

**MEMORANDUM**

June 12, 2020

TO: Mayor John P. Kahl and Members of City Council

FROM: Scott A. Brunton (City Attorney's Office)

SUBJECT: Ordinance Updating the City's Sexual Harassment Policy in the Personnel Policy Manual (Public Act 101-221)

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**DISCUSSION:**

In August 2019, the Governor signed Public Act 100-221, which established the Workplace Transparency Act. Furthermore, this Public Act revised the State Officials and Employees Ethics Acts to require the amendment of local governmental unit's sexual harassment policies to address sexual harassment allegations between elected officials. Back in January 2018, the City updated the harassment policy in the City's Personnel Policy Manual in compliance with State legislation adopted at the time that required all units of local government to implement a policy against sexual harassment with certain specific parameters and provisions. This Ordinance now further amends the harassment policy in the City's Personnel Policy Manual to include a provision addressing allegations of sexual harassment between elected City officials and providing for an independent review of such allegations.

Additionally, the Workplace Transparency Act imposes an obligation on all employers (including the City) to provide annual training designed to prevent sexual harassment. This Ordinance also adds this training requirement to the harassment policy in the City's Personnel Policy Manual

**RECOMMENDATION:**

Our office recommends approval of this Ordinance.

c: DRT  
Teresa Durm, Human Resources Director

**ORDINANCE NO. 4508**

**AN ORDINANCE FURTHER AMENDING AND ENHANCING THE  
SEXUAL HARASSMENT POLICY IN THE  
CITY OF EAST PEORIA PERSONNEL POLICY MANUAL**

**WHEREAS**, the City of East Peoria established its Personnel Policy Manual by Ordinance No. 2474 in November 1990, which has been subsequently amended and updated by various ordinances including a significant revision and re-issuance in July 2014 by Ordinance No. 4173; and

**WHEREAS**, the City's Personnel Policy Manual sets forth a policy addressing harassment and discrimination in the workplace; and

**WHEREAS**, the State of Illinois previously enacted Public Act 100-554 (effective November 16, 2017), which required that all units of local government enact a policy prohibiting sexual harassment; and

**WHEREAS**, pursuant to Public Act 100-554, the City amended the policy prohibiting harassment and discrimination in the City's Personnel Policy Manual to comply with the provisions of Public Act 100-554; and

**WHEREAS**, the State of Illinois has more recently enacted Public Act 101-221 (effective August 9, 2019), creating the Workplace Transparency Act and amending the State Officials and Employees Ethics Act; and

**WHEREAS**, under the provisions of Public Act 101-221, the City is required to amend its policy prohibiting sexual harassment to specifically address allegations of sexual harassment between elected City officials, while also imposing an obligation on the City to provide prevention training to all City employees regarding the City's policy prohibiting sexual harassment; and

**WHEREAS**, the City of East Peoria hereby finds that it is in the best interests of the City to update the City's policy prohibiting harassment and discrimination as set forth in the City's Personnel Policy Manual as provided herein; and

**WHEREAS**, the City Council hereby finds that the adoption of these additional revisions to the policy prohibiting harassment and discrimination in the City's Personnel Policy Manual as set forth herein are in the best interests of the City and its employees;

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF EAST PEORIA, TAZEWELL COUNTY, ILLINOIS, THAT:**

**Section 1.** The recitals above are found to be true and accurate.

**Section 2.** Section 2.10 of the City's Personnel Policy Manual is hereby revised as follows (additions are indicated by underline; deletions by ~~strikeout~~):

