

VILLAGE OF STICKNEY

6533 West Pershing Road
Stickney, Illinois 60402-4048
Phone - 708-749-4400
Fax - 708-749-4451



Village Trustees

Mary Hrejsa
Tim Kapolnek

Mitchell Milenkovic
Sam Savopoulos

Leandra Torres
Jeff White



Jeff Walik
Village President

Audrey McAdams
Village Clerk

REGULAR MEETING BOARD OF TRUSTEES

Tuesday,

December 19, 2017

Meeting Agenda

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
4. Approve Minutes of Previous Regular Meeting
5. Authorize Payment of Bills

NEW BUSINESS

6. Pass and Approve Ordinance 2017-30, "An Ordinance Amending Chapter 46, Section 31 of the Village of Stickney Regarding Police Sergeants"
7. Pass and Approve Ordinance 2017-31, "An Ordinance Amending Chapter 7 of the Personnel Manual Regarding Sexual Harassment for the Village of Stickney."
8. Report from the President
9. Report from the Clerk
10. Trustee Reports/Committee Reports
11. Reports from Department Heads
12. Public Comments
13. Adjournment

Posted December 14, 2017

December 5, 2017

**State of Illinois
County of Cook
Village of Stickney**

The Board of Trustees of the Village of Stickney met in regular session on Tuesday, December 5, 2017, at 7:03 p.m. in the Stickney Village Hall, 6533 W. Pershing Road, Stickney, Illinois.

**Upon the roll call, the following Trustees were present:
Trustees Kapolnek, Milenkovic, Savopoulos, Torres and White
Absent: Trustee Hrejsa**

Trustee Milenkovic moved, duly seconded by Trustee Savopoulos to approve the minutes of the previous Regular Session held on November 21, 2017.

**Upon the roll call, the following Trustees voted:
Ayes: Trustee Kapolnek, Milenkovic, Savopoulos, Torres and White
Absent: Trustee Hrejsa
Nays: None
Mayor Walik declared the motion carried.**

Trustee White moved, duly seconded by Trustee Kapolnek that the bills, approved by the various committees of the Board, be approved for payment, and to approve warrants which authorize the Village Treasurer to draw checks to pay the bills, to be signed by the authorized signers, as provided for by the Ordinances of the Village of Stickney.

**Upon the roll call, the following Trustees voted:
Ayes: Trustee Kapolnek, Milenkovic, Savopoulos, Torres and White
Absent: Trustee Hrejsa
Nays: None
Mayor Walik declared the motion carried.**

Prior to the vote, Treasurer Paul Nosek provided a summary indicating the source of funds used to pay the bills and the totals to be approved.

**Corporate Fund: \$65,059.42
Motor Fuel Tax Fund: \$0
Badge: \$0
Water Fund: \$5,908.56
Police Pension Fund: \$0
911 Account: \$0
1505 Account: \$0
Family Day: \$0
Police Revenue Sharing \$0
Capital Projects Fund: \$17,287.69
Bond & Interest Fund: \$159,146.25
Subtotal: \$247,401.92**

General Fund Payroll: \$142,948.77

Water Fund Payroll: \$11,771.20

Subtotal: \$154,719.97

Total to be approved by Village Trustees: \$402,121.89

Trustee White moved, duly seconded by Trustee Savopoulos to Pass and Approve Ordinance 2017-27, "The 2017 Tax Levy Ordinance for the Fiscal Year, beginning May 1, 2017 and ending April 30, 2018"

Upon the roll call, the following Trustees voted:

Ayes: Trustee Kapolnek, Milenkovic, Savopoulos, Torres and White

Absent: Trustee Hrejsa

Nays: None

Mayor Walik declared the motion carried.

Prior to the vote Treasurer Paul Nosek explained, "We are not raising the taxes at all this year. Any increases that are needed we are absorbing through the collections of other funds and/or reductions in expenditures. The tax levy is staying the same dollar amount this year."

Trustee Kapolnek moved, duly seconded by Trustee Torres to Pass and Approve Ordinance 2017-28, "An Ordinance Authorizing and Approving the Purchase of a Breathalyzer Machine for the Village of Stickney."

Upon the roll call, the following Trustees voted:

Ayes: Trustee Kapolnek, Milenkovic, Savopoulos, Torres and White

Absent: Trustee Hrejsa

Nays: None

Mayor Walik declared the motion carried.

Mayor Walik explained that ours expires on December 31. It is a need. Nobody helps us with this, the State or the County.

