



COUNTY OF KENDALL, ILLINOIS
COMMITTEE OF THE WHOLE
Kendall County Office Building, 111 W. Fox Street
County Board Room 209, Yorkville, IL 60560
Thursday, January 11, 2024, at 4:00pm
MEETING AGENDA

1. Call to Order and Pledge of Allegiance
2. Roll Call: Matt Kellogg (Chairman), Scott Gengler (Vice-Chair), Zach Bachmann, Brian DeBolt, Elizabeth Flowers, Dan Koukol, Jason Peterson, Ruben Rodriguez, Brooke Shanley, Seth Wormley
3. *MOTION (VV) Approval of Agenda
4. *MOTION (VV) Approval of December 14th, 2023, Minutes
5. *MOTION (VV) Approval of Claims
6. New Committee Business
 - A. ***PRESENTATION:** Anti-harassment Training
 - B. ***MOTION (Forward to County Board):** Purchase of Personal Related Property Related to the Acquisition of 101 W. Fox St., Yorkville
 - C. ***UPDATE:** COB II Construction
 - D. ***MOTION (Forward to County Board):** Approval of Contingency Reduction No. 4 – Lite Construction: \$2,141,504 (\$1,596 increase) Plainfield Grading \$612,412 (\$13,463 + \$98,573 increases) Midwestern Concrete: \$32,000 (\$32,000 increase)
7. Old Committee Business
8. Department Head and Elected Official Reports
9. Public Comment
10. Questions from the Media
11. Chairman's Report

Appointments

Bobby J. Richardson (remaining term of Jim Jensen) - Board of Health - March 2024
Darin Peterson (Primary) - KenCom Executive Board (Bristol Kendall Fire District)
Jeremy Messersmith (Alternate) - KenCom Executive Board (Bristol Kendall Fire District)
Josh Flanders (Primary) – KenCom Executive Board (Oswego Fire District)
Cliff Fox - Zoning Board of Appeals (Kendall) - 5-year term -January 2029
Tom Fletcher - Lisbon-Seward Fire District - April 2025

12. Action Items for County Board
13. Executive Session
14. Adjournment

If special accommodations or arrangements are needed to attend this County meeting, please contact the Administration Office at 630-553-4171, a minimum of 24-hours prior to the meeting time



**COUNTY OF KENDALL, ILLINOIS
COMMITTEE OF THE WHOLE
Thursday, December 14, 2023, at 4:00 PM
Meeting Minutes**

Call to Order and Pledge of Allegiance - The Committee of the Whole meeting was called to order at 4:02pm by County Board Chairman Matt Kellogg who led the Committee in the Pledge of Allegiance to the American Flag.

Roll Call

Board Member	Status	Arrived	Left Meeting
Matt Kellogg	Here		
Scott Gengler	Here		
Zach Bachmann	Here		
Brian DeBolt	Here		
Elizabeth Flowers	Absent		
Dan Koukol	Here		
Jason Peterson	Here		
Ruben Rodriguez	Here		
Brooke Shanley	Absent		
Seth Wormley	Here		

With 8 members present a quorum was established.

Staff Present: County Administrator Christina Burns, Deputy County Administrator Latreese Caldwell, HR Director Leslie Johnson, Facilities Management Director Dan Polvere, Facilities Management Assistant Director Luke Prisco, and Assistant States Attorney Jim Webb

Others Present: Ethan Kruger

Approval of Agenda – Member DeBolt made a motion to approve the agenda, second by Member Koukol. **With 8 members present voting aye, the motion was carried by a vote of 8- 0.**

Approval of Claims – Motion made by Member Bachmann, second by Member Rodriguez to forward claims to the next County Board meeting.

With 8 members present voting aye, the motion was carried by a vote of 8- 0.

New Committee Business –

A. Approval of Revised Section 8.1 (Personal and Banked Sick Leave Policy)

Mrs. Johnson presented to the board the Paid Leave Act that becomes effective on January 1, 2024. The act requires employers to provide 40 hours of paid leave to full time employees per

12-month period and a pro-rata amount to part time, seasonal, and temporary employees. Kendall County currently offers paid leave for full-time and part-time employees only. The revised Personal and Banked Sick Leave Policy provides personal leave to full-time employees, part-time employees, temporary and seasonal employees.

Motion made by Member Rodriguez, second by Member Peterson to forward to the next County Board meeting.

B. Approval of Ordinance Regarding Paid Leave for Workers Act

Section 15(p) of the Act and IDOL proposed rules also state, the Act does not apply to an employer who is covered by a municipal or county ordinance that is in effect before January 1, 2024, if the ordinance provides paid leave benefits that are equal or greater to what is required by the Act. Unlike the “qualified pre-existing paid leave policy” exception, a local Ordinance can also provide the employer with the flexibility to amend its policies after January 1, 2024, without destroying its exempt status under the Act.