**Section 2.10 – Harassment (Including Sexual Harassment) Policy.**

**(a) Statement of Policy.** It is the policy of the City to promote a productive work environment free from unlawful harassment and discrimination that disrupts or interferes with work performance or creates an intimidating, offensive, or hostile environment. Therefore, it is the City's policy that it will not tolerate or condone harassment or discrimination on the basis of race, color, religion, creed, sex, gender-identity, gender-expression, sexual orientation, pregnancy, childbirth, medical or common conditions relating to pregnancy and childbirth, marital status, genetic information, national origin, age, physical or mental disability or handicap, ancestry, military status, unfavorable discharge from military service, arrest record, order of protection status, citizenship status, registered qualifying patient status under the Compassionate Use of Medical Cannabis Pilot Program Act, or any other classification protected under federal or state law. Sexual misconduct is also prohibited. The City will neither tolerate nor condone discrimination, harassment, or sexual misconduct by employees, managers, supervisors, elected officials, co-workers, or non-employees with whom City has a business, service, or professional relationship. Further, retaliation and the filing of false reports as provided in this policy is a violation of this policy and is prohibited. This Section 2.10 shall apply to all City employees, all elected or appointed City officials, and all members of any City Boards, Committees, or Commissions.

**(b) Definitions.**

**Harassment:** Unlawful harassment is defined as sexual harassment or any harassment of a City employee based on an individual's of race, color, religion, creed, sex, gender-identity, gender-expression, sexual orientation, pregnancy, childbirth, medical or common conditions relating to pregnancy and childbirth, marital status, genetic information, national origin, age, physical or mental disability or handicap, ancestry, military status, unfavorable discharge from military service, arrest record, order of protection status, status as a victim of domestic or sexual violence, citizenship status, registered qualifying patient status under the Compassionate Use of Medical Cannabis Pilot Program Act, or any other classification protected under federal or state law.

**Sexual Harassment:** Sexual harassment is defined as "any unwelcome sexual advances or requests for sexual favors or any 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 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".

Conduct which may constitute sexual harassment includes:

- Verbal: Sexual innuendos, suggestive comments, insults, humor, and jokes about sex, anatomy or gender-specific traits, sexual propositions, threats, repeated requests for dates, or statements about other employees, even outside of their presence, of a sexual nature;
- Non-verbal: Suggestive or insulting sounds (whistling), leering, obscene gestures, sexually suggestive bodily gestures, “catcalls,” “smacking” or “kissing” noises;
- Visual: Posters, signs, pin-ups or slogans of a sexual nature, viewing pornographic material or websites;
- Physical: Touching, unwelcome hugging or kissing, pinching, brushing the body, any coerced sexual act or actual assault; and
- Text/Electronic: “Sexting” (electronically sending messages with sexual content, including pictures and video), the use of sexually explicit language, harassment, cyber stalking and threats via all forms of electronic communication (e-mail, text/picture/video messages, intranet/on-line postings, blogs, instant messages and social network websites like Facebook and Twitter).

The most severe and overt forms of sexual harassment are easier to determine. However, on the other end of the spectrum, some sexual harassment is more subtle and depends, to some extent, on individual perception and interpretation. The courts will assess sexual harassment by a standard of what would offend a “reasonable person.” Further, sexual harassment can occur in a variety of circumstances, including but not limited to the following:

- The employee as well as the harasser may be a woman or a man; the employee does not have to be of the opposite sex.
- The harasser can be the employee’s supervisor, an agent of the employer, a supervisor in another area, a co-worker, or a non-employee.
- The employee does not have to be the person harassed, but could be anyone affected by the offensive conduct.
- Unlawful sexual harassment may occur without economic injury to or discharge of the employee.
- The harasser’s conduct must be unwelcome.

**Employee:** For purposes of this policy only, “Employee” includes any individual performing work for City, an apprentice, an applicant for apprenticeship, or an unpaid intern.

**Ethics Officer:** Under this policy, the Ethics Officer shall receive and oversee investigations of complaints made pursuant to this policy. The City's Human Resources Director is hereby appointed as the City's Ethics Officer.

Ethics Officer:

Teresa Durm  
Human Resources Director  
401 W. Washington Street (City Hall)  
East Peoria, IL 61611  
(309) 427-7606  
[teresadurm@cityofeastpeoria.com](mailto:teresadurm@cityofeastpeoria.com)

If the Ethics Officer is absent or otherwise unavailable, the Mayor shall be the Acting Ethics Officer.

