

**AN ORDINANCE AMENDING THE VILLAGE OF WESTCHESTER
PERSONNEL POLICY MANUAL AND MUNICIPAL CODE
WITH RESPECT TO COMPLAINT PROCEDURES FOR
FILING A COMPLAINT OF HARASSMENT OR DISCRIMINATION
WITH THE ILLINOIS DEPARTMENT OF HUMAN RIGHTS**

WHEREAS, on August 24, 2018, the Governor signed into law Public Act 100-1066, amending the Illinois Human Rights Act, that includes an amendment that expands the timeframe for filing a charge of discrimination or harassment with the Illinois Department of Human Rights; and

WHEREAS, the Village of Westchester maintains a policy prohibiting discrimination and harassment, which policy is maintained in the Village's Personnel Policy Manual and is also codified in the Village's Municipal Code ("Village Policies"); and

WHEREAS, the Village Policies contain provisions regarding procedures for filing a complaint of harassment or discrimination with certain administrative agencies, including the Illinois Department of Human Rights; and

WHEREAS, the Village Policies need to be updated, in order to be consistent with the expanded timeframe, as set forth in P.A. 100-1066, for filing a complaint of harassment or discrimination with the Illinois Department of Human Rights; and

WHEREAS, the Village President and Board of Trustees have determined that it is in the best interest of the Village to revise the Village Policies with respect to external complaint procedures for filing a complaint of harassment or discrimination.

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Westchester, Illinois, as follows:

SECTION ONE: Paragraphs (A) and (B) of Section 8, entitled "External Procedures for Filing a Complaint of Harassment or Discrimination," of the "Village of Westchester Harassment / Discrimination / Sexual Harassment Policy" located in Appendix A of the Village of Westchester Personnel Policy Manual is hereby amended by replacing Paragraphs (A) and (B) of Section 8 with the following:

SECTION 8. External Procedures for Filing a Complaint of Harassment or Discrimination.

- (A) The Village hopes that any incident of harassment or discrimination can be resolved through the internal process outlined above. All employees, however, have the right to file formal charges with the Illinois Department of Human Rights (IDHR) and/or the United States Equal Employment Opportunity Commission (EEOC). A charge with IDHR or the EEOC must be filed within three hundred (300) days of the incident. In addition, an appeal process is available through the Human Rights Commission (IHRC), after the IDHR has completed its investigation of the complaint.

The Illinois Department of Human Rights (IDHR) may be contacted as follows:

CHICAGO	(312) 814-6200
TTY	(866) 740-3953

The Illinois Human Rights Commission (IHRC) may be contacted as follows:

Chicago:	(312) 814-6269
Chicago TTY:	(312) 814-4760

The United States Equal Employment Opportunity Commission (EEOC) may be contacted as follows:

CHICAGO	(800) 669-4000
TTY	(312) 869-8001

- (B) An employee who is suddenly transferred to a lower paying job or passed over for promotion after filing a complaint with IDHR or EEOC may file a retaliation charge with either of these agencies. The charges must be filed within 300 days of the retaliation.

SECTION TWO: Paragraphs (A) and (B) of Section 2.84.080, entitled "External Procedures for Filing a Complaint of Harassment or Discrimination," of Chapter 2.84, entitled

"Sexual and Gender-Based Harassment and Discrimination," of Title 2, entitled "Administration and Personnel" of the Village of Westchester Municipal Code is hereby amended by replacing Paragraphs (A) and (B) of Section 2.84.080, with the following:

2.84.080 - External Procedures for Filing a Complaint of Harassment or Discrimination.

- (A) The Village hopes that any incident of harassment or discrimination can be resolved through the internal process outlined above. All employees, however, have the right to file formal charges with the Illinois Department of Human Rights (IDHR) and/or the United States Equal Employment Opportunity Commission (EEOC). A charge with IDHR or the EEOC must be filed within three hundred (300) days of the incident. In addition, an appeal process is available through the Human Rights Commission (IHRC), after the IDHR has completed its investigation of the complaint.

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- (B) An employee who is suddenly transferred to a lower paying job or passed over for promotion after filing a complaint with IDHR or EEOC may file a retaliation charge with either of these agencies. The charges must be filed within 300 days of the retaliation.

SECTION THREE: All ordinances or parts of ordinances in conflict with this Ordinance are repealed, insofar as a conflict may exist.

SECTION FOUR: This Ordinance shall be in full force and effect from and after its date of passage and approval as required by law.

ADOPTED this 11th day of December, 2018, pursuant to a roll call vote as follows:


Angelo A. Calcagno	<u>Aye</u>	Frank Perry	<u>Aye</u>
Carl C. Celestino	<u>Aye</u>	Nick Steker	<u>Aye</u>
Sherby J. Miller	<u>Aye</u>	Tom Yurkovich	<u>Aye</u>
President Gattuso		<u>Aye</u>	

APPROVED this 11th day of December, 2018.



Paul Gattuso, Village President

ATTEST:



Stanley V. Kolodziej, Village Clerk