Trustee White moved, duly seconded by Trustee Savopoulos to Pass and Approve Ordinance 2017-29, "An Ordinance Authorizing and Approving the Purchase of Certain Software for the Village of Stickney"

Upon the roll call, the following Trustees voted:

Ayes: Trustee Kapolnek, Milenkovic, Savopoulos, Torres and White

Absent: Trustee Hrejsa

Nays: None

Mayor Walik declared the motion carried.

Prior to the vote, Treasurer Paul Nosek explained, "This is accounting and payroll software for the Village. We did go out back in June when I first got here. I received some other information and bids. The first one was \$61,640. The other one was for \$130,000. We are going to spend \$13,000. We will get the same effect with the software we are going to get. For the record, we did not go through a formal bid process. But, we did seek out other bids and quotes from other vendors." Trustee White mentioned, "We budgeted considerably more for this software." Treasurer Nosek confirmed, "We budgeted \$25,000 for this software. The savings that we

will see will allow us to purchase the Breathalyzer Machine and additional computer equipment for the police department." Trustee Milenkovic asked about our current accounting program. We were told by Treasurer Nosek, "It is out of date. It doesn't operate on the server platform. It is very outdated."

Trustee Savopoulos moved, duly seconded by Trustee Kapolnek to approve Resolution 21-2017, "A Resolution Approving a Certain Proposal from Lyons & Pinner Electric Company for Certain Emergency Repairs for the Village of Stickney"

Upon the roll call, the following Trustees voted:

Ayes: Trustees Kapolnek, Milenkovic, Savopoulos, Torres and White

Absent: Trustee Hrejsa

Nays: None

Mayor Walik declared the motion carried.

Prior to the vote Public Works Supervisor Joe Lopez explained that this emergency resolution has to do with our water electrical system that runs underground from our pump station to our generator. It seems that water is coming in from the pipe. He is afraid it will short out. The effect could be that no water could be pumped.

Trustee Kapolnek moved, duly seconded by Trustee Torres to Grant Permission to the Girl Scouts of Greater Chicago and Northwest Indiana to Conduct their Cookie Program with Door-to-Door Sales January 1-21, 2018 and product Delivery in February, 2018. Request also includes Cookie Booths"

Upon the roll call, the following Trustees voted:

Ayes: Trustees Kapolnek, Milenkovic, Savopoulos, Torres and White

Absent: Trustee Hrejsa

Nays: None

Mayor Walik declared the motion carried.

MAYOR'S REPORT: Mayor Walik thanked Public Works for their hard work decorating the Village with lights. The garbage and yard waste has been heavy for the last few weeks. The leaf program will continue this week. Tree trimming is going on. There were thirty on their list. A couple of bad trees had to be taken down. He thanked Bluders Tree Service for doing a good job.

CLERK'S REPORT: The clerk provided information on a public IDOT meeting to be held on December 6. The issue will be an update I-55 Managed Lanes Project.

The Clerk also introduced the 2018 Regular Board Meeting Schedule for a vote.

Trustee Milenkovic moved, duly seconded by Trustee Kapolnek to approve the 2018 Regular Board Meeting Schedule

Upon the roll call, the following Trustees voted:

Ayes: Trustees Kapolnek, Milenkovic, Savopoulos, Torres and White

Absent: Trustee Hrejsa

Nays: None

Mayor Walik declared the motion carried.

The Clerk explained that she included the 2018 Administrative Office Holiday Schedule for a vote.

Trustee White moved, duly seconded by Trustee Torres to approve the 2018 Administrative Office Holiday Schedule

Upon the roll call, the following Trustees voted:

Ayes: Trustees Kapolnek, Milenkovic, Savopoulos, Torres and White

Absent: Trustee Hrejsa

Nays: None

Mayor Walik declared the motion carried.

TRUSTEE REPORTS:

Trustee Kapolnek Thanked Fire Chief Boyajian, Deputy Chief Andrea Acosta and whoever else was involved in the 50 year Anniversary program at the Stickney Fire House on Saturday. The event was well done.

Trustee Torres thanked those who donated for the veterans. We hope to take the items over to the drop-off-point sometime next week. She also thanked our Blight Director Ed Bartunek. He has written up quite a few people. Many have complied. He is slowing down at this point. She mentioned the Christmas party this Saturday for the seniors starting at 10:00 to 1:00. The children party is from 2:00 to 5:00. It will be held at the clinic building at 40th and Euclid.

Trustee Savopoulos informed the audience that he and the Mayor attended the ribbon-cutting-ceremony for the McCook Reservoir. There were many political officials in attendance. He then gave a history of the highlights of this facility. When it is completed, it will be the largest reservoir in the world.

