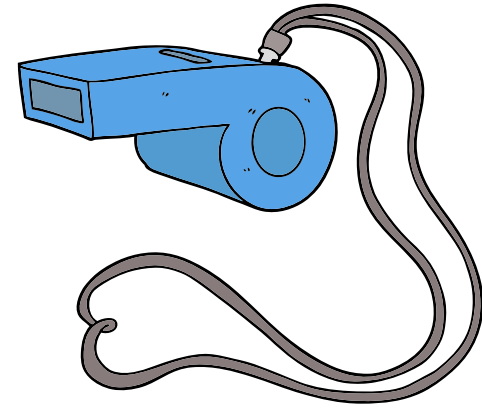


# PUBLIC OFFICER PROHIBITED ACTIVITIES ACT

## Whistleblower Protections Effective July 1, 2021



Public Act 101-0652, also known as the Safety, Accountability, Fairness and Equity – Today (SAFE-T) Act, amends the Public Officer Prohibited Activities Act by adding Section 4.1, “Retaliation Against a Whistleblower” (50 ILCS 105/4.1), to provide whistleblower protections prohibiting retaliation by units of local government, agents or representatives of units of local government or another employee against an employee or contractor who:

- reports an improper governmental action under the Act;
- cooperates with an investigation related to a report of improper governmental action; or,
- testifies in a proceeding or prosecution arising out of an improper governmental action.

The act requires that townships shall designate an auditing official and provide every employee a written summary or complete copy of Section 4.1 upon commencement of employment and at least annually. At the same time, the employee shall also receive a copy, from the auditing official designated by the township, of the written processes and procedures for reporting improper governmental actions.

An employee who invokes the protections conferred by the Act is required to provide a written complaint to the designated auditing official. The auditing official is required to establish a written process and procedure for managing those complaints.

The Act provides remedies for an employee or contractor, that includes reinstatement, reimbursement of lost wages or expenses incurred, promotion or other forms of restitution, as determined by the auditing official. If the auditing official determines restitution is inadequate, the auditing official may provide the investigation’s findings to the employee or contractor’s attorney for the purpose of aiding an effort to make the employee whole.

Additionally, a person who engages in a prohibited retaliatory action may be subject to penalties, including fines of no less than \$500 and no more than \$5,000, suspension without pay, demotion, discharge, civil or criminal prosecution or any combination of these penalties.

### WHAT TOWNSHIPS MUST DO:

- Designate an auditing official.
- Direct the auditing official to establish a written process for reporting and managing complaints of improper governmental actions.
- Direct the auditing official to provide each new employee, and all employees annually, a copy of Section 4.1 and a copy of the municipality’s written process and procedure for reporting improper governmental actions.

**"Auditing official"** means any elected, appointed, or hired individual, by whatever name, in a unit of local government whose duties are similar to, but not limited to, receiving, registering, and investigating complaints and information concerning misconduct, inefficiency, and waste within the unit of local government; 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 municipality. If a unit of local government does not have an "auditing official", the "auditing official" shall be a State's Attorney of the county in which the unit of local government is located within.

