



Office of the City Clerk



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City Council Document Tracking Sheet

Meeting Date:	9/12/2012
Sponsor(s):	Emanuel, Rahm (Mayor)
Type:	Ordinance
Title:	Amendment of Section 2-156-019 of Municipal Code regarding whistle blower protection
Committee(s) Assignment:	Committee on Committees, Rules and Ethics



OFFICE OF THE MAYOR
CITY OF CHICAGO

RAHM EMANUEL
MAYOR

September 12, 2012

TO THE HONORABLE, THE CITY COUNCIL
OF THE CITY OF CHICAGO

Ladies and Gentlemen:

At the request of the Corporation Counsel, I transmit herewith an ordinance amending Section 2-156-019 of the Municipal Code regarding whistle blower protection.

Your favorable consideration of this ordinance will be appreciated.

Very truly yours,

Mayor



STATE OF TEXAS
COUNTY OF [illegible]

[illegible text]

ORDINANCE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHICAGO:

SECTION 1. Section 2-156-019 of the Municipal Code of Chicago is hereby amended by deleting the language struck through and by inserting the language underscored, as follows:

2-156-019 Whistleblower protection.

(a) For the purposes of this section:

(1) “Public body” means: (i) any office or department of the city; (ii) the state or federal government; (iii) any local law enforcement agency or prosecutorial office; (iv) any federal or state judiciary, grand or petit jury, or law enforcement agency; and (v) any ~~officer~~ official, employee, department, agency, or other division of any of the foregoing.

(2) “Retaliatory action” means: (i) the reprimand, discharge, suspension, demotion, or denial of promotion or transfer of any employee that is taken in retaliation for an employee’s involvement in protected activity as set forth in subsection (b) of this section; or (ii) the denial or revocation of any city permit, license, certification, loan, grant, tax credit or other financial subsidy, the denial of any city service, or the denial of employment with the city for which a person is qualified, that is made in retaliation for that person having engaged in a protected activity as set forth in subsection (b) of this section.

(b) No person shall take any retaliatory action against an employee or any other person because the employee or the person does any of the following:

(1) Discloses or threatens to disclose to a supervisor or to a public body an activity, policy, or practice of any ~~officer~~ official, employee, or city contractor that the employee or other person reasonably believes evidences: (i) an unlawful use of city funds or city funding for actions performed by or on behalf of the city, unlawful use of official authority, or other unlawful official conduct that poses a substantial and specific danger to public health or safety by any officer official, employee or city contractor; or (ii) any other violation of a law, rule, or regulation by any ~~officer~~ official, employee, or city contractor that relates to their work performed for, or on behalf of, the city; or

(2) Provides information to or testifies before any public body conducting an investigation, hearing, or inquiry into any official activity, policy, or practice described in subsection (b)(1).

(c) If any retaliatory action, as defined in subsection (a)(2)(i), is taken against an employee in violation of this section, the employee shall be entitled to the following relief, including if applicable:

- (1) reinstatement of the employee to either the same position held before the retaliatory action or to an equivalent position;
- (2) two times the amount of back pay; and

(3) reinstatement of full fringe benefits and seniority rights.

(d) If any retaliatory action, as defined in subsection (a)(2)(ii), is taken against any person in violation of this section, the person shall be entitled to the following relief, if applicable:

(1) Reconsideration of a city permit, license, certification, loan, grant, tax credit, other financial subsidy, or city service denied or revoked as a result of the violation, to the extent such reconsideration is practically possible and funds are available.

(2) Reconsideration of a job application rejected as a result of the violation, to the extent such reconsideration is practically possible and such job position is not yet filled.

(3) Actual damages proved to be directly and specifically caused by, and that would not have occurred but for, the retaliatory action, but in no case shall such actual damages include claimed lost profits.

(e)(1) It shall be a prerequisite to the bringing of an action against the city for relief under paragraph (d) of this section that the person seeking relief first provide written notice to the head of the city department or agency involved in an alleged retaliatory action and to the corporation counsel within 30 days of the person's awareness of facts giving rise to the claim of retaliatory action. The purpose of this notice requirement is to allow such department or agency a timely opportunity to recognize, correct and/or minimize any harm resulting from any retaliatory action. The notice shall specify in detail the facts and circumstances that constitute the alleged retaliatory action. Upon receiving this notice, the head of such department or agency shall investigate the allegations and take all necessary and appropriate actions to remedy any retaliatory action.

(2) Any action for relief under paragraph (d) of this section may only be brought against the City of Chicago, and must be brought within six months of the alleged retaliatory action for which relief is sought.

(f) The remedies set forth in paragraphs (c) and (d) of this section shall be the sole and exclusive remedies for any violations of this section.

SECTION 2. Following passage and publication, this ordinance shall take effect on November 1, 2012 and shall apply to acts committed on and after that date.

(3) reinstatement of full fringe benefits and seniority rights.

(d) If any retaliatory action, as defined in subsection (a)(2)(ii), is taken against any person in violation of this section, the person shall be entitled to the following relief, if applicable:

- (1) Reconsideration of a city permit, license, certification, loan, grant, tax credit, other financial subsidy, or city service denied or revoked as a result of the violation, to the extent such reconsideration is practically possible and funds are available.
- (2) Reconsideration of a job application rejected as a result of the violation, to the extent such reconsideration is practically possible and such job position is not yet filled.
- (3) Actual damages proved to be directly and specifically caused by, and that would not have occurred but for, the retaliatory action, but in no case shall such actual damages include claimed lost profits.

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