Trustee White warned the people of a recent scam where people knocked on their door trying to sell them meat. We do not have any solicitors in our town. People who want to solicit must have a permit and a background check. It is for your safety. At this time of the year there are more scam artists around. Don't be afraid to call the police.

Police Chief Dan Babich addressed the new Breathalyzer. We can't operate without it. We will keep it in house. We have to observe the offender for 20 minutes straight. It is beneficial. They last approximately 30 years. Purchasing this will keep us from joining forces with the state police in order to use their breathalyzer. Then they could store prisoners. That would be a liability. The speed sign was put into action. The lockup has been painted. The security cameras have been repositioned. Processing equipment has been moved so that it enhances officer safety, and we made secured areas for prisoner's personal property by placing in new locks that are keyed all the same for officer safety. They got a new laptop so a prisoner never has to leave that area and never brought into the main part of the building. The officer can do his reports right there. There is also a printer. The officer will have a visual on the prisoner at all times. Some of the cameras and equipment have been moved around so the officer is more secure. When he has a prisoner, the officer never takes his eyes off of him. The Chief then gave his appreciation on the completion of the front of the building. We are opened up for business again. He thanked the elected

officials for doing his. Our building is now secure. It makes a better atmosphere to work in. In addition, the police department will start focusing on stop signs and yield signs. It seems to be a big problem in this area.

Fire Chief Jeff Boyajian showed his appreciation for the excellent weather for the 50th Anniversary Celebration on Saturday at the fire house. It was attended by 25 alumni, including three of the original founding members. There were activities for the kids. They did the "Bells Ceremony" for remembrance of the fire fighters who have passed away in the line of duty. Each one was given a 50-year Anniversary badge and patch. Each elected official was also given these items. We were also told that the Fire Chief went to Appleton Wisconsin to tour the Pierce Fire Apparatus plant. They were looking at a replacement ladder truck. Ours is twenty years old. There have been a lot of ambulance calls.

Public Works Supervisor Joe Lopez notified us that there were several trees that were extremely bad. Some overgrown evergreens in the parkway were also trimmed. Tree trimming is done for the year. The leaf program will be extended to another week. The garbage trucks keep breaking hydraulic lines. A remedy was found for one of the trucks to provide heat.

There being no further business, Trustee White moved, duly seconded by Trustee Savopoulos that the meeting be adjourned. Upon which the Board adopted the motion at 7:35 p.m.

Respectfully submitted,

Audrey McAdams, Village Clerk

Approved by me this day of 2017

Jeff Walik, Mayor

Village of Stickney
Warrant Number 17-18 - 015

EXPENDITURE APPROVAL LIST
FOR CITY COUNCIL MEETING ON
December 19, 2017

Approval is hereby given to have the Village Treasurer of Stickney, Illinois pay to the
officers, employees, independent contractors, vendors and other providers of
goods and services in the indicated amounts as set forth.

A summary indicating the source of funds used to pay the above is as follows:

01 CORPORATE FUND		127,712.92
02 MOTOR FUEL TAX FUND		20,000.00
03 BADGE		-
04 WATER FUND		173,831.22
05 POLICE PENSION FUND		3,542.00
06 911 ACCOUNT		-
07 1505 ACCOUNT		-
08 FAMILY DAY		-
09 POLICE REVENUE SHARING		-
11 CAPITAL PROJECTS FUND		65,942.90
12 BOND & INTEREST FUND		-
	Subtotal:	<u>391,029.04</u>
General Fund Payroll	12/15/2017	191,195.25
Water Fund Payroll	12/15/2017	<u>14,984.06</u>
	Subtotal:	<u>206,179.31</u>

Total to be Approved by Village Council	<u><u>597,208.35</u></u>
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Approvals:

Jeff Walik, Mayor

Audry McAdams, City Clerk

Paul Nosek, Treasurer

Village of Stickney
AP Cash Distribution
CORPORATE FUND
Checks Issued 12/6/2017 To 12/19/2017

