

CHAPTER 22

MANDATED POLICIES

ARTICLE I – IDENTITY THEFT PROGRAMS

DIVISION I - IDENTITY THEFT POLICY

22-1-1 **BACKGROUND.** The risk of the Village, its employees and customers from data loss and identity theft is of significant concern to the Village and can be reduced only through the combined efforts of every employee and contractor.

22-1-2 **PURPOSE.** The Village adopts this sensitive information policy to help protect employees, customers, contractors and the Village from damages related to the loss or misuse of sensitive information.

This policy will:

- (A) Define sensitive information;
- (B) Describe the physical security of data when it is printed on paper.
- (C) Describe the electronic security of data when stored and distributed; and
- (D) Place the Village in compliance with state and federal law regarding identity theft protection.

This policy enables the Village to protect existing customers, reducing risk from identity fraud, and minimize potential damage to the Village from fraudulent new accounts. The program will help the Village:

- (A) Identify risks that signify potentially fraudulent activity within new or existing covered accounts;
- (B) Detect risks when they occur in covered accounts;
- (C) Respond to risks to determine if fraudulent activity has occurred and act if fraud has been attempted or committed; and
- (D) Update the program periodically, including reviewing the accounts that are covered and the identified risks that are part of the program.

22-1-3 **SCOPE.** This policy and protection program applies to employees, contractors, consultants, temporary workers, and other workers at the Village, including all personnel affiliated with third parties.

22-1-4 **SENSITIVE INFORMATION POLICY.**

(A) **Definition of Sensitive Information.** Sensitive information includes the following items whether stored in electronic or printed format:

- (1) Credit card information, including any of the following:
 - (a) Credit card number (in part or whole)
 - (b) Credit card expiration date
 - (c) Cardholder name
 - (d) Cardholder address

- (2) Tax identification numbers, including:
 - (a) Social Security number
 - (b) Business identification number
 - (c) Employer identification numbers
- (3) Payroll information, including, among other information:
 - (a) Paychecks
 - (b) Pay stubs
- (4) Medical information for any employee or customer, including but not limited to:
 - (a) Doctor names and claims
 - (b) Insurance claims
 - (c) Prescriptions
 - (d) Any related personal medical information
- (5) Other personal information belonging to any customer, employee or contractor, examples of which include:
 - (a) Date of birth
 - (b) Address
 - (c) Phone numbers
 - (d) Maiden name
 - (e) Names
 - (f) Customer number
- (6) Municipal personnel are encouraged to use common sense judgment in securing confidential information to the proper extent. If an employee is uncertain of the sensitivity of a particular piece of information, he/she should contact their supervisor.

(B) **Hard Copy Distribution.** Each employee and contractor performing work for the Village will comply with the following policies:

- (1) File cabinets, desk drawers, overhead cabinets, and any other storage space containing documents with sensitive information will be locked when not in use.
- (2) Storage rooms containing documents with sensitive information and record retention areas will be locked at the end of each workday or when unsupervised.
- (3) Desks, workstations, work areas, printers and fax machines, and common shared work areas will be cleared of all documents containing sensitive information when not in use.
- (4) Whiteboards, dry-erase boards, writing tablets, etc. in common shared work areas will be erased, removed, or shredded when not in use.
- (5) When documents containing sensitive information are discarded they will be placed inside a locked shred bin or immediately shredded using a mechanical cross cut shredding device.

(C) **Electronic Distribution.** Each employee and contractor performing work for the Village will comply with the following policies:

- (1) Internally, sensitive information may be transmitted using approved municipal e-mail. All sensitive information must be encrypted when stored in an electronic format.

- (2) Any sensitive information sent externally must be encrypted and password protected and only to approved recipients. Additionally, a statement such as this should be included in the e-mail:
"This message may contain confidential and/or proprietary information and is intended for the person/entity to whom it was originally addressed. Any use by others is strictly prohibited."

22-1-5 - 22-1-9 RESERVED.

