

**Resolution No. 2025-9-2****A RESOLUTION ADOPTING A WHISTLEBLOWER PROTECTION & PREVENTION OF IMPROPER GOVERNMENTAL ACTION POLICY**

WHEREAS, the Desplaines Valley Mosquito Abatement District ("District") is a unit of local government organized under the Mosquito Abatement Act, 70ILCS 1005/0/01, *et seq.*; and

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

WHEREAS, 50ILCS 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 50ILCS 105/4.1; cooperates with an investigation by an auditing official related to a report or improper governmental action; or, testifies in a proceeding or prosecution arising out of an improper governmental action.

WHEREAS, Section 105/4.1 of the Public Officers Prohibited Activities Act, 50ILCS 105/4.1, further requires local governments to establish written policies and procedures for reporting and managing complaints of improper governmental actions and retaliation against those who file complaints of improper governmental action; and

WHEREAS, the Board of Trustees of the Desplaines Valley Mosquito Abatement District find it be in the best interest of the health, safety, and welfare of the District and its citizens to adopt a policy against improper governmental action and for the protection of whistleblowers.

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of the Desplaines Valley Mosquito Abatement District, Cook County, Illinois, as follows:

**Section 1** - The Whistleblower Protection & Prevention of Improper Governmental Action Policy as follows, is hereby approved and adopted as a written policy of the Desplaines Valley Mosquito Abatement District:

**A) Introduction**

The Desplaines Valley Mosquito Abatement District is committed to preventing improper governmental actions by its officials and employees. It is the responsibility of each District official and employee to refrain from improper governmental action. Instances of improper governmental action will be investigated in a prompt and effective manner and may result in disciplinary action or referral to the proper law enforcement agency.

Employees or contractors that report improper governmental actions will not be retaliated against by the District. It is the responsibility of all District officials and employees to refrain from retaliation against individuals that report improper governmental action. 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.

All complaints of retaliation will also be investigated in a prompt and effective manner and may result in disciplinary action or referral to the proper law enforcement agency.

All employees will be provided a copy of 50ILCS 105 4.1 entitled "Retaliation against a whistleblower" and the following written processes and procedures for reporting improper governmental actions upon commencement of employment and at their request.

## **B) Definitions**

***Auditing Official*** shall mean the District's Manager or his/her designee.

***Employee*** shall mean anyone employed by the Desplaines Valley Mosquito Abatement District, whether permanent or temporary/seasonal, including full-time, part-time, and intermittent workers; members of appointed boards or commissions, regardless of pay; and persons who have been terminated because of any report or complaint of improper governmental actions submitted.

***Improper Governmental Action*** shall mean:

Any action by a:

- (1) District Employee
- (2) an appointed member of a District Board, commission or committee, or
- (3) an elected District official

that:

- (1) is undertaken in violation of a federal, state or District law or rule
- (2) is an abuse of authority
- (3) violates the public trust or expectation of his or her conduct
- (4) is of substantial and specific danger to the public's health and safety
- (5) is a gross waste of public funds

The action need not be within the scope of the employee, elected official, board member, commission member, or committee member's official duties.

Improper governmental action does not include a District personnel action, including but not limited to employee grievances, complaints, appointments, promotions, transfers, assignments, reassignments, reinstatements, restorations, reemployment, performance evaluations, reductions in pay, dismissals, suspensions, demotions, reprimands, or violations of collective bargaining agreements, except to the extent that the action amounts to retaliation.

***Retaliate, retaliation, or retaliatory action*** shall mean any adverse change in an employee's employment status or the terms and conditions of employment that results from an employee's protected activity under this section. Retaliatory action includes, but is not limited to, denial of adequate staff to perform duties, frequent staff changes, frequent and undesirable office changes, refusal to assign meaningful work, unsubstantiated letters of reprimand or unsatisfactory performance evaluations, demotion, reduction in pay, denial of promotion, transfer or reassignment, suspension or dismissal, or other disciplinary action made because of an employee's protected activity under this section.

***Whistleblower*** means an employee, as defined in Section B of this policy, of the District who:

- (1) Reports an improper governmental action as defined under 50ILCS 105/4.1; or,
- (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.

### **C) Processes and Procedures for reporting improper governmental actions**

If an employee has knowledge of, or a concern of, improper governmental action, the employee shall make a written report of the activity to the Auditing Official. The employee must exercise sound judgment to avoid baseless allegations. An employee who intentionally files a false report of wrongdoing will be subject to discipline up to and including termination.