Vendor Invoice No. =====	GL Distribution =====		Check# =====	Check Date =====
VILLA NOVA PIZZERIA INC. 120917	01-517-005	385.00	216988 216988	12/11/17
A & M PARTS, INC. 655958	01-505-007	119.87	216989 216989	12/19/17
CINTAS #769 769319959	01-507-005	637.53	216990 216990	12/19/17
CINTAS #769 769328247	01-507-005	94.32	216990 216990	12/19/17
COMED 0773038136-1117	01-506-015	401.40	216991 216991	12/19/17
BERWYN ACE HARDWARE 28573	01-506-013	54.15	216992 216992	12/19/17
RICHARD BESSETTE 118	01-504-019	1,600.00	216993 216993	12/19/17
BELL FUELS, INC. 263950	01-505-006	1,705.52	216994 216994	12/19/17
BELL FUELS, INC. 263951	01-505-006	999.94	216994 216994	12/19/17
NICOR 35504700002-1117	01-507-002	166.54	216995 216995	12/19/17
NICOR 73907378118-1117	01-507-002	116.66	216995 216995	12/19/17
COMCAST 0017819-1117	01-502-015	117.35	216996 216996	12/19/17
COMCAST 0581235-117	01-502-015	144.85	216996 216996	12/19/17
COMCAST 0012091-1117	01-502-015	154.35	216996 216996	12/19/17
NORTHERN SAFETY CO., INC. 902688699	01-509-006	94.99	216997 216997	12/19/17
RAY OHERRON CO., INC. 1764562-IN	01-504-012	9.99	216998 216998	12/19/17
CRITICAL REACH			216999	12/19/17

Village of Stickney
AP Cash Distribution
CORPORATE FUND
Checks Issued 12/6/2017 To 12/19/2017

Vendor Invoice No. =====	GL Distribution =====		Check# =====	Check Date =====
18-724	01-504-014	285.00	216999	
AFTERMATH, INC. JC2017-9751	01-504-012	105.00	217000 217000	12/19/17
MENARDS - HODGKINS 81388	01-506-013	278.57	217001 217001	12/19/17
MENARDS - HODGKINS 87253	01-506-013	115.46	217001 217001	12/19/17
MENARDS - HODGKINS 81769	01-506-013	292.16	217001 217001	12/19/17
MENARDS - HODGKINS 81145	01-506-013	41.52	217001 217001	12/19/17
MENARDS - HODGKINS 78661	01-506-013	91.48	217001 217001	12/19/17
MENARDS - HODGKINS 79355	01-506-013	44.05	217001 217001	12/19/17
UNIFIRST CORPORATION 0611086508	01-507-005	125.00	217002 217002	12/19/17
ANDERSON PEST SOLUTIONS 4550509	01-507-005	66.95	217003 217003	12/19/17
OREILLY AUTOMOTIVE STORES, INC. 1117	01-509-002	363.68	217004 217004	12/19/17
VERIZON WIRELESS 9797212063	01-504-010	1,305.88	217005 217005	12/19/17
CALL ONE 1212346-11-17	01-507-003	7,213.80	217006 217006	12/19/17
GOOGLE INC. 3396810940	01-502-015	454.16	217007 217007	12/19/17
CINTAS CORPORATION #21 021456732	01-509-006	129.46	217008 217008	12/19/17
M G CLEANING SERVICE 113017	01-507-001	937.50	217009 217009	12/19/17
M G CLEANING SERVICE 121517	01-507-001	937.50	217009 217009	12/19/17

Village of Stickney
AP Cash Distribution
CORPORATE FUND
Checks Issued 12/6/2017 To 12/19/2017

Vendor Invoice No. =====	GL Distribution =====		Check# =====	Check Date =====
DEL GALDO LAW GROUP, LLC 20126	01-503-002	1,800.00	217010 217010	12/19/17
DEL GALDO LAW GROUP, LLC 20144	01-503-002	13,991.25	217010 217010	12/19/17
EDWARD BARTUNEK MICROCENTER	01-506-002	439.40	217011 217011	12/19/17
LYONS ELECTRIC COMPANY 2745	01-507-005	995.00	217012 217012	12/19/17
CPURX, INC. 10261	01-502-015	237.50	217013 217013	12/19/17
CASE LOTS 007974	01-507-006	64.50	217014 217014	12/19/17
CENTRAL MANAGMENT SERVICES 1217	01-502-014	72,280.00	217015 217015	12/19/17
OPERATING ENGINEERS LOCAL NO. 399 12-17 DUES	01-230-008	966.50	217016 217016	12/19/17
GRAINGER 1307598099	01-506-013	17.88	217017 217017	12/19/17
IRMA 1117	01-510-001	1,406.30	217018 217018	12/19/17
ILLINOIS MUNICIPAL LEAGUE 2018	01-502-011	775.00	217019 217019	12/19/17
CHICAGO BADGE & INSIGNIA CO. 15283	01-504-012	41.54	217020 217020	12/19/17
OFFICE DEPOT BUSINESS CREDIT 4421-1217	01-502-009	67.94	217021 217021	12/19/17
TRI-TECH FORENSICS, INC. 152946	01-504-012	199.89	217022 217022	12/19/17
EAGLE ENGRAVING 257803	01-505-011	506.95	217023 217023	12/19/17
EAGLE ENGRAVING 258072	01-505-011	509.95	217023 217023	12/19/17
EAGLE ENGRAVING			217023	12/19/17