Staff recommendation is to (1) Revise Section 8.1 - Personal and Banked Sick Leave Policy and (2) Ordinance regarding paid Leave for Workers Act for Approval at the December 19, 2023, County Board Meeting. It was consensus of the Committee to forward both items to County Board for approval.

Motion made by Member Bachmann, second by Member Rodriguez to forward to the next County Board meeting.

C. COB 2 Construction Update/Contingency

Rick Krischel updated the Committee on construction progress for County Office Building II. Construction work is on target to complete the shell of the building before Christmas. For the upcoming week, the roofers are scheduled to do the ice and water shield on the west half of the building and follow up on the east half by the end of the week. Mechanical work will also begin soon.

Contingency reduction No. 3 includes additional costs for temporary heating to the new building during construction and costs associated with completion of the two parking lots. The total request for Contingency Reduction No. 3 is \$6,580 with revised contract amount.

Motion made by Member Debolt, second by Member Peterson to forward to the next County Board meeting.

Old Committee Business-

None

Department Head and Elected Officials Reports –

A. Facilities Management Project Update

Facilities Management Assistant Director, Luke Prisco, updated the Committee on the completion of the replacement of the two water boilers located at the Public Safety Center along with the Universal Power Supply (UPS) with a switchover to new units on January 10.

Facilities staff developed a spreadsheet to track County wide aging of critical equipment by facility (spreadsheet in packet). Items highlighted in green are in good condition, yellow indicates additional wear age or potential issue with repair, and red indicates the equipment is passed its useful lifespan or replacement parts are unavailable. Staff will continue to track equipment to help prepare for replacement as needed.

Public Comment –

None

Questions from the Media –

None

Chairman’s Report –

Boards and Commission Re-Appointments:

Audra Hendrix – Ethics Commission – 2-year term – December 2025

Crystal Steinbach - Ethics Commission – 2-year term -December 2025

Russ Corneils - Ethics Commission - 2-year term – December 2025

Claire M. Wilson – Regional Plan Commission (Seward Twp) - 3-year term December 2026

Dr. John Gleason – Board of Health – 3-year term- December 2026

Action Items for County Board –

A. Claims

B. Approval of Revised Section 8.1 (Personal and Banked Sick Leave Policy)

C. Approval of Ordinance Regarding Paid Leave for Workers Act

D. Contingency Reduction – Lite Construction: \$2,139,908 (\$6,000 increase, \$630 reduction), Plainfield Grading: \$50,412 (\$825 reduction), Abbey Paving: \$407,555 (\$2,035 increase)

E. **Boards and Commission Re-Appointments:**

Audra Hendrix – Ethics Commission 2-year term – December 2025

Crystal Steinbach - Ethics Commission 2-year term -December 2025

Russ Corneils - Ethics Commission 2-year term – December 2025

Claire M. Wilson – Regional Plan Commission (Seward Twp) 3-year term – December 2026

Dr. John Gleason – Board of Health 3-year term- December 2026

Executive Session- For the purpose of (1) The appointment, employment, compensation, discipline, performance, or dismissal of specific employees, specific individuals who serve as independent contractors in a park, recreational, or educational setting, or specific volunteers of the public body or legal counsel for the public body, including hearing testimony on a complaint lodged against an employee, a specific individual who serves as an independent contractor in a park, recreational, or educational setting, or a volunteer of the public body or against legal counsel for the public body to determine its validity. However, a meeting to consider an increase in compensation to a specific employee of a public body that is subject to the Local Government

Wage Increase Transparency Act may not be closed and shall be open to the public and posted and held in accordance with this Act.

Member Peterson made a motion, seconded by Rodriguez, to go into Executive Session for the purpose of. Chairman Kellogg called the roll call.

Brian Debolt	Yes
Zach Bachmann	Yes
Elizabeth Flowers	-----
Matt Kellogg	Yes
Scott Gengler	Yes
Dan Koukol	Yes
Ruben Rodriguez	Yes
Seth Wormely	Yes
Brooke Shanley	-----
Jason Peterson	Yes

With a roll call vote of all ayes, the Committee went into Executive Session at 4:38pm

The Committee came out of Executive Session at 4:58pm.

Adjournment – Member Gengler made a motion to adjourn the meeting, second by Member Debolt. **With 8 members present voting aye, the meeting adjourned at 4:58p.m.**

Respectfully Submitted,

Nancy Villa
Executive Administrative Assistant



Kendall County Agenda Briefing

Meeting Type: Committee of the Whole
Meeting Date: 1/11/2024
Subject: 2024 Anti-Harassment Training
Prepared by: Leslie Johnson, Human Resources Director
Department: Human Resources Department

Action Requested:

Completion of 2024 Anti-Harassment Training

Board/Committee Review:

N/A

Fiscal impact:

N/A

Background and Discussion:

Under Illinois law, Illinois employers are required to train employees and elected officials on sexual harassment prevention on an annual basis. This training complies with this state law requirement.