Acting Ethics Officer:

John Kahl  
Mayor  
401 W. Washington Street (City Hall)  
East Peoria, IL 61611  
(309) 427-7630  
[JohnKahl@cityofeastpeoria.com](mailto:JohnKahl@cityofeastpeoria.com)

The City reserves the right to change the Ethics Officer and Acting Ethics Officer from time to time.

**(c) Prohibition on Harassment, Sexual Harassment, and Sexual Misconduct.** Unlawful harassment as defined herein is prohibited and shall not be tolerated. Further, it is unlawful to harass a person because of that person's sex. The courts have determined that sexual harassment is a form of discrimination under Title VII of the U.S. Civil Rights Act of 1964, as amended in 1991. All persons have a right to work in an environment free from sexual harassment. Sexual harassment is unacceptable misconduct which affects individuals of all genders and sexual orientations. It is a policy of the City to prohibit harassment of any person by any City official, City agent, City employee, or City agency or office, including the harassment on the basis of sex or gender. All City officials, City agents, City employees, and City agencies or offices are prohibited from sexually harassing any person, regardless of any employment relationship or lack thereof.

Further, sexual misconduct is strictly prohibited by the City and can include any inappropriate or illegal conduct of a sexual nature including, but not limited to, sexual abuse, sexual exploitation, sexual intimidation, rape, sexual assault, or ANY sexual contact or sexual communications with a minor (including, but not limited to, conduct or communications which are written, electronic, verbal, visual, virtual or physical).

**(d) Responsibilities – Supervisors.** Each supervisor shall be responsible for ensuring compliance with this policy, including the following:

- (1) Monitoring the workplace environment for signs of discrimination, harassment, or sexual misconduct;

(2) Immediately notifying law enforcement where there is reasonable belief that the observed or complained of conduct violates the criminal laws of the State of Illinois;

(3) Immediately notifying the Department of Children and Family Services (DCFS) Hotline (1-800-25-ABUSE or 1-800-252-2873) if the observed or complained of conduct involves the abuse of a minor;

(4) Immediately stopping any observed acts of discrimination, harassment, or sexual misconduct and taking appropriate steps to intervene, whether or not the involved employees are within his/her line of supervision;

(5) Immediately reporting any complaint of harassment, discrimination, or sexual misconduct to the Ethics Officer or to the Mayor (as the Acting Ethics Officer), and:

(6) Taking immediate action to limit the work contact between the individuals when there has been a complaint of discrimination, harassment, or sexual misconduct, pending investigation.

**(e) Responsibilities – Employees and City Officials.** Each employee and City official must exercise good judgment to avoid engaging in conduct that may be perceived by others as sexual harassment or harassment based on any status protected by law. Further, each employee and City official is responsible for assisting in the prevention of discrimination, harassment, and sexual misconduct through the following acts:

(1) Refraining from participation in, or encouragement of, actions that could be perceived as discrimination, harassment, or sexual misconduct;

(2) Immediately reporting any violations of this policy to a supervisor, Department Head, the Ethics Officer or the Mayor (as the Acting Ethics Officer), or if appropriate under the circumstances, law enforcement or DCFS. See subsection (f)(2) below regarding the bringing or filing of a complaint. Employees are obligated to report violations of this policy as soon as they occur. An employee should not wait until the conduct becomes unbearable before reporting the prohibited conduct. All employees are obligated to report instances of prohibited conduct even if the conduct is merely observed and directed toward another individual and even if the other person does not appear to be bothered or offended by the conduct. All employees are obligated to report instances of prohibited conduct regardless of the identity of the alleged offender (e.g. man, woman, supervisor, elected official, co-worker, volunteer, vendor, member of public);

(3) Cooperating with any investigation of discrimination, harassment, and sexual misconduct; and

(4) Encouraging any employee who confides that he/she is the victim of conduct in violation of this policy to report these acts to a supervisor or the Ethics Officer.

An employee's failure to take action to stop known discrimination, harassment, or sexual misconduct may be grounds for discipline.