Village of Stickney
AP Cash Distribution
CORPORATE FUND
Checks Issued 12/6/2017 To 12/19/2017

Vendor Invoice No. =====	GL Distribution =====		Check# =====	Check Date =====
260637	01-505-011	565.00	217023	
EMCOR SERVICES TEAM MECHANICAL			217024	12/19/17
930006355	01-507-005	195.00	217024	
CDW GOVERNMENT			217025	12/19/17
KXV0329	01-504-019	460.64	217025	
Alfred G. Ronan, Ltd.			217026	12/19/17
1217	01-503-006	3,000.00	217026	
Citizens Bank			217027	12/19/17
1117	01-504-014	458.00	217027	
1117	01-502-015	191.12	217027	
1117	01-517-005	1,602.02	217027	
1117	01-505-009	3,010.24	217027	
Deece Automotive			217028	12/19/17
28210	01-504-009	390.00	217028	
Deece Automotive			217028	12/19/17
28194	01-504-009	30.00	217028	
Diamond Graphics			217029	12/19/17
0102828441	01-517-005	1,425.00	217029	
Mail Finance			217030	12/19/17
N6886814	01-502-009	354.99	217030	
Neopost			217031	12/19/17
4777-1117	01-502-009	514.36	217031	
Unlimited Graphix, Inc			217032	12/19/17
113609	01-502-009	308.88	217032	
Unlimited Graphix, Inc			217032	12/19/17
113611	01-502-009	672.85	217032	
Unlimited Graphix, Inc			217032	12/19/17
113658	01-502-009	475.59	217032	
Wright Reportinc Inc.			217033	12/19/17
113017_LCH	01-503-004	170.00	217033	
Totals		127,712.92		

Village of Stickney
AP Cash Distribution
MOTOR FUEL TAX FUND
Checks Issued 12/6/2017 To 12/19/2017

Vendor Invoice No. =====	GL Distribution =====	Check# =====	Check Date =====
CROWLEY SHEPPARD ASPHLAT COMPANY		217034	12/19/17
14332-	02-350-021	20,000.00 217034	
Totals		20,000.00	

Village of Stickney
AP Cash Distribution
WATER FUND
Checks Issued 12/6/2017 To 12/19/2017

Vendor Invoice No. =====	GL Distribution =====		Check# =====	Check Date =====
COMED			217035	12/19/17
7827800007-1117	04-513-002	50.64	217035	
KONICA MINOLTA BUSINESS SOLUTIONS			217036	12/19/17
9004068546	04-513-013	100.98	217036	
KONICA MINOLTA BUSINESS SOLUTIONS			217036	12/19/17
9004070893	04-513-013	26.40	217036	
FERGUSON WATERWORKS #1934			217037	12/19/17
0102524	04-513-003	22,500.00	217037	
CITY OF CHICAGO			217038	12/19/17
435118-1117	04-513-001	38,245.68	217038	
CITY OF CHICAGO			217038	12/19/17
4351196-1117	04-513-001	112,907.52	217038	
Totals		173,831.22		

Village of Stickney
AP Cash Distribution
POLICE PENSION FUND
Checks Issued 12/6/2017 To 12/19/2017

Vendor Invoice No. =====	GL Distribution =====	Check# =====	Check Date =====
CAPITAL GAINS INCORPORATED		217041	12/19/17
2423	05-500-003	3,542.00 217041	
Totals		3,542.00	

Village of Stickney
AP Cash Distribution
CAPITAL PROJECTS FUND
Checks Issued 12/6/2017 To 12/19/2017

Vendor Invoice No. =====	GL Distribution =====		Check# =====	Check Date =====
JACK PHELAN CHEVROLET 92514	11-515-002	37,417.40	217039 217039	12/14/17
Schaeffges Brothers, Inc. 2703	11-515-003	28,525.50	217040 217040	12/14/17
Totals		65,942.90		

ORDINANCE NO. 2017- 30

**AN ORDINANCE AMENDING CHAPTER 46, SECTION 31 OF THE MUNICIPAL CODE,
VILLAGE OF STICKNEY, ILLINOIS REGARDING POLICE SERGEANTS**

WHEREAS, the Village of Stickney (the "Village") is a home rule municipal corporation in accordance with Article VII, Section 6(a) of the Constitution of the State of Illinois of 1970; and

WHEREAS, the Village has the authority to adopt ordinances and to promulgate rules and regulations that pertain to its government and affairs, and to review, interpret and amend its ordinances, rules and regulations; and