Staff Recommendation:

N/A

Attachments:

1. 2024 Anti-Harassment Training Materials



2024 ANTI-HARASSMENT TRAINING

Presented By:
The Kendall County Human Resources Department

January 11, 2024

Who Must Complete Annual Anti-Harassment Training:

- Part-time employees,
- Full-time employees,
- Elected officials,
- Temporary employees,
- Seasonal workers,
- Interns,
- Volunteers, and
- All independent contractors who work on-site with the employer's staff



WHAT SHOULD I DO AFTER I COMPLETE THIS TRAINING?



- Print and sign the Certificate of Completion.
- Provide the signed Certificate of Completion to your designated Human Resources Representative.
- Refer back to this training anytime you have a question.

WHAT YOU WILL LEARN TODAY:



What is unlawful harassment and unlawful discrimination?



Applicable laws and remedies available



Responsibilities under the applicable laws

UNLAWFUL HARASSMENT



UNLAWFUL DISCRIMINATION



What is Unlawful Discrimination?

- Are you a member of a protected class?
- Are you meeting all legitimate job expectations?
- Did you suffer a tangible adverse employment action?
- Are other similarly situated employees outside of your protected class treated more favorably than you?



What is a “protected class”?

Pregnancy

Unfavorable Military Discharge

Marital Status

Gender Identity

Citizenship Status

Genetic Information

Religion

Ancestry

National Origin

Disability

NOTE:

Traits associated with race such as hair texture and protective hairstyles (e.g., braids) are protected under state law.

Race/Color

Military Status

Sexual Orientation

Age (over 40)

Sex

Arrest Record or Criminal History Record
Expunged, Sealed, or Impounded



Examples of Tangible Adverse Employment Actions



- Hiring and firing
- Unpaid suspension
- Compensation, assignment or classification of employees
- Transfer, promotion, layoff, or recall
- Refusal to provide a reasonable accommodation
- Loss of pay and/or benefits
- Retaliation

Do NOT discuss these topics during recruitment process:

- Salary history
- Age & year of graduation
- Marital status & sexual preference
- Discussions about pregnancy and children
- Medical conditions
- Citizenship status
- Race & national origin
- Gender identity
- Arrests & convictions

What is Unlawful Harassment?

- Are you in a protected class?
- Are you experiencing abuse in the workplace?
- Is the abuse because of your protected class or is everyone treated the same as you?
- Is the alleged harassment hurting your job performance or career advancement?

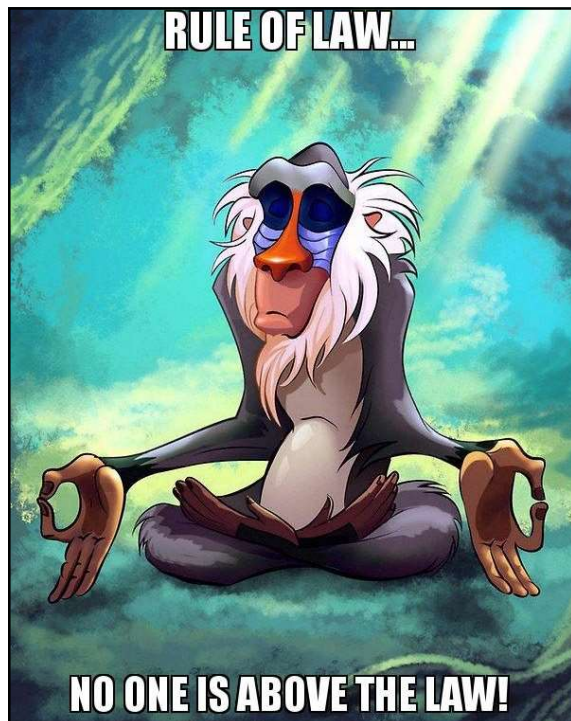


WHO CAN BE VICTIMS & PERPETRATORS OF UNLAWFUL HARASSMENT?

ANSWER:

- **Employees and Nonemployees**
 - **Nonemployees** = someone performing services for the County (e.g., contractors, consultants, interns, volunteers, etc.)
- **Bystanders and Witnesses** who observe unlawful harassment committed toward another victim.
- **Customers/Patrons in “places of public accommodation”.**
 - *All County offices are “places of public accommodation.”*
 - Unlawful harassment committed against a customer/patron is strictly prohibited!

Applicable Laws & Remedies Available



SEXUAL HARASSMENT IS PROHIBITED IN ILLINOIS

- It is a civil rights violation “[f]or any employer, employee, agent of any employer, employment agency or labor organization to engage in sexual harassment.” 775 ILCS 5/2-102(D).
- Sexual harassment is also prohibited by federal law (Title VII of the Civil Rights Act of 1964, as amended)
- The State of Illinois encourages employers to adopt and actively implement policies to ensure their workplaces are safe for employees to report concerns about sexual harassment without fear of retaliation, loss of status, or loss of promotional opportunities.

