
WHEELING TOWNSHIP
COOK COUNTY, ILLINOIS

ORDINANCE
NUMBER 2025-08

AN ORDINANCE ADOPTING A WHISTLEBLOWER PROTECTION POLICY
FOR WHEELING TOWNSHIP

MARIA ZELLER BRAUER, Township Supervisor
JOANNA GAUZA, Township Clerk

JOHN GEIER
LORRI GRAINAWI
AUSTIN MEJDRICH
SHERI WILLIAMS
Township Trustees

Prepared by ODELSON, MURPHEY, FRAZIER & McGRATH, LTD. - Township Attorneys
3318 West 95th Street - Evergreen Park, Illinois 60805

WHEELING TOWNSHIP

ORDINANCE NO. 2025-08

**AN ORDINANCE ADOPTING A WHISTLEBLOWER PROTECTION POLICY
FOR WHEELING TOWNSHIP**

WHEREAS, Wheeling Township, Cook County, Illinois (the “Township”), is a duly organized and existing township and unit of local government created under the provisions of the laws of the State of Illinois, and is operating under the provisions of Illinois’ Township Code, 60 ILCS 1/1-1, *et seq.* (the “Code”), and all laws amendatory thereto; and

WHEREAS, the Illinois Township Code, 60 ILCS 1/100-5(b), provides that the board of each township shall set and adopt rules concerning all benefits available to employees of the Township; and

WHEREAS, Public Act 101-0652, effective July 1, 2021, amends the Public Officer Prohibited Activities Act, 50 ILCS 105/0.01, *et seq.*, by adding a new section at 50 ILCS 105/4.1; and

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

WHEREAS, the Supervisor and the Board of Trustees find it to be in the best interests of the health, safety, and welfare of the Township and its residents to adopt a whistleblower protection policy that is transparent and provides the most updated information for the protection of whistleblowers.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWNSHIP SUPERVISOR AND BOARD OF TRUSTEES OF WHEELING TOWNSHIP, COOK COUNTY, ILLINOIS, as follows:

Section 1. The foregoing recitals shall be and are hereby incorporated as findings of fact as if said recitals were fully set forth herein.

Section 2. The Whistleblower Reporting and Anti-Retaliation Policy and Procedures, which is attached hereto and incorporated herein as **Exhibit A**, is hereby adopted and approved.

Section 3. All ordinances, resolutions, and policies or parts thereof, in conflict with the provisions of this Ordinance are, to the extent of the conflict, expressly repealed on the effective date of this Ordinance.

Section 4. If any provision of this Ordinance or application thereof to any person or circumstances is ruled unconstitutional or otherwise invalid, such invalidity shall not affect other provisions or applications of this Ordinance that can be given effect without the invalid application or provision, and each invalid provision or invalid application of this Ordinance is severable.

Section 5. This Ordinance shall be in full force and effect after its passage and approval.


[Remainder of Page Intentionally Left Blank]

ADOPTED by the Supervisor and Board of Trustees of Wheeling Township, Cook County

Illinois this 28th day of October 2025, pursuant to a roll call vote, as follows:

	YES	NO	ABSENT	ABSTAIN
Trustee Geier	✓			
Trustee Grainawi	✓			
Trustee Mejdrich	✓			
Trustee Williams	✓			
Supervisor Zeller Brauer	✓			
TOTAL:	5			

APPROVED at a Regular Meeting of the Board of Trustees of Wheeling Township, on
October 28, 2025.



Maria Zeller Brauer, Supervisor

ATTEST:



Joanna Gauza, Clerk

EXHIBIT A:

Wheeling Township Whistleblower Reporting and Anti-Retaliation Policy and Procedures

EXHIBIT A: Wheeling Township Whistleblower Reporting and Anti-Retaliation Policy and Procedures

WHEELING TOWNSHIP WHISTLEBLOWER REPORTING AND ANTI-RETALIATION POLICY AND PROCEDURES

I. Purpose

Wheeling Township is committed to preventing improper governmental actions by its officials and employees. It is the responsibility of each Township 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 appropriate law enforcement agency.

In accordance with the Illinois Public Officer Prohibited Activities Act, and specifically 50 ILCS 105/4.1, Wheeling Township prohibits any official from retaliating against any employee who:

1. Reports an improper governmental action,
2. Cooperates in the investigation related to a report of an improper governmental action, or
3. Testifies in a proceeding or prosecution of an improper governmental action.

The Township must provide each employee with a written summary or a complete copy of Section 4.1 upon commencement of employment and at least once each year of employment. At the same time, the employee shall also receive a copy of the written processes and procedures for reporting improper governmental actions from the applicable Auditing Official.

The confidentiality of a whistleblower will be maintained to the extent allowable by law; however, an identity may have to be disclosed to conduct a thorough investigation, to comply with the law, and to provide accused individuals with their legal rights of defense. A whistleblower may also waive confidentiality in writing. The Township will not retaliate against a whistleblower. 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.