WHEREAS, the Village President (the "President") and the Board of Trustees of the Village (the "Village Board" and with the President, the "Corporate Authorities") are committed to ensuring the health, safety and welfare of individuals residing in, working in and visiting the Village; and

WHEREAS, currently, the Municipal Code, Village of Stickney, Illinois (the "Village Code") states that there shall be four (4) sergeants in the Village's Police Department (the "Department"); and

WHEREAS, the Corporate Authorities have determined that it is necessary and in the best interests of the Department and of the Village and its residents to create an additional sergeant position within the Department; and

WHEREAS, in light of the foregoing, the Corporate Authorities have determined that it is in the best interests of the Village and its residents to amend Chapter 46, Section 31 of the Village Code as set forth herein;

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF STICKNEY, COOK COUNTY, ILLINOIS, as follows:

**ARTICLE I.
IN GENERAL**

SECTION 1. INCORPORATION CLAUSE.

The Corporate Authorities hereby find that all of the recitals hereinbefore stated as contained in the preambles to this Ordinance are full, true and correct and do hereby, by reference, incorporate and make them part of this Ordinance as legislative findings.

SECTION 2. PURPOSE.

The purpose of this Ordinance is to create an additional sergeant position within the Department by amending Chapter 46, Section 31 of the Village Code as set forth herein, and to authorize the President or his designee to take all actions necessary to carry out the intent of this Ordinance.

ARTICLE II.
AMENDMENT OF CHAPTER 46, SECTION 31 OF THE MUNICIPAL CODE, VILLAGE OF
STICKNEY, ILLINOIS

SECTION 3.0 AMENDMENT OF CHAPTER 6, SECTION 6-2.

That the Village Code is hereby amended, notwithstanding any provision, ordinance, resolution or Village Code section to the contrary, by amending Chapter 46, Section 31 as follows:

Sec. 46-31. - Created; membership.

There is hereby created an executive department of the village which shall be known as the department of police. The police department may consist of 17 full-time members, including a chief of police, ~~four~~ five sergeants and such patrolmen as necessary.

SECTION 3.1. OTHER ACTIONS AUTHORIZED.

The officers, employees and/or agents of the Village shall take all action necessary or reasonably required to carry out, give effect to and consummate the amendments contemplated by this Ordinance and shall take all action necessary in conformity therewith. The officers, employees and/or agents of the Village are specifically authorized and directed to draft and disseminate any and all necessary forms or notices to be utilized in connection with the intent of this Ordinance.

ARTICLE III.
HEADINGS, SAVINGS CLAUSES, PUBLICATION,
EFFECTIVE DATE

SECTION 4. HEADINGS.

The headings of the articles, sections, paragraphs and subparagraphs of this Ordinance are inserted solely for the convenience of reference and form no substantive part of this Ordinance nor should they be used in any interpretation or construction of any substantive provision of this Ordinance.

SECTION 5. SEVERABILITY.

The provisions of this Ordinance are hereby declared to be severable and should any provision of this Ordinance be determined to be in conflict with any law, statute or regulation by a court of competent jurisdiction, said provision shall be excluded and deemed inoperative, unenforceable and as though not provided for herein and all other provisions shall remain unaffected, unimpaired, valid and in full force and effect.

SECTION 6. SUPERSEDER.

All code provisions, ordinances, resolutions, rules and orders, or parts thereof, in conflict herewith are, to the extent of such conflict, hereby superseded.

SECTION 7. PUBLICATION.

A full, true and complete copy of this Ordinance shall be published in pamphlet form or in a newspaper published and of general circulation within the Village as provided by the Illinois Municipal Code, as amended.

SECTION 8. EFFECTIVE DATE.

This Ordinance shall be effective and in full force ten (10) days after its passage, approval and publication in accordance with Illinois law.

(REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK)

PASSED this ____ day of _____, 2017.

AYES:

NAYS:

ABSENT:

ABSTENTION:

APPROVED by me this ____ day of _____, 2017.

Jeff Walik, President

ATTESTED AND FILED in my
office this ____ day of _____, 2017.