WHAT IS SEXUAL HARASSMENT?

Any **unwelcome** sexual advances, requests for sexual favors, or any **conduct of a sexual nature** when:

- submission to such conduct is made either explicitly or implicitly **a term or condition of employment**; OR
- submission to or rejection of such conduct by an individual is **used as the basis for employment decisions** affecting such individual; OR
- 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**.

TWO TYPES OF UNLAWFUL SEXUAL HARASSMENT

Quid Pro Quo:

"You do something for me, and I'll do something for you."



Someone in a position of power demands a sexual favor in exchange for a benefit or for not imposing a negative consequence.

Hostile Work Environment :

"The air at work is full of sexual references and it is impacting me."



Unwelcome conduct of a sexual nature substantially interferes with the employee's work performance OR creates an intimidating, hostile or offensive working environment.

IS THE CONDUCT UNWELCOME?

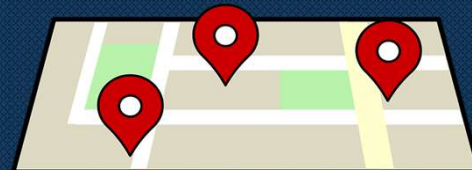
- Did the victim solicit or invite the conduct?
- Welcome behavior (e.g., consensual joking) can cross a line and become unwelcome behavior at anytime.
- Consent can be revoked at any time.
- Witness/bystander may not consent to conduct.



DID THE UNWELCOME CONDUCT OCCUR IN THE WORKPLACE?

Workplace includes:

- The physical location where the employee works;
- Any other County property;
- Any remote or mobile worksite; or
- Any location where the employee is there in capacity as County employee.



UNLAWFUL HARASSMENT ONLINE

EXAMPLES:

- Posting sexual comments on an employee's personal Facebook page while you are at home;
- Instant messages to someone you met at the County Office Building flirting and demanding they go on a date with you.
- Snapchat sent to an employee or nonemployee requesting sex.
- Texting an employee or nonemployee inappropriate pictures or videos of a sexual nature.
- Instagram posts using sexual language or comments including sexually offensive language.
- Cyber stalking



DID YOU KNOW?

Our conduct online and through social media can constitute unlawful harassment - even if "off the clock", "off-site", or even "out of state".

Example of What You Should NOT Do at Work:

- Do NOT pressure anyone for sexual favors;
- Do NOT pressure anyone to go out on a date with you;
- Do NOT deliberately touch, lean over or corner another person;
- NO sexual looks or sexual gestures;
- Do NOT whistle at someone as they walk by you;
- Do NOT send any letters, e-mails, texts, or other materials of a sexual nature;
- Do NOT engage in any telephone calls of a sexual nature;
- Do NOT engage in any sexual teasing, jokes, remarks, or questions;
- Do NOT refer to another as a "girl," "hunk," "doll," "babe," "honey," "tootsie", etc.; and
- NO actual or attempted rape or sexual assault.



If you experience, witness or become aware of unwelcome harassment:



1. You have the **right to tell the perpetrator to stop**, and they must stop the conduct immediately.
2. You have the **right to report the unlawful harassment**. Persons who report unlawful harassment or participate in investigations are protected from retaliation. If you experience any retaliation, you should report it.
3. Supervisors must take prompt and appropriate remedial action if they observe unlawful harassment in the workplace. If your supervisor does not do so, you have the **right to report your supervisor's inaction**.

HOW DO I REPORT UNLAWFUL HARASSMENT?

YOU HAVE SEVERAL OPTIONS!!!

You may pursue any one or more of the following reporting options:

1. Report the Incident to Your Employer's Representative per Your Anti-Harassment Policy
2. Call the State of Illinois Sexual Harassment & Discrimination Helpline
3. File a Charge of Discrimination with the Illinois Department of Human Rights (IDHR)
4. File a Charge of Discrimination with the U.S. Equal Employment Opportunity Commission (EEOC)



THE ILLINOIS SEXUAL HARASSMENT AND DISCRIMINATION HELPLINE



Please call above telephone number
OR
visit <https://shdh.illinois.gov> for
more information.

If you or someone you know has experienced or witnessed unlawful sexual harassment in the workplace, you can call the *State of Illinois Sexual Harassment and Discrimination Helpline* for assistance.

Calls are confidential, and calls can be made anonymously.

Helpline representatives can help callers navigate their numerous reporting options and share additional information related to counseling, legal assistance, and frequently asked questions.

REPORTING UNLAWFUL HARASSMENT OR UNLAWFUL DISCRIMINATION

Victims can report the incident to any one or more of the following representatives:

1. The immediate supervisor;
2. The immediate supervisor's supervisor;
3. The employee's department head/elected official;
4. The employee's designated Human Resources Representative;
5. Kendall County's Inspector General; or
6. Any other person listed in the Anti-Harassment and Discrimination Policy.