II. Definitions

A. An Improper governmental action means:

- i. Any action by a Township employee, an appointed member of a Township board, commission, or committee, or an elected official of the Township that is undertaken in violation of a federal, State, or local law or rule; is an abuse of authority; violates the public's trust or expectation of his or her conduct; is of substantial and specific danger to the public's health or safety; or is a gross waste of public funds. The action need not be within the scope of the

employee's, elected official's, board member's, commission member's, or committee member's official duties to be subject to a claim of "improper governmental action."

- ii. **"Improper governmental action"** does not include Township 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.
- B. **Whistleblower** means an employee, as defined in Section II of this policy, of the Township who:
- 1. Reports an improper governmental action as defined under 50 ILCS 105/4.1 (hereinafter Section 4.1);
 - 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. **Auditing Official** means any elected, appointed or employed individual, by whatever name, in the Township or County of Cook whose duties may include: receiving, registering and investigating complaints and information concerning misconduct, inefficiency and waste within the Township; 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 Township.
- 1. The Auditing Official shall be the Township's Law Firm, Odelson, Murphey, Frazier & McGrath Ltd., until replaced by the Township.
 - 2. If the Township does not designate an Auditing Official, the Auditing Official defaults to the State's Attorney of Cook County, Illinois.
- D. **Employee** means anyone employed by the Township, whether in a permanent or temporary position, including full-time, part-time, and intermittent workers. Employee also includes members of appointed boards or commissions, whether paid or unpaid. Employee also includes persons who have been terminated because of any report or complaint submitted under Section 4.1. (50 ILCS 105/4.1).
- E. **Retaliate, retaliation, or retaliatory action** means 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 Section 4.1. 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 Section 4.1.(50 ILCS 105/4.1).~~

III. Reporting to Auditing Official

Wheeling Township designates Odelson, Murphey, Frazier & McGrath, Ltd., to serve as the Auditing Official of the Township, with the duties and responsibilities set forth in 50 ILCS 105/4.1. An employee (or official) can contact the below to make a complaint:

Contact Information:

Odelson, Murphey, Frazier & McGrath Ltd.

ATTN: Ross D. Secler

3318 W. 95th Street

Evergreen Park, IL 60805

Email: rsecler@omfmlaw.com

IV. Processes and Procedures for Reporting Improper Governmental Actions

A. Reporting an Improper Government Action or Retaliation.

1. If a Township employee believes that he or she has witnessed an improper governmental action, as defined in this Policy, the employee **must** submit a written report of the improper governmental action 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. The employee shall not take it upon themselves to investigate the activity or attempt to determine fault or implement corrective measures, as the Auditing Official is charged with such responsibilities.
2. If a Township employee believes that he or she has been retaliated against for reporting improper governmental action, or cooperating in the investigation, or procedure involving an improper governmental action, the Township employee must report such alleged retaliation to the Auditing Official within sixty (60) days of the retaliatory action taking place.
3. The auditing Official may transfer the complaint to another auditing official, including the State's Attorney, if he or she determines that it is appropriate.
4. If the Auditing Official is also the subject of the complaint, the Complainant may file the complaint with any State's Attorney.

B. Investigation of the Complaint.

1. Identity of the Complainant

- i. The Auditing Official will keep the Complainant confidential to the extent allowed by law.
 - ii. The Complainant may waive confidentiality in writing on a form presented to the Auditing Official.
2. The Auditing Official shall establish written processes and procedures consistent with the terms of this policy and best practices for investigations for managing complaints under 50 ILCS 105/4.1, or any additional statutes that pertain to whistleblowers. The Auditing Official shall investigate the complaint promptly and thoroughly and conclude whether the evidence gathered through such investigation warrants the merit of a finding that either an improper governmental action, or retaliation for filing such a complaint or complying with such investigation occurred or did not occur.
3. The investigation by the Auditing Official may include:
 - i. Interviews of the Complainant and witnesses;
 - ii. Interviews of governmental officials who may have knowledge about the complaint or may be the subject of the complaint;
 - iii. Inspection of documentation (in written, printed, or electronic format) relevant to the complaint;
 - iv. Take any other appropriate measures to ensure that the complaint has been thoroughly investigated

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

C. Determination and Applicable Remedial Action.

1. If the Auditing Official determines that the complaint has no merit, he or she can dismiss the complaint.
2. If the Auditing Official determines that the complaint has merit, they may take remedial action on behalf of the Complainant, including reinstatement, reimbursement for lost wages or expenses, promotion, or some other form of restitution that the Auditing Official deems appropriate. In instances where the Auditing Official determines that restitution will not suffice, the Auditing Official may make his or her investigation findings available for the purposes of aiding in that employee or the employee's attorney's effort to make the employee whole.
3. If the Auditing Official concludes that an improper governmental action has taken place or concludes that the Township or one of its departments, boards,

~~committees, or supervisory officials has hindered the Auditing Official's~~
investigation into the report, the Auditing Official shall notify in writing the Township Supervisor and any other individual or entity the Auditing Official deems necessary in the circumstances.