Audrey McAdams, Village Clerk

ORDINANCE NO. 2017- 31

AN ORDINANCE AMENDING CHAPTER 7 OF THE PERSONNEL MANUAL REGARDING SEXUAL HARASSMENT FOR THE VILLAGE OF STICKNEY

WHEREAS, the Village of Stickney (the "Village") is a home rule municipal corporation in accordance with Article VII, Section 6(a) of the Constitution of the State of Illinois of 1970; and

WHEREAS, the Village has the authority to adopt ordinances and to promulgate rules and regulations that pertain to its government and affairs, and to review, interpret and amend its ordinances, rules and regulations; and

WHEREAS, the Village President (the "President") and the Board of Trustees of the Village (the "Village Board" and with the President, the "Corporate Authorities") are committed to ensuring that all Village employees are able to enjoy a work environment that is free from all forms of discrimination, including sexual harassment; and

WHEREAS, the Illinois General Assembly recently enacted Public Act 100-0554 ("PA 100-0554") which requires each governmental unit to adopt an ordinance or resolution establishing a policy to prohibit sexual harassment that is consistent with the requirements of PA 100-0554; and

WHEREAS, the Corporate Authorities have determined that it is advisable and in the best interest of the Village and its employees to strike the Village's sexual harassment policy as set forth in the Personnel Manual (the "Personnel Manual"), and replace the same with the updated sexual harassment policy (the "Policy") as set forth in Exhibit A, attached hereto and incorporated herein;

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF STICKNEY, COOK COUNTY, ILLINOIS, as follows:

ARTICLE I. IN GENERAL

SECTION 1. INCORPORATION CLAUSE.

The Corporate Authorities hereby find that all of the recitals hereinbefore stated as contained in the preambles to this Ordinance are full, true and correct and do hereby, by reference, incorporate and make them part of this Ordinance as legislative findings.

SECTION 2. PURPOSE.

The purpose of this Ordinance is to strike the Village's sexual harassment policy as set forth in the Personnel Manual, to replace the same with the updated Policy, as set forth in Exhibit A, and to authorize the President or his designee to take all actions necessary to carry out the intent of this Ordinance.

ARTICLE II.
AMENDMENT OF CHAPTER 7 OF THE PERSONNEL MANUAL

SECTION 3.0. AMENDMENT OF CHAPTER 7 OF THE PERSONNEL MANUAL.

That the Village's Personnel Manual is hereby amended, notwithstanding any provision, ordinance, resolution or Village Code section to the contrary, by striking Chapter 7 in its entirety and replacing the same with the Policy as set forth in Exhibit A.

SECTION 3.1. OTHER ACTIONS AUTHORIZED.

The officers, employees and/or agents of the Village shall take all action necessary or reasonably required to carry out, give effect to and consummate the amendments contemplated by this Ordinance and shall take all action necessary in conformity therewith. The officers, employees and/or agents of the Village are specifically authorized and directed to draft and disseminate any and all necessary forms or notices to be utilized in connection with the intent of this Ordinance.

ARTICLE III.
HEADINGS, SAVINGS CLAUSES, PUBLICATION,
EFFECTIVE DATE

SECTION 4. HEADINGS.

The headings of the articles, sections, paragraphs and subparagraphs of this Ordinance are inserted solely for the convenience of reference and form no substantive part of this Ordinance nor should they be used in any interpretation or construction of any substantive provision of this Ordinance.

SECTION 5. SEVERABILITY.

The provisions of this Ordinance are hereby declared to be severable and should any provision of this Ordinance be determined to be in conflict with any law, statute or regulation by a court of competent jurisdiction, said provision shall be excluded and deemed inoperative, unenforceable and as though not provided for herein and all other provisions shall remain unaffected, unimpaired, valid and in full force and effect.

SECTION 6. SUPERSEDER.

All code provisions, ordinances, resolutions, rules and orders, or parts thereof, in conflict herewith are, to the extent of such conflict, hereby superseded.

SECTION 7. PUBLICATION.

A full, true and complete copy of this Ordinance shall be published in pamphlet form or in a newspaper published and of general circulation within the Village as provided by the Illinois Municipal Code, as amended.

SECTION 8. EFFECTIVE DATE.

This Ordinance shall be effective and in full force immediately upon its passage and approval.

(REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK)

PASSED this ____ day of _____, 2017.

AYES:

NAYS:

ABSENT:

ABSTENTION:

APPROVED by me this ____ day of _____, 2017.

Jeff Walik, President

ATTESTED AND FILED in my
office this ____ day of _____, 2017.

Audrey McAdams, Village Clerk

EXHIBIT A

CHAPTER 7 - POLICY PROHIBITING SEXUAL HARASSMENTⁱ

I. PROHIBITION ON SEXUAL HARASSMENT

It has always been and remains the policy of the Village of Stickney that all of our employees should be able to enjoy a work environment that is free from all forms of discrimination, including sexual harassment. 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 Village of Stickney to prohibit harassment of any person by any Village official, agent, employee or agency or office on the basis of sex or gender. All Village officials, agents, employees and agencies or offices are prohibited from sexually harassing any person, regardless of any employment relationship or lack thereof.

II. DEFINITION OF SEXUAL HARASSMENT

This policy adopts the definition of sexual harassment as stated in the Illinois Human Rights Act, which currently defines sexual harassment 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.
- Textual/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. 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.”

