

VILLAGE OF FRANKLIN PARK WHISTLE BLOWER POLICY

1.0 PURPOSE AND SCOPE

It is the policy of the Village of Franklin Park (the “*Village*”) to encourage reporting by its employees of improper governmental action taken by a Village employee without fear of retaliation and to encourage complaints and to provide a Village employee who reports improper governmental actions with a process that provides for speedy dispute resolution. This policy is solely intended for use by an employee of the Village to report an improper governmental action within Village government and not for any alleged action at a business enterprise or other unit of local government within the boundaries of the Village.

2.0 EXPLANATION OF KEY TERMS

2.1 Improper Governmental Action

An “*improper governmental action*” means any action by a Village employee that is (1) fraudulently undertaken in the performance of the individual’s official duties, whether or not the action is within the scope of the individual’s employment; and (2) in violation of a federal, state or Village ordinance, is of substantial and specific danger to public safety, or is a gross and improper waste of Village funds.

An “*improper governmental action*” does not mean any action undertaken, approved or authorized by the Corporate Authorities or personnel actions, including but not limited to an employee grievance, complaint, appointment, promotion, transfer, assignment, reassignment, reinstatement, restoration, reemployment, performance evaluation, reduction in pay, dismissal, suspension, demotion, violation of collective bargaining or civil rights law, alleged violations of a labor agreement or reprimand. In addition, officers or employees are not free to disclose a matter that would affect an individual’s right to legally protected confidential communications.

2.2 Retaliatory Action

A unique, specific and adverse change in the term and condition of a Village employee’s employment directly attributable to said employee’s reporting of an improper governmental action in accordance with this policy.

3.0 REPORTING AN IMPROPER GOVERNMENTAL ACTION

A Village employee who becomes aware of an improper governmental action shall follow these procedures:

1. The individual shall bring the specific improper governmental action to the attention of the individual’s supervisor in writing by describing in detail the basis for the individual’s belief that an improper governmental action has occurred. The

improper governmental action shall be brought forward as soon as the individual becomes aware of the improper governmental action; or

2. If the individual believes the improper governmental action involves the individual's supervisor, the individual shall bring the specific improper governmental action to the attention of the Director of Human Resources in writing by describing in detail the basis for the individual's belief that an improper governmental action has occurred. The improper governmental action shall be brought forward as soon as the individual becomes aware of the improper governmental action.

In the case of emergency, where the individual believes that damage to persons or property may result, if action is not taken immediately, the individual may report the improper governmental action directly to the appropriate governmental agency with responsibility for investigating the improper governmental action.

4.0 INVESTIGATING AN IMPROPER GOVERNMENTAL ACTION

The supervisor or Director of Human Resources, as the case may be, shall take prompt action to assist the Village in properly investigating the report of an improper governmental action. Any employee involved in the investigation shall keep the identity of the reporting individual confidential to the extent possible, unless the individual authorizes the disclosure of his or her identity in writing. After the investigation has been completed, the individual reporting the improper governmental action shall be advised of a summary of the results of the investigation, except that personnel actions taken as a result of the investigation may be kept confidential.

An individual may report information about an improper governmental action directly to the appropriate government agency with responsibility for investigating an improper governmental action, if the individual reasonably believes that an adequate investigation was not undertaken by the Village to address the improper governmental action or that for other reasons the improper governmental action is likely to recur.

5.0 PROTECTION AGAINST A RETALIATORY ACTION

It shall be a violation of this policy for the Village to take retaliatory action against an individual employed with the Village because the individual, in good faith, provided information that an improper government action occurred. An individual who believes they have been retaliated against for reporting an improper government action shall follow these procedures:

1. The individual shall provide a written complaint to the Director of Human Resources within ten (10) business days of the occurrence of the alleged retaliatory action. If the Director of Human Resources is involved, the written complaint shall be provided to the Village President. The written complaint shall specify the alleged retaliatory action and the specific relief requested.

2. The Director of Human Resources or Village President, as the case may be, shall investigate the complaint and respond in writing within fifteen (15) business days of receipt of the written charge, unless an extension is requested in writing.
3. After receiving a response from the Director of Human Resources or the Village President, as the case may be, and the individual believes the written response does not satisfactorily resolve the written complaint that the individual has been retaliated against in violation of this policy, the individual shall send written notice to the Board of Trustees, care of the Village Clerk, that specifies the alleged retaliatory action together with the written response of the Director of Human Resources or Village President, as the case may be, and further specify the relief requested. The Village Board shall in turn forward the matter to the Village Attorney for further investigation and recommendation. The Village Attorney shall provide the Board of Trustees and the individual alleging the retaliatory action with a written response within thirty (30) business days of receipt of the request to review.
4. After receiving the response from the Village Attorney, the individual may take whatever relief provided by state law to establish that a retaliatory action occurred and that the response by the Village fails to directly address the retaliatory action in order to obtain relief.

6.0 ENFORCEMENT OF POLICY

The Director of Human Resources is responsible for implementing this policy. The Director of Human Resources shall make the policy available to any employee upon request and providing the policy to all newly hired employees. Officers and supervisors are responsible for ensuring that this policy is fully implemented within their areas of responsibility.

An individual who fails to make a good faith effort to follow this policy in reporting an improper governmental action shall not be entitled to the protections provided herein against retaliation. In no way shall this policy alter or affect an employee's status as an "at will" employee and this policy shall not provide any such employee with a right of employment, reinstatement or reappointment, if appointment is not made by the Village President or ratified by the Board of Trustees.

Any violation of this procedures established by this policy herein specified or false claim may result in appropriate disciplinary action, up to and including dismissal of the individual alleging an improper governmental action.