There is a clear line in most cases between a mutual attraction and a consensual exchange and unwelcome behavior or pressure for an intimate relationship. A friendly interaction between two persons who are receptive to one another is not considered unwelcome or harassment. Employees are free to form social relationships of their own choosing. However, when one employee is pursuing or forcing a relationship upon another who does not like or want it, regardless of friendly intentions, the behavior is unwelcome sexual behavior. An employee confronted with these actions is encouraged to inform the harasser that such behavior is offensive and must stop. You should assume that sexual comments are unwelcome unless you have clear unequivocal indications to the contrary. In other words, another person does not have to tell you to stop for your conduct to be harassment and unwelcome. Moreover, sexual communications and sexual contact with a minor are ALWAYS prohibited.

If you are advised by another person that your behavior is offensive, you must immediately stop the behavior, regardless of whether you agree with the person's perceptions of your intentions. The following are illustrations of actions that the City deems inappropriate and in violation of this policy:

- Unwanted sexual advances;
- Offering employment benefits in exchange for sexual favors;
- Retaliating or threatening retaliation after a negative response to a sexual advance or after an employee has made or threatened to make a harassment complaint;
- Visual conduct such as leering, making sexual gestures, displaying sexually suggestive objects or pictures, cartoons, calendars, or posters;
- Verbal conduct such as making derogatory comments, using epithets or slurs, making sexually explicit jokes or suggestive comments about a person's body or dress;
- Written or electronic communications of a sexual nature or containing statements or images which may be offensive to individuals in a particular protected group, such as racial or ethnic stereotypes or stereotypes about disabled individuals; and
- Physical conduct such as unwanted touching, assaulting, impeding, or blocking movements.

The City does not consider conduct in violation of this policy to be within the course and scope of employment and does not sanction such conduct on the part of any employee, including supervisory and management employees.

**(f) Procedures for Reporting an Allegation of Harassment.** The City takes allegations of discrimination, harassment, and sexual misconduct very seriously and will actively, promptly, and fairly investigate all complaints of unlawful discrimination, harassment, and sexual misconduct.

(1) **Direct Communication.** An employee who believes that he or she has been subjected to unlawful harassment, whether from a supervisor, co-worker, or other City employee or official, should first communicate to the alleged harasser that such conduct is unwelcome and request it cease, unless it is clear in the circumstances such requests will serve no purpose, or are likely to result in further harassment. When communicating with the alleged harasser, the harassed employee should directly and clearly express her or his objection to the other employee that the conduct is unwelcome and request that the offending behavior stop. The initial message may be verbal. If subsequent messages are needed, they should be put in writing in a note or a memo

(2) **Bringing a Complaint.** If confronting the alleged harasser is impracticable or if the result is unsatisfactory, or if any City employee who believes that there has been a violation of this policy, the employee should bring the matter to the attention of City, as provided below by advising his or her supervisor, Department Head, or the Ethics Officer. In the event that the alleged harasser is a supervisor or Department Head, the employee should promptly contact the Ethics Officer or the Mayor (as the Acting Ethics Officer). If a supervisor or a Department Head is contacted about a complaint regarding a violation of this policy, the supervisor or Department Head shall promptly contact the Ethics Officer or Acting Ethics Officer as appropriate regarding the complaint. In the event that the alleged harasser is either the Ethics Officer or the Acting Ethics Officer, the Ethics Officer who is not the subject of the complaint should be contacted by the employee, supervisor, or Department Head.

Whenever practicable, the employee should make the complaint of discrimination, harassment, or sexual misconduct by use of the City's harassment/discrimination form and then providing this form to the supervisor, Department Head, Ethics Officer or, when appropriate, the Acting Ethics Officer.

If the complaint involves someone in the employee's direct line of command, then the employee should go directly to the Ethics Officer or the Mayor (as the Acting Ethics Officer). The complaint should be presented as promptly as possible after the alleged violation of this policy occurs.

The City will take steps to ensure that complaints made are kept confidential to the extent permissible under the law. Individuals who are involved in an investigation under this policy are required to keep the matter confidential to the fullest extent permitted under the law.