III. PROCEDURE FOR REPORTING AN ALLEGATION OF SEXUAL HARASSMENT

An employee who either observes sexual harassment or believes herself/himself to be the object of sexual harassment should deal with the incident(s) as directly and firmly as possible by clearly communicating her/his position to the offending employee, and her/his immediate supervisor. It is not necessary for sexual harassment to be directed at the person making the report.

Any employee may report conduct which is believed to be sexual harassment, including the following:

- *Electronic/Direct Communication.* If there is sexual harassing behavior in the workplace, the harassed employee should directly and clearly express her/his objection 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.
- *Contact with Supervisory Personnel.* At the same time direct communication is undertaken, or in the event the employee feels threatened or intimidated by the situation, the problem must be promptly reported to the immediate supervisor of the person making the report, a department head, a director of human resources, an ethics officer, the city manager or administrator, or the chief executive officer of the Village.

The employee experiencing what he or she believes to be sexual harassment must not assume that the employer is aware of the conduct. If there are no witnesses and the victim fails to notify a supervisor or other responsible officer, the Village will not be presumed to have knowledge of the harassment.

- *Resolution Outside the Village.* 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 Village. However, all Village employees have the right to contact the Illinois Department of Human Rights (IDHR) or the Equal Employment Opportunity Commission (EEOC) for information regarding filing a formal complaint with those entities. An IDHR complaint must be filed within 180 days of the alleged incident(s) unless it is a continuing offense. A complaint with the EEOC must be filed within 300 days.

Documentation of any incident may be submitted with any report (what was said or done, the date, the time and the place), including, but not limited to, written records such as letters, notes, memos and telephone messages.

All allegations, including anonymous reports, will be accepted and investigated regardless of how the matter comes to the attention of the Village. However, because of the serious implications of sexual harassment charges and the difficulties associated with their investigation and the questions of credibility involved, the claimant's willing cooperation is a vital component of an effective inquiry and an appropriate outcome.

IV. PROHIBITION ON RETALIATION FOR REPORTING SEXUAL HARASSMENT ALLEGATIONS

No Village official, agency, employee or agency or office shall take any retaliatory action against any Village employee due to a Village employee's:

1. Disclosure or threatened disclosure of any violation of this policy,
2. The provision of information related to or testimony before any public body conducting an investigation, hearing or inquiry into any violation of this policy, or
3. Assistance or participation 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 Village employee that is taken in retaliation for a Village 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. In addition, any witness will be protected from retaliation.

Similar to the prohibition against retaliation contained herein, the State Officials and Employees Ethics Act (5 ILCS 430/15-10) provides whistleblower protection 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 officer, member, State agency, or other State employee that the State employee reasonably believes is in violation of a law, rule, or regulation,
2. Provides information to or testifies before any public body conducting an investigation, hearing, or inquiry into any violation of a law, rule, or regulation by any officer, member, State agency or other State employee, or
3. Assists or participates in a proceeding to enforce the provisions of 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, or 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 or EEOC, may file a retaliation charge – due within 180 days (IDHR) or 300 days (EEOC) of the alleged retaliation.

V. CONSEQUENCES OF A VIOLATION OF THE PROHIBITION ON SEXUAL HARASSMENT

In addition to any and all other discipline that may be applicable pursuant to Village policies, employment agreements, procedures, employee handbooks and/or collective bargaining agreement, any person who violates this policy or the Prohibition on Sexual Harassment contained in 5 ILCS 430/5-65, may be subject to a fine of up to \$5,000 per offense, applicable discipline or discharge by the Village and any applicable fines and penalties established pursuant to local ordinance, State law or Federal law. Each violation may constitute a separate offense. Any discipline imposed by the Village shall be separate and distinct from any penalty imposed by an ethics commission and any fines or penalties imposed by a court of law or a State or Federal agency.

VI. 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 which cannot be proven. Given the seriousness of the consequences for the accused, a false or frivolous report 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 pursuant to applicable Village policies, employment agreements, procedures, employee handbooks and/or collective bargaining agreements.

In addition, any person who intentionally makes a false report alleging a violation of any provision of the State Officials and Employees Ethics Act to an ethics commission, an inspector general, the State Police, a State's Attorney, the Attorney General, or any other law enforcement official is guilty of a Class A misdemeanor. An ethics commission may levy an administrative fine of up to \$5,000 against any person who intentionally makes a false, frivolous or bad faith allegation.

¹ This policy was drafted using the Illinois Department of Human Rights Sexual Harassment Model Policy and has been modified to conform to Public Act 100-0554.