4. Any person who engages in prohibited retaliation under 50 ILCS 105/4.1 may also be subject to fines, appropriate employment action, and/or civil or criminal prosecution pursuant to the Illinois Public Officer Prohibited Activities Act, 50 ILCS 105/0.01, *et seq.*, as may be amended from time to time.

V. **Defend Trade Secrets Act (18 U.S.C. § 1836) Compliance**

Section 7(b): "Immunity from Liability for Confidential Disclosure of a Trade Secret to the Government or in a Court Filing:

(1) Immunity—An individual shall not be held criminally or civilly liable under any federal or state trade secret law for the disclosure of a trade secret that—(A) is made—
(i) in confidence to a federal, state or local government official, either directly or indirectly, or to an attorney; and, (ii) solely for the purpose of reporting or investigating a suspected violation of law; or, (B) is made in a complaint or other document filed in a lawsuit or other proceeding, if such filing is made under seal.

(2) Use of Trade Secret Information in Anti-Retaliation Lawsuit—An individual who files a lawsuit for retaliation by an employer for reporting a suspected violation of law may disclose the trade secret to the attorney of the individual and use the trade secret information in the court proceeding, if the individual—(A) files any document containing the trade secret under seal; and, (B) does not disclose the trade secret, except pursuant to court order."

VI. **Employee Acknowledgment**

Employees are required to sign a written acknowledgement that they have received, read, and understand this Policy, and to submit that acknowledgement to the Auditing Official or other designated official of the Township. The form that follows this policy will satisfy this requirement upon receipt.

[Remainder of Page Intentionally Left Blank]

Employee Acknowledgement of Whistleblower Protection Policy

I confirm that I have received, read, and understand the "Whistleblower Protection Policy" for employees of Wheeling Township.

I understand that as an employee, it is my responsibility to abide by this Policy. If I have questions about the Policy, I understand it is my responsibility to seek clarification from the proper supervisory department, the Auditing Official, or the State's Attorney of Cook County.

Print Name: _____

Employee Signature: _____

Date: _____

Sec. 4.1. Retaliation against a whistleblower.

(a) It is prohibited for a unit of local government, any agent or representative of a unit of local government, or another employee to retaliate against an employee or contractor who:

- (1) reports an improper governmental action under this Section;
- (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.

(b) To invoke the protections of this Section, an employee shall make a written report of improper governmental action to the appropriate auditing official. An employee who believes he or she has been retaliated against in violation of this Section must submit a written report to the auditing official within 60 days of gaining knowledge of the retaliatory action. If the auditing official is the individual doing the improper governmental action, then a report under this subsection may be submitted to any State's Attorney.

(c) Each auditing official shall establish written processes and procedures for managing complaints filed under this Section, and each auditing official shall investigate and dispose of reports of improper governmental action in accordance with these processes and procedures. If an auditing official concludes that an improper governmental action has taken place or concludes that the relevant unit of local government, department, agency, or supervisory officials have hindered the auditing official's investigation into the report, the auditing official shall notify in writing the chief executive of the unit of local government and any other individual or entity the auditing official deems necessary in the circumstances.

(d) An auditing official may transfer a report of improper governmental action to another auditing official for investigation if an auditing official deems it appropriate, including, but not limited to, the appropriate State's Attorney.

(e) To the extent allowed by law, the identity of an employee reporting information about an improper governmental action shall be kept confidential unless the employee waives confidentiality in writing. Auditing officials may take reasonable measures to protect employees who reasonably believe they may be subject to bodily harm for reporting improper government action.

(f) The following remedies are available to employees subjected to adverse actions for reporting improper government action:

- (1) Auditing officials may reinstate, reimburse for lost wages or expenses incurred, promote, or provide some other form of restitution.

(2) In instances where an auditing official determines that restitution will not suffice, the auditing official may make his or her investigation findings available for the purposes of aiding in that employee or the employee's attorney's effort to make the employee whole.

(g) A person who engages in prohibited retaliatory action under subsection (a) is subject to the following penalties: a fine 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, as appropriate.

(h) Every employee shall receive a written summary or a complete copy of this Section upon commencement of employment and at least once each year of employment. At the same time, the employee shall also receive a copy of the written processes and procedures for reporting improper governmental actions from the applicable auditing official.

(i) As used in this Section:

"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.

"Employee" means anyone employed by a unit of local government, whether in a permanent or temporary position, including full-time, part-time, and intermittent workers. "Employee" also includes members of appointed boards or commissions, whether or not paid. "Employee" also includes persons who have been terminated because of any report or complaint submitted under this Section.

"Improper governmental action" means 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 unit of local government law or rule; is an abuse of authority; violates the public's trust or expectation of his or her conduct; is of substantial and specific danger to the public's health or safety; or is a gross waste of public funds. The action need not be within the scope of the employee's, elected official's, board member's, commission member's, or committee member's official duties to be subject to a claim of "improper governmental action". "Improper governmental action" does not include a unit of local government 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.

~~"Retaliate", "retaliation", or "retaliatory action" means 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.

(Source: P.A. 101-652, eff. 7-1-21; 102-813, eff. 5-13-22.)