(3) **Resolution Outside of the City.** The purpose of this policy is to establish prompt, thorough, and effective procedures for responding to every report and incident so that problems can be identified and remedied by the City. However, in the event the City's internal procedures prove unsatisfactory, all City employees have the right to contact the Inspector General, the Illinois Department of Human Rights (IDHR) at 312-814-6200, or the Equal Employment Opportunity Commission (EEOC) at 800-669-4000, for information regarding filing a formal complaint with those entities. An IDHR complaint must be filed within 300 days of the alleged incident(s)

unless it is a continuing offense. A complaint with the EEOC must also be filed within 300 days. The Illinois Department of Human Rights and/or the Illinois Human Rights Commission can be contacted at the offices of such agencies, located in Chicago and Springfield. The Springfield addresses are:

Illinois Department of Human Rights  
222 S. College, Room 101A  
Springfield, IL 62704  
(217) 785-5100

Illinois Human Rights Commission  
Room 404A, Stratton Building  
Springfield, IL 62706  
(217) 785-4350

**(g) Reporting and Independent Review of an Allegation of Sexual Harassment Made Against an Elected City Official by Another Elected City Official.**

(1) In addition to the methods of reporting included above, an elected official who either observes another elected official engage in sexual harassment or believes himself or herself to be the object of sexual harassment by another elected official may report such conduct for independent review to the City Attorney. If the City Attorney believes a conflict exists which prevents the City Attorney from conducting an independent review, the City Attorney must notify the Mayor or City Council of such conflict. Upon receiving notification of the conflict, the Mayor or City Council shall authorize the engagement of outside legal counsel to conduct the review.

(2) The City Attorney or outside legal counsel shall conduct an independent review of the allegations and provide any findings to the City Council. Any documents, communications or other records created pursuant to the review shall remain confidential, subject to attorney-client privilege, and will not be disclosed unless such disclosure is authorized by resolution with the concurrence of a majority of all members then holding office on the City Council or as otherwise required by applicable State or federal law.

(3) Such records shall also be presumed as exempt from disclosure under the Freedom of Information Act, to the extent it is applicable.

**(h) Resolution of a Complaint.** Promptly after a complaint is submitted, the City will undertake such investigative, corrective, and preventive actions as are appropriate. In general, the procedure used in resolving any complaint can (but will not necessarily) include any of the following items:

(1) A meeting between the employee making the complaint and an individual designated by the City to investigate such complaints. Important data to be provided by the complaining employee includes the following:

- A description of the specific offensive conduct;
- Identification of all person(s) who engaged in the conduct;
- The location where the conduct occurred;

- The time when the conduct occurred;
- Whether there were any witnesses to the conduct;
- Whether conduct of a similar nature has occurred on prior occasions;
- Whether there are any documents which would support the complaining employee's allegations; and
- What impact the conduct had on the complaining employee.

(2) While not required, the City encourages anyone who makes a complaint under this policy to provide a written statement setting forth the above details and attaching any pertinent records.

(3) After a complaint is submitted by the employee, the alleged offending individual should be contacted by a designated representative of the City. The alleged offending individual should be advised of the charges brought against him or her, and may be provided with a copy of the written statement of complaint made by the complaining employee (if applicable). The alleged offending individual should have an opportunity to fully explain his or her side of the circumstances, and may also submit a written statement, if desired.

(4) After the alleged offending individual is interviewed, any witnesses identified by either the complaining employee or the alleged offending individual may be interviewed separately.

(5) All City employees are required to cooperate during any investigation of discrimination, harassment, and sexual misconduct.

(6) Once this investigation is completed, the City will take such action as is appropriate based upon the information obtained in the investigation.

(7) Upon completion of the investigation, the City will advise the complaining employee of the results of the investigation, including action taken, if any, against the offending individual.

When investigating alleged violations of this policy, the City looks at the whole record including, but not limited to, the nature of the allegations, the context in which the alleged incidents occurred, and the statements of the parties and witnesses. A determination on the allegations is made from the facts on a case-by-case basis.

