens or other individuals). Any non-employee who harasses an employee or independent contractor will be asked to refrain from any further harassing conduct. Milton Township reserves the right to remedy the situation in a manner it deems to be appropriate under the particular circumstances, which may include termination of Milton Township's business relationship with the non-employee.

### **Sexual Harassment**

One form of prohibited harassment is sexual harassment. Sexual harassment 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:

- submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
- submission to, or rejection of, such conduct by an individual is used as the basis for employment decisions affecting the individual; or
- 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;

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- 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 will discipline employees or independent contractors who engage in the activities defined above. Also, Milton Township will not allow its employees or independent contractors to work at a third-party's work location where these employees or independent contractors are subjected to harassment.

### **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 any Milton Township supervisor in person, by telephone, e-mail or voicemail before the conduct becomes severe or pervasive. Milton Township expects employees to, within three (3) business days, follow up any oral contact by notifying the Milton Township Supervisor and/or the Township's Human Resources Consultant, in writing, of discrimination and harassment and to cooperate with investigation procedures that result from such instances. The Supervisor shall review the written complaint with the Township's Human Resources Consultant. From time to time, the Township Supervisor shall advise all employees of the name, address and telephone number of the Human Resources Consultant.

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) days from the filing of your complaint. There will be no retaliation against any employee or independent contractor 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 contract with Milton Township. Milton Township is committed to halting discriminating and harassing behavior before it escalates

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to a level that violates federal law.

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

Milton Township 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 encourages reporting of all perceived incidents of discrimination and harassment, regardless of who the offender may be.

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.

Employees are encouraged to raise any questions or concerns regarding this policy with the Township Supervisor.

### **Violence in the Workplace**

Milton Township does not tolerate violence in the workplace. Any employee who engages in violence or threatens violent behavior while on Milton Township premises will be subject to disciplinary action, up to, and including termination of employment. Likewise, Milton Township will not tolerate violence or threats of violence from non-employees, including, but not limited to, citizens, subcontractors, independent contractors and vendors. Any threat or violent action on behalf of a non-employee may result in immediate termination of any existing relationship the non-employee may have with Milton Township. Additionally, Milton Township may report the incident to the local authorities.

Milton Township does not tolerate employee possession of weapons on Township premises. This includes all Township premises, including all parking lots. Employees who travel outside Township premises on Township business are prohibited from possessing weapons as well. Likewise, Milton Township does not tolerate the possession of weapons by vendors, citizens, subcontractors or independent contractors. Weapons include any implement that could inflict harm, such as guns, knives and explosives. Milton Township will actively discipline any employee who violates this policy. Such discipline may include immediate termination.

An employee who witnesses an act of violence or a threat of violence

## **SECTION 2: EMPLOYMENT POLICIES**

### **2.1 Equal Employment and Anti-Harassment**

Every employee has the right to work in an environment free of harassment and discrimination. Any employee who engages in conduct that violates the provisions of this Employee Manual will be subject to disciplinary action, up to and including termination.

#### **Equal Employment Opportunity**

Milton Township is an Equal Opportunity employer. It is the policy of this Township to apply recruiting, hiring, promotion and compensation, without regard to race, religion, color, age, gender, national origin, citizenship, immigration status, marital or parental status, sexual orientation, military discharge status, disability, or any other legally protected status. The Township provides reasonable accommodations to persons with mental or physical disabilities, as long as such accommodation does not cause the Township undue hardship.

#### **Immigration Law Compliance**

The Township does not unlawfully discriminate on the basis of citizenship or national origin. In compliance with the Immigration Reform and Control Act of 1986, each new employee, as a condition of employment, must complete the Employment Eligibility Verification Form I-9 and present documentation establishing identity and employment eligibility within (3) working days of the employee's date of hire. Any employee with an expiring work authorization must renew the authorization or the employee will be considered to have voluntarily resigned. All offers of employment are conditioned upon the receipt of satisfactory evidence of an employee's authorization to work in the United States.

#### **Reasonable Accommodation**

Employees with disabilities requiring accommodations should advise the Township of any accommodations which they believe are needed to perform their job duties. The Assessor will make every effort to accommodate employees with disabilities. Those accommodations must be reasonable and must be able to be implemented without adversely impacting the essential operations of the Assessor's office.

#### **Harassment, Including Sexual Harassment**

The Assessor's policy is that all employees have a right to work in an environment free of harassment, either verbal or physical, that is based on race, religion, color, age, sex, national origin, citizenship, immigration status, marital or parental status, sexual

orientation, military discharge status, disability, or any other legally protected status. In keeping with this commitment, we will not tolerate harassment of employees by anyone, including any applicant, manager, coworker, vendor, the general public or any other non-employee of Assessor. Such conduct, or interference with the investigation of an alleged incident, may result in disciplinary action, up to and including termination.

Sexual harassment includes, but is not limited to:

1. Unwelcome sexual advances, requests for sexual acts or favors, or other verbal or physical conduct of a sexual nature;
2. Any statement or implication that an individual's submission to or rejection of such sexual conduct could be used as a condition of employment, or as the basis for any employment decision affect in such individual; or
3. Any conduct, whether physical or verbal, which has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment.

### **Reporting Procedures**

If you feel you have experienced, witnessed or become aware of discrimination or harassment, you should immediately report the incident(s) to the Assessor.

Every complaint will be promptly and thoroughly investigated, including interviewing witnesses and participants. All efforts will be made to ensure the confidentiality of the complaint to the extent possible; however, information, including the identity of the individual lodging the complaint, may be divulged where necessary to fully investigate the matter or comply with applicable law. If an investigation reveals that harassment or other inappropriate behavior has occurred, the Township will take disciplinary action, up to and including termination, as may be appropriate.

### **Prohibition on Retaliation**

There will be no retaliation or discrimination against any employee who in good faith submits a complaint, reports an incident witnessed, or participates in any way with the investigation of a harassment claim. Supervisors are prohibited from making any personnel decision or taking any adverse action against any employee because the employee in good faith submitted a complaint or cooperated with an investigation of alleged conduct prohibited by this policy. Any acts of retaliation will be considered a violation of this policy.