REPORTING INCIDENT(S) TO



The Illinois Department of Human Rights (IDHR) is a state agency responsible for enforcing the Illinois Human Rights Act (IHRA).

The IHRA is the state law that prohibits unlawful harassment (including sexual harassment), unlawful discrimination, and retaliation in the workplace.

IDHR has jurisdiction (authority) to investigate any employers who have 1 or more employees.

A charge of discrimination may be filed at any time within **300** days of the incident(s).

To start the process, submit a Complainant Information Sheet (CIS) to the IDHR. The CIS form can be found on IDHR's website: <https://dhr.illinois.gov/>

HOW TO CONTACT THE IDHR:

For more information about the IDHR, visit:
<https://dhr.illinois.gov/>



IDHR Offices Locations:

Chicago Office: 312-814-6200 | 866-740-3953 (TTY),
555 W. Monroe St., Suite 700, Chicago, IL 60661

Springfield Office: 217-785- 5100 | 866-740-3953 (TTY),
524 S. 2nd Street, Suite 300, Springfield, IL 62701

REMEDIES AVAILABLE UNDER THE ILLINOIS HUMAN RIGHTS ACT

After IDHR completes its investigation, the Complainant (the employee):

1. May file a lawsuit in civil court, or
2. May file a complaint with the Illinois Human Rights Commission (HRC) if IDHR found “substantial evidence” of a violation.

Remedies can include any one or more of the following:

- Back pay
- Damages
- Hiring
- Reinstatement
- Attorney’s fees
- Lost benefits
- Clearing of a personnel file
- Promotion
- Front pay (if reinstatement is not possible)
- Costs



ANNUAL REPORTING REQUIREMENT

All employers, labor organizations, and parties to public contracts must report annually to IDHR any settlement, adverse judgment, or administrative ruling against them involving harassment or discrimination.

Reporting INCIDENTS to



To file a charge, call or visit online:
1-800-669-4000 | www.EEOC.GOV

1-800-669-6820

(TTY for Deaf/Hard of Hearing callers)

1-844-234-5122

(ASL Video Phone for Deaf/Hard of Hearing callers)

Email: info@eEOC.gov

**U.S. EEOC Office Serving Illinois
 Chicago District Office:**

JCK Federal Building, 230 S. Dearborn St., Suite
 1866, Chicago, IL 60604

**A Charge of Discrimination must
 be filed with the EEOC at any
 time within 300 days of the
 incident(s).**

Remedies Available Under Title VII



**After EEOC completes its
 investigation:**

1. The Complainant and/or the EEOC may file a lawsuit in federal court.
2. The EEOC may help parties reach a settlement through an informal process called "conciliation", if the EEOC finds "reasonable cause" to believe discrimination occurred.

Remedies can include:

- Back pay,
- Lost benefits,
- Clearing of a personnel file,
- Damages,
- Hiring, promotion, or reinstatement,
- Front pay (if reinstatement is not possible),
- Punitive damages,
- Attorney's fees, and
- Costs.

From the EEOC Newsroom...

Omaha Hospitality Group to Pay \$100,000 to Resolve EEOC Disability Discrimination Lawsuit (12/28/23)

Triple Canopy, Inc. to Pay \$110,759 to Settle EEOC Religious Discrimination and Retaliation Lawsuit (12/26/23)

United Parcel Service to Pay \$150,000 to Settle EEOC Disability Discrimination Lawsuit (12/22/23)

“Verona Area School District will pay \$450,000, raise salaries, and furnish other relief to settle a pay discrimination lawsuit filed by the U.S. Equal Employment Opportunity Commission (EEOC), the federal agency announced today.” (6/16/2023)

“According to preliminary data, the U.S. Equal Employment Opportunity Commission (EEOC) filed 143 new employment discrimination lawsuits in fiscal year 2023, representing more than a 50% increase over fiscal year 2022 suit filings. The fiscal year 2023 suit filings include 25 systemic lawsuits, almost double the number filed in each of the past three fiscal years and the largest number of systemic filings in the past five years. Also, the EEOC filed 32 non-systemic class suits seeking relief for multiple harmed parties and 86 suits seeking relief for individuals.” (9/29/23)

Lacey’s Place to Pay \$92,964 to Settle EEOC Pay Discrimination Lawsuit - Gaming Parlor Chain Paid Female Worker Less Than Men and Fired Her for Complaining, Federal Agency Charged (5/26/23)

Who is the alleged harasser?



If the alleged harasser is the victim’s supervisor AND

★ Tangible employment action →

Employer is **STRICTLY LIABLE**.

★ If no tangible employment action →

Employer is strictly liable unless...

- Employer exercised reasonable care to prevent and promptly correct harassment; and
- Employee unreasonably failed to take advantage of the Employer’s preventative or corrective opportunities.

If the alleged harasser is not the victim’s supervisor:

Employer is strictly liable unless...