All reports of illegal and dishonest activities will be promptly submitted to the Auditing Official who is responsible for investigating and coordinating corrective action.

Each incident of improper governmental actions shall be documented in writing. If an employee becomes aware of an improper governmental action, as defined above, the employee shall make a written report to the Auditing Official. To the extent allowed by law, the employee's identity shall be kept confidential unless the employee waives confidentiality in writing.

The written report shall include the complainant's name, date, time, place, what was said or done, by whom, and whether there are any other individuals with knowledge of this conduct. Any tangible evidence such as audio/video recordings, memoranda, emails and the like shall be forwarded to the Auditing Official.

The whistleblower is not responsible for investigating the activity or for determining fault or corrective measures; the designated Auditing Official is charged with these responsibilities.

The Auditing Official shall fully investigate the complaint and advise the complainant and the named employee(s) of the results of the investigation. If the Auditing Official finds that improper governmental action has taken place, or that employees or officials of the District have hindered the investigation, the Auditing Official shall notify the President of the Board of Trustees of the District in writing. The Auditing Official may also notify any other individual or entity deemed necessary, including but not limited to the Board of Trustees, the Human Resources Department, the Legal Department, the appropriate law enforcement agency, and the State's Attorney's Office. An employee may be subject to disciplinary action up to and including discharge in accordance with the District's disciplinary policy and the terms of any applicable employment or collective bargaining agreement.

#### **D) Processes and Procedures for reporting whistleblower retaliation**

If an employee believes they have been retaliated against for:

- (1) reporting an improper governmental action,
- (2) cooperating with an investigation related to a report of improper governmental action, or
- (3) testifies in a proceeding or prosecution arising out of an improper governmental action,

The employee shall submit a written report to the Auditing Official. Said written report must be submitted immediately, but no later than 60 days after gaining knowledge of the retaliatory action.

The written report shall include the complainants name, date, time, place, what was said or done, by whom, and whether there are any other individuals with knowledge of this conduct. Any tangible evidence such as audio/video recordings, memos, emails, and the like shall be forwarded to the Auditing Official.

If, however, the Auditing Official is the person engaging in or involved in the alleged retaliation, the employee shall make a report to the State's Attorney's Office.

The Auditing Official shall fully investigate all written claims of whistleblower retaliation. If the Auditing Official finds that whistleblower retaliation has taken place or employees or officials of the District have hindered the investigation, the Auditing Official shall notify the President of the Board of Trustees of the District in writing.

The Auditing Official may also notify any other individual or entity deemed necessary, including but not limited to the Board of Trustees, the Human Resources Department, the Legal Department, the appropriate law enforcement agency, and the State's Attorney's Office.

Where the Auditing Official finds that whistleblower retaliation has taken place, the employee subject to adverse actions may be:

- (1) reinstated, reimbursed for lost wages or expenses incurred, promoted, or provided some other form of restitution
- (2) If the Auditing Official determines that restitution will not suffice, the Auditing Official may provide the investigation findings to the employee or their attorney in an effort to make the employee whole.

Where the Auditing Official finds that whistleblower retaliation has taken place, the person engaged in the prohibited retaliatory action may be fined between \$500 and \$5000, suspended, demoted, discharged, or civilly or criminally prosecuted.

**Section 2** - The District shall incorporate its “Whistleblower Protection & Prevention of Improper Governmental Action Policy” in its respective Personnel Information Handbooks.

**Section 3** - Should any portion of this Resolution be declared invalid, the remaining, severable portions, shall, nonetheless, remain in full force and effect.

**Section 4** - This Resolution shall be in full force and effect from and after 10 days following its passage and approval.

PASSED by the Board of Trustees of the Desplaines Valley Mosquito Abatement District this 18th day of September, 2025, A.D. pursuant to roll call vote as follows:

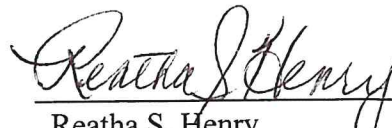
Ayes: 3


Nays: 0

Absent: 0

APPROVED this 18th day of September, 2025, A.D.

ATTEST:

  
Reatha S. Henry  
President, Board of Trustees

  
Tito Rodriguez  
Secretary, Board of Trustees