**(i)(h) Consequences for a Violation of This Policy.** In the event that the City finds merit in the charges made by the complaining employee, disciplinary action will be taken against the offending employee. This disciplinary action imposed on the offending employee may include one or more of the following:

- (1) Verbal warning/reprimand (documented)
- (2) Written warning/reprimand;

- (3) Placement on a corrective action plan for a period of time to be identified in the plan;
- (4) Delay in pay increase or promotion;
- (5) Suspension from work without pay and warning of termination;
- (6) Demotion; or
- (7) Immediate termination.

Discipline imposed under this policy shall be consistent with the City's general discipline policy (see Section 6.3). While the City follows a progressive, corrective disciplinary process, the City maintains its right to impose more severe discipline when deemed necessary by City administration or City Officials based upon the offending employee's conduct and related circumstances.

Further, each violation may constitute a separate offense. Any discipline imposed by the City shall be separate and distinct from any penalty imposed by a State ethics commission or from any fines or penalties imposed by a court of law or a State or Federal agency.

**(j)(i) Prohibition on Retaliation for Reporting Sexual Harassment Allegations.** No City official or employee shall take any retaliatory action against any City employee due to a City employee's:

- Disclosing or threatening to disclose any violation of this policy;
- Providing information related to or testifying before any public body conducting an investigation, hearing, or inquiry into any violation of this policy; or
- Assisting or participating in a proceeding to enforce the provisions of this policy.

For the purposes of this policy, retaliatory action means the reprimand, discharge, suspension, demotion, denial of promotion or transfer, or change in the terms or conditions of employment of any City employee that is taken in retaliation for a City employee's involvement in protected activity pursuant to this policy.

No individual making a report will be retaliated against even if a report made in good faith is not substantiated. Further, any witness will be protected from retaliation.

Additionally, in relation to sexual harassment, Illinois law provides protections to persons making a report under this policy or to any person who assists or participates in the investigation of an alleged violation of this policy. As set forth in the Whistleblower Act (740 ILCS 174/15) and the Illinois Human Rights Act (775 ILCS 5/6-101), such persons are provided protections as whistleblowers from retaliatory action such as reprimand, discharge, suspension, demotion, or denial of promotion or transfer that occurs in retaliation for an employee who does any of the following:

- (1) Discloses or threatens to disclose to a supervisor or to a public body an activity, policy, or practice of any municipal officer or other employee that the employee reasonably believes is in violation of this policy or other law, rule, or regulation;
- (2) Provides information to or testifies before any public body conducting an investigation, hearing, or inquiry into any violation of this

policy or other law, rule, or regulation by any municipal officer or other employee; or

**(3)** Assists or participates in any proceeding to enforce the provisions of this policy or the State Officials and Employees Ethics Act.

Pursuant to the Whistleblower Act (740 ILCS 174/15(a)), an employer may not retaliate against an employee who discloses information in a court, an administrative hearing, before a legislative commission or committee, or in any other proceeding, where the employee has reasonable cause to believe that the information discloses a violation of a State or federal law, rule, or regulation. In addition, an employer may not retaliate against an employee for disclosing information to a government or law enforcement agency, where the employee has reasonable cause to believe that the information discloses a violation of a State or federal law, rule, or regulation. (740 ILCS 174/15(b)).

According to the Illinois Human Rights Act (775 ILCS 5/6-101), it is a civil rights violation for a person, or for two or more people to conspire, to retaliate against a person because he/she has opposed that which he/she reasonably and in good faith believes to be sexual harassment in employment, because he/she has made a charge, filed a complaint, testified, assisted, or participated in an investigation, proceeding, or hearing under the Illinois Human Rights Act.

An employee, who is suddenly transferred to a lower paying job or passed over for a promotion after filing a complaint with IDHR (312-814-6200) or EEOC (800-669-4000), may file a retaliation charge with IDHR or EEOC – due within 300 days of the alleged retaliation.

**(k) Education / Training.** Education and training for employees at each level of the City are critical to the success of the City's policy against harassment and discrimination. The policy set forth in this Section 2.10 will be distributed to current employees, recently hired employee, and all elected and appointed officials of the City. All employees and all elected and appointed City officials are required to read and sign a receipt of the City's policy set forth in this Section 2.10. In addition, employees will receive annual training regarding this policy.