- Employer exercised **reasonable care** to prevent and promptly correct harassment; **AND**
- Employee **unreasonably failed** to take advantage of any preventative or corrective opportunities.

Who is a Supervisor?



Anyone empowered with the ability to affect terms and conditions of another employee's employment.

Individuals can be personally sued...

- IHRA allows employees to bring a Charge of Discrimination against individuals.
- Public employees also face exposure through Section 1983 of the Civil Rights Act of 1871.
- Punitive damages



Kendall County Ethics Ordinance

Prohibits:

1. Elected officials and employees from performing any **prohibited political activity** during compensated time.
2. Elected officials, employees, spouses, and their immediate family members living with the elected official or employee from **soliciting or accepting any gift** from a prohibited source.

Written, signed and notarized complaints shall be filed with the Kendall County Clerk.

Complaints to be reviewed by the **Kendall County Ethics Commissions**.

Criminal conduct may be forwarded for prosecution.

WHISTLEBLOWER



PROTECTIONS

RETALIATION IS PROHIBITED BY LAW!

Title VII of the Civil Rights Act of 1964, as amended
&
The Illinois Human Rights Act

- Employers are prohibited from taking any tangible adverse employment action against an employee **because of** the employee's "**protected activity**."



THE ILLINOIS PUBLIC OFFICER PROHIBITED ACTIVITIES ACT

- Kendall County and its elected officials, employees, and agents are prohibited from retaliating against an employee or contractor who:
 - reports an "**improper governmental action**";
 - cooperates with an investigation related to "improper governmental action"; or
 - testifies in a proceeding or prosecution arising out of an "improper governmental action".
- A whistleblower must make a written report of improper governmental action to the County's designated auditing official, **the Inspector General**, within **60 days** after the employee learns about the improper governmental action.

“Improper government action” is:

any action by a unit of local government employee, an appointed member of a board, commission, or committee, or an elected official of the unit of local government that is undertaken in violation of a Federal, State, or a unit of local government law or rule; is an abuse of authority; violated the public’s trust or expectation of their conduct; is of substantial and specific danger to the public’s health and safety; or is a gross waste of public funds.

50 ILCS 105/4.1.

“Improper government action” does **NOT** include the following:

[A] unit of local government’s **personnel actions**, 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.

Illinois Whistleblower Act

Prohibits employers from retaliating against an employee if the employee:

- **Discloses a violation of a law, rule, or regulation in a proceeding** or to government or law enforcement ;
- **Refuses to participate** in activity which violates law, rule, or regulation; and/or
- Discloses or attempts to disclose **public corruption or wrongdoing**.

An employee is only protected under the Whistleblower Act if the employee has **reasonable cause** to believe that the information disclosed was, in fact, a violation of state or federal laws, rules, or regulations.

THE EMPLOYER'S *responsibilities*

EMPLOYER'S RESPONSIBILITIES INCLUDE:

- **Preventing** unlawful harassment in the workplace;
- **Investigating** incidents of unlawful harassment in the workplaces; and
- **Correcting** the incidence of unlawful harassment in their workplaces.



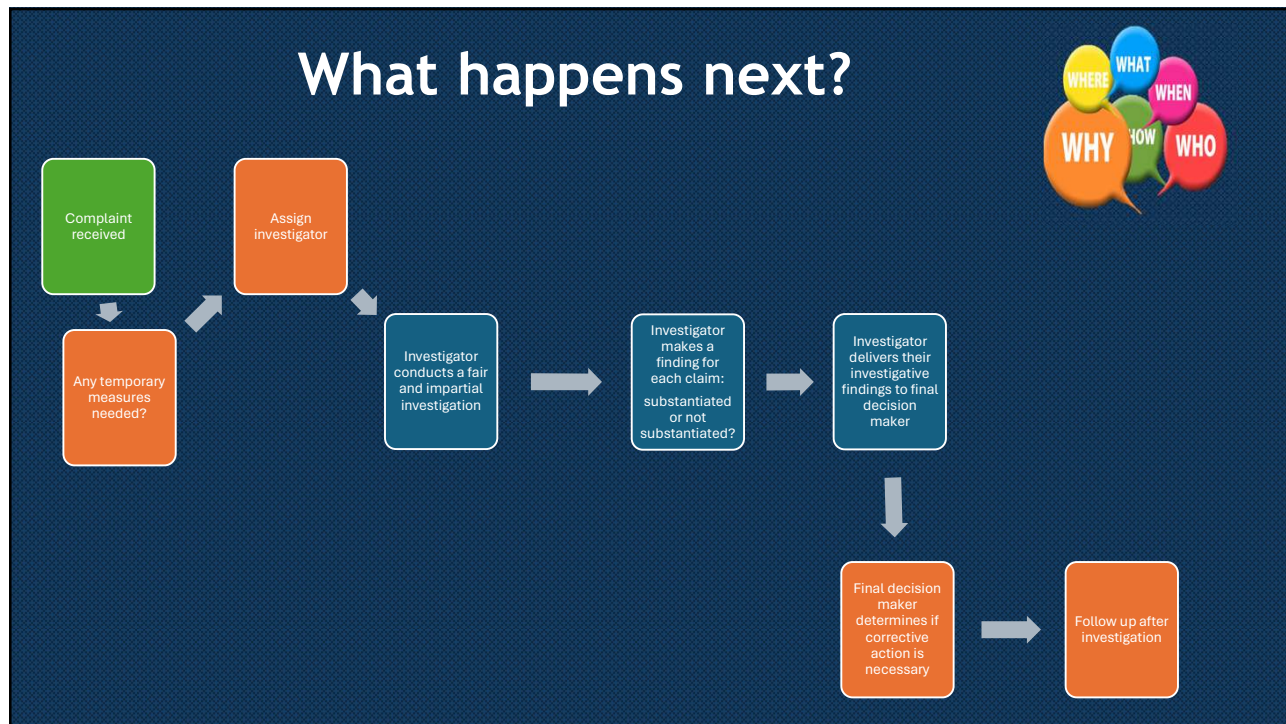
Prevention Comes From The Top!

