

OSWEGO TOWNSHIP
KENDALL COUNTY, ILLINOIS

RESOLUTION NO. 2021-12

**AN RESOLUTION ADOPTING A WHISTLEBLOWER PROTECTION POLICY
FOR THE TOWNSHIP OF OSWEGO**

WHEREAS, Public Act 101-0652, effective July 1, 2021, amends the Public Officers Prohibited Activities Act by adding a new section at 50 ILCS 105/4.1; and

WHEREAS, 50 ILCS 105/4.1 prohibits a unit of local government, or any agent or representative of a unit of local government, from retaliating against an employee or contractor who reports an improper governmental action as defined under 50 ILCS 105/4.1; cooperates with an investigation by an auditing official related to a report of improper governmental action; or, testifies in a proceeding or prosecution arising out of an improper governmental action.

NOW, THEREFORE, be it ordained, by the **Township of Oswego** as follows:

Section 1. The foregoing recitals shall be and are hereby incorporated as findings of fact as if said recitals were fully set forth herein.

Section 2. The Whistleblower Protection Policy, included as Exhibit A to this Resolution, is hereby adopted.

Section 3. Repeal of Conflicting Provisions. All Resolutions, resolutions, and policies or parts thereof, in conflict with the provisions of this Resolution are, to the extent of the conflict, expressly repealed on the effective date of this Resolution.

Section 4. Severability. If any provision of this Resolution or application thereof to any person or circumstances is ruled unconstitutional or otherwise invalid, such invalidity shall not affect other provisions or applications of this Resolution that can be given effect without the invalid application or provision, and each invalid provision or invalid application of this Resolution is severable.

Section 5. The Township Clerk is directed by the corporate authorities to publish this Resolution in pamphlet form. This Resolution shall be in full force and effect after its passage and publication in accordance with 65 ILCS 5/1-2-4.

PASSED THIS 11th day of January, 2022.

AYES: 3
NAYS: 1
ABSTENTIONS:
ABSENT: 1

APPROVED THIS 11th day of January, 2022.

Joe West
Supervisor

ATTEST:
Kenneth Helms
Township Clerk

Exhibit A

Whistleblower Protection Policy

I. Purpose

The **Township of Oswego (Township)** provides whistleblower protections in two important areas: confidentiality and against retaliation. The confidentiality of a whistleblower will be maintained to the extent allowable by law, however, an identity may have to be disclosed to conduct a thorough investigation, to comply with the law and to provide accused individuals their legal rights of defense. A whistleblower may also waive confidentiality in writing. The **Township** will not retaliate against a whistleblower. This includes, but is not limited to, protection from retaliation in the form of an adverse employment action such as termination, compensation decreases, or poor work assignments and threats of physical harm. Any whistleblowers who believe they are being retaliated against must submit a written report to the Auditing Official within 60 days of gaining knowledge of the retaliatory action. The right of a whistleblower for protection against retaliation does not include immunity for any personal wrongdoing that is alleged and investigated.

II. Definitions

- a) **Whistleblower** means an employee, as defined in Section II of this policy, of the **Township** who:
1. Reports an improper governmental action as defined under 50 ILCS 105/4.1 (hereinafter Section 4.1);
 2. Cooperates with an investigation by an Auditing Official related to a report of improper governmental action; or,
 3. Testifies in a proceeding or prosecution arising out of an improper governmental action.
- b) **Auditing Official** means any elected, appointed or employed individual, by whatever name, in the **Township** whose duties may include: receiving, registering and investigating complaints and information concerning misconduct, inefficiency and waste within the **Township**; investigating the performance of officers, employees, functions and programs; and, promoting economy, efficiency, effectiveness and integrity in the administration of the programs and operations of the **Township**.
1. The Auditing Official shall be Judy Bush, Trustee, until replaced by the **Township**.
 2. If the **Township** does not designate an Auditing Official, the Auditing Official defaults to the State's Attorney of Kendall County.
- c) **Employee** means anyone employed by the **Township**, whether in a permanent or temporary position, including full-time, part-time and intermittent workers. Employee also includes members of appointed boards or commissions, whether paid or unpaid.