The training shall include, at a minimum, the following: (i) the definition and a description of sexual harassment, unlawful discrimination, and harassment, including examples of each; (ii) details on how an individual can report an allegation of sexual harassment, unlawful discrimination, or harassment, including options for making a confidential report to a supervisor or the Department of Human Rights; (iii) the definition and description of retaliation for reporting sexual harassment, unlawful discrimination, or harassment allegations utilizing examples, including availability of whistleblower protections under the Workplace Transparency Act, the Whistleblower Act, and the Illinois Human Rights Act; and (iv) the consequences of a violation of the prohibition on sexual harassment, unlawful discrimination, and harassment and the consequences for knowingly making a false report. All newly hired employees and all elected and appointed City officials will complete an initial harassment and discrimination prevention training program within 30 days after commencement of employment with the City or becoming an elected or appointed City.

Additionally, all supervisors and Department Heads will participate in training sessions so that they understand their responsibilities under this policy and

complaint procedure. Such training will explain the types of conduct that violate the City's policy, the seriousness of the policy, the responsibilities of supervisors and Department Heads when they learn of alleged harassment or discrimination, and the prohibition against retaliation.

**(l)(f) Consequences for Knowingly Making a False Report.** A false report is a report of sexual harassment made by an accuser using the sexual harassment report to accomplish some end other than stopping sexual harassment or retaliation for reporting sexual harassment. A false report is not a report made in good faith. Given the seriousness of the consequences for the accused, a false or frivolous report of sexual harassment is a severe offense that can itself result in disciplinary action. Any person who intentionally makes a false report alleging a violation of any provision of this policy shall be subject to discipline or discharge as provided in this policy. Further, this provision covers any false report of harassment, not just sexual harassment.

**(m)(k) Exclusion.** This policy shall not apply to consensual relationships; but see Section 4.20a (Policy Governing Relationships in the Workplace). Additionally, employees are admonished that relationships with other City employees cannot be allowed to interfere with the City's operations, and any such interference may require appropriate corrective action, which may include termination.

**Section 3.** The Harassment Policy, as set forth in new Section 2.10 of the City's Personnel Policy Manual (as set forth above, and amended thereafter from time to time) shall apply to all City Officials (both elected and appointed), including all members of any City Boards, Committees, or Commissions, and all City employees.

**Section 4.** The City's Human Resources Director, as the City Ethics Officer, shall ensure distribution of this updated Harassment Policy to all City employees and City Officials covered by the Harassment Policy within one month after the adoption of this Ordinance. Also, all new City employees and City Officials shall receive a copy of the Harassment Policy within one month of the date of hire or installation as a City Official. These persons shall also provide the Ethics Officer with an acknowledgement form acknowledging receipt of the City's Harassment Policy.

**Section 5.** The City's Human Resources Director, as the City Ethics Officer, shall further ensure that training is provided to all City employees as provided by the Harassment Policy.

**Section 6.** This Ordinance is hereby ordered to be published in pamphlet form by the City Clerk and said Clerk is ordered to keep at least three (3) copies hereof available for public inspection in the future and in accordance with the Illinois Municipal Code.

**Section 7.** This Ordinance is in addition to all other ordinances on the subject and shall be construed therewith except as to that part in direct conflict with any other ordinance, and in the event of such conflict, the provisions hereof shall govern.

**Section 8.** This Ordinance shall be in full force and effect from and after its passage, approval, and ten (10) day period of publication in the manner provided by law.

**Section 9.** The City Human Resources Coordinator is directed to furnish a copy of these changes to the Personnel Policy Manual to all City employees when future updates are provided to City employees.

**PASSED BY THE COUNCIL OF THE CITY OF EAST PEORIA, TAZEWELL COUNTY, ILLINOIS, IN REGULAR AND PUBLIC SESSION THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2020.**

**APPROVED:**

\_\_\_\_\_  
Mayor

**ATTEST:**

\_\_\_\_\_  
City Clerk

**EXAMINED AND APPROVED:**

\_\_\_\_\_  
Corporation Counsel