- If leadership is not invested in making sure harassment is not tolerated, other efforts likely will not work.
- When leadership behaves badly, it sends a negative message to the rest of the team.
- It is important to let leadership know that professionalism is expected from them.
- If a supervisor does not feel comfortable addressing an issue, document the issue and send it up the chain of command or to HR.
- Ensure that policies and procedures do not have a discriminatory impact upon one or more protected classes.

WHEN IS IT TIME TO TAKE ACTION?

- Receipt of a **verbal or written complaint**.
- Receive “enough information to make a reasonable person think there is **some probability** that the employee is being harassed”:
- Personally **witness** it.
- **Hear rumors** about it.
- An **employee says something** but does not want to make a formal complaint.
- Any other instance where the **harassment is so pervasive** that a jury could infer the employer knew about it.





Corrective Measures CAN INCLUDE.....

1. Discipline/termination of employment
2. Coaching and closer supervision of employees
3. Additional training
4. Review and update policies and communicate the changes to the workforce
5. Restructure work environment or reporting relationships
6. Any other reasonable corrective action the County determines is necessary

The Importance of Follow up and Closure

After the investigation is completed:

- Follow up with the complaining employee.
- Discipline, if appropriate.
- Retrain?
- Occasional check in.



Document!



- Original signed handbook acknowledgement forms for every employee!
- A copy of all training materials (e.g., PowerPoint & sign in sheets for in person training).
- Document all complaints received - even if employee does not want you to!
- Retain complete investigation file separate from personnel file.
- Document all remedial measures taken and all follow up.



Thank You!



Kendall County Agenda Briefing

Meeting Type: Committee of the Whole
Meeting Date: 1/11/2024
Subject: Purchase of personal property related 101 W. Fox acquisition
Prepared by: Christina Burns, County Administrator
Department: Administration

Action Requested:

Approval to forward purchase of certain personal property related to acquisition of 101 W. Fox Street to County Board for approval.

Board/Committee Review:

January 3, 2024, County Board – Approval of the purchase of 101 W. Fox Street not to exceed \$800,000

Fiscal impact:

\$10,000

Background and Discussion:

The County acquired the property at 101 W. Fox Street in 2023, acquiring land necessary for the construction of the second county office building and completing the Fox Street campus block. The property was acquired for \$750,000, below the Board's authorization of \$800,000. An additional purchase of certain personal property, including two vehicle lifts, air compressor and shelving, was discussed as part of the acquisition but not finalized as part of the sale. The offer to sell these items to the County still stands, as outlined in the Bill of Sale attached, for \$10,000. The items are in good condition and still in the building.

Staff Recommendation:

Staff believe the items would be utilized either at the 101 Fox building or at other facilities.

Attachments:

Bill of Sale dated January 5, 2024

BILL OF SALE

SELLER, B & B Land Development, LLC, an Illinois Limited Liability Company of Yorkville, Illinois being in consideration of **Ten Thousand and 00/100 Dollars**, receipt of which is hereby acknowledged, does hereby sell, assign, transfer and set over unto **BUYER**, The County of Kendall of Yorkville, Illinois, the following described personal property to wit:

SEE ATTACHED EXHIBIT "A"

Seller hereby represents and warrants to Buyer that Seller is the absolute owner of said property, that said property is free and clear of all liens, charges, and encumbrance, and that Seller has full right, power and authority to sell said personal property and to make this Bill of Sale. All warranties of quality, fitness, and merchantability are hereby excluded.

If this Bill of Sale is signed by more than one person, all persons so signing shall be jointly and severally bound hereby.

IN WITNESS WHEREOF, Seller has signed and sealed this Bill of Sale at Yorkville, Ill this 5th day of January, 2024.

B & B Land Development, LLC, an Illinois Limited Liability Company

Paul Buck
Paul Buck, Manager

STATE OF ILLINOIS)
) SS.
COUNTY OF KENDALL)

I, the undersigned, a Notary Public in and for the said County, in the State aforesaid, CERTIFY THAT Paul Buck, personally known to me to be the same person whose names are subscribed to the foregoing instrument, appeared before me this day in person, and acknowledged that He signed, sealed and delivered the instrument as his free and voluntary act for the uses and purposes therein set forth.

Given under my hand and notarial seal, this 5th day of January, 2024.

Robin E. Guzman
Notary Public



EXHIBIT "A"
PERSONAL PROPERTY

1. Air Compressor.
2. Air Hose Reels.
3. Two Post Auto Lift.
4. Four Post Auto Lifts.
5. All Appliances, Everything except Beds. Closing on or about April 7, 2023 Seller will stay in Building for a maximum of 180 days after Closing or whenever new building is Ready.
Seller will give Buyer access to building during that 180 days to make improvements.
6. All Shelving.
7. All old Firehouse Extinguishers.



Kendall County Agenda Briefing

Meeting Type: Committee of the Whole
Meeting Date: 1/11/2024
Subject: Phase 1 December Monthly Report and Contingency Reduction #4
Prepared by: Dan Polvere, Facilities Director
Department: Facilities

Action Requested:

Review of Phase 1 Contingency Reduction No. 4

Board/Committee Review:

NA

Fiscal impact:

\$145,632 Reduction of Phase 1 Contingency

Background and Discussion

Progress continues on County Office Building #2 (107 W. Fox Street), with work on target to be completed by June 1st. Cordogan Clark's detailed report of December progress is attached.

Contingency reduction No. 4 includes costs for additional temporary construction fence, necessary grading undercuts in both the West and South parking lots and concrete work associated with the ramp vs. stair adjacent to the old firehouse. The total request for Contingency Reduction No. 4 is \$145,632, with revised contract amounts as follows:

- Lite Construction: \$2,141,504 (\$1,596 increase)
- Plainfield Grading: \$612,412 (\$13,463 + \$98,573 increases)
- Midwestern Concrete: \$32,000 (\$32,000 increase)

The current available contingency is \$232,505.

Staff Recommendation:

Approve Motion to forward Contingency Reduction No. 4 to County Board

Attachments:

- Cordogan Clark December monthly report
- Contingency Reduction No. 4 dated 1-5-2024

CONTINGENCY REDUCTION

Owner:
Architect:
Construction Manager:
Contractor:
Field:

PROJECT: Phase One New Office Building

CONTINGENCY REDUCTION #: CR-004

CLIENT: Kendall County
111 W. Fox Street
Yorkville, IL 60560

DATE: 1/5/2024
CONTRACT DATE:
PROJECT #: 221071

CONSTRUCTION

MANAGER: Cordogan Clark Consulting Services
960 Ridgeway Avenue
Aurora, IL 60506

The Contract is changed as follows:

- 1. Lite Construction
Add'l fence required to secure West parking lot construction. \$1,596.00
New Contract Amount: \$2,141,504.

- 2. Plainfield Grading
Add'l undercuts at South parking lot as required by the Geotech Engineer \$13,463.00
Add'l undercuts at West parking lot, angled parking, drive into site from Ridge Road. \$98,573.00
New Contract Amount: \$612,448.

- 3. Midwestern Concrete
New ramp vs stair to old fire station concrete. Includes patched and rubbed finishes at exposed surfaces. \$32,000.00
New Contract Amount: \$32,000.

SUB-TOTAL FOR CONTINGENCY REDUCTION: \$145,632.00

The Original Contingency was:	\$505,200.00
Net Change by previously authorized Contingency Reductions:	\$127,063.00
The Contingency prior to this reduction was:	\$378,137.00
The Contingency will be decreased by this reduction in the amount of:	\$145,632.00
The new Contingency with this reduction will be:	<u>\$232,505.00</u>
The Contract Time will be increased by:	(0) days
The date of Substantial Completion as of the date of this Contingency Reduction, therefore is:	<u>unchanged.</u>

NOTE: This Contingency Reduction does not include changes in the Contract Sum, Contract Time or Guaranteed Maximum Price that have been authorized by Construction Change Directive until cost and time have been agreed by both the Owner, Contractor & Construction Manager, in which case a Change Order is executed to supersede the Construction Change Directive

NOT VALID UNTIL SIGNED BY THE CONSTRUCTION MANAGER & OWNER.

CONSTRUCTION MANAGER:

Cordogan Clark Consulting Services, Inc.
960 Ridgeway Avenue
Aurora, IL 60505

OWNER:

Kendall County
111 W. Fox Street
Yorkville, IL 60560

By: _____

By: _____

Date: _____

Date: _____