DIVISION II - IDENTITY THEFT PREVENTION PROGRAM

This Identity Theft Prevention Program is hereby adopted pursuant to and in compliance with the Identity Theft Rules of the Federal Trade Commission (FTC), Part 681 of Title 16 of the Code of Federal Regulations (16 VFR Part 681).

22-1-10 PURPOSE. The purpose of this Identity Theft Prevention Program (Program) is to protect customers of the Village's utility services from identity theft. The Program is intended to establish reasonable policies and procedures to facilitate the detection, prevention and mitigation of identity theft in connection with the opening of new Covered Accounts and activity on existing Covered Accounts.

22-1-11 SCOPE. This Program applies to the creation, modification and access to Identifying Information of a customer of one or more of the utilities operated by the Village (electric, water and waste water) by any and all personnel of the Village, including management personnel. This Program does not replace or repeal any previously existing policies or programs addressing some or all of the activities that are the subject of this Program, but rather it is intended to supplement any such existing policies and programs.

22-1-12 DEFINITIONS. When used in this Program, the following terms have the meanings set forth opposite their name, unless the context clearly requires that the term be given a different meaning.

Covered Account. The term "covered account" means an account that the Village offers or maintains, primarily for personal, family or household purposes, that involves or is designed to permit multiple payments of transactions, (16 CFR 681.2(b)(3)(i)). A utility account is a "covered account." The term "covered account" also includes other accounts offered or maintained by the Village for which there is a reasonably foreseeable risk to customers the Village or its customers from identity theft. (16 CFR 681.2(b)(3)(ii)).

Identity Theft. The term "identity theft" means a fraud committed or attempted using the identifying information of another person without authority. (16 CFR 681.2(b)(8) and 16 CFR 603.2(a)).

Identifying Information. The term "identifying information" means any name or number that may be used, alone or in conjunction with any other information, to identify a

specific person, including any name, social security number, date of birth, official State or government issued driver's license or identification number, alien registration number, government passport number, employer or taxpayer identification number. Additional examples of "identifying information" are set forth in 16 CFR 603.2(a).

IT. The term "IT" means Information Technology.

Red Flag. The term "Red Flag" means a pattern, practice or specific activity that indicates the possible existence of identity theft.

(A) Certain terms used but not otherwise defined herein shall have the meanings given to them in the FTC's Identity Theft Rules (16 CFR 681) or the Fair Credit Reporting Act of 1970 (15 U.S.C. §1681 *et seq.*), as amended by the Fair and Accurate Credit Transaction Act of 2003 into law on **December 4, 2003**. (Public Law 108-159).

(B) The Village has considered the guidelines and the illustrative examples of possible Red Flags from the FTC's Identity Theft Rules and has reviewed the Village's past history with instances of identity theft, if any. The Village hereby determines that the following are the relevant Red Flags for purposes of this Program given the relative size of the Village and the limited nature and scope of the services that the Village provides to its citizens:

(1) **The Presentation of Suspicious Documents.**

- (a) Documents provided for identification appear to have been altered or forged.
- (b) The photograph or physical description on the identification is not consistent with the appearance of the applicant or customer presenting the identification.
- (c) Other information on the identification is not consistent with information provided by the person opening a new covered account or customer presenting the identification.
- (d) Other information on the identification is not consistent with readily accessible information that is on file with the Village, such as a signature card or a recent check.
- (e) An application appears to have been altered or forged or gives the appearance of having been destroyed or reassembled.
- (f) The presentation of suspicious personal identifying information, such as a suspicious address change.
- (g) Personal identifying information provided by the customer is not consistent with other personal identifying information provided by the customer. For example, there is a lack of correlation between the SSN range and date of birth.
- (h) Personal identifying information provided is associated with known fraudulent activity as indicated by internal or third party sources used by the Village. For example:
 - (i) The address on an application is the same as the address provided on a fraudulent application; or
 - (ii) The phone number on an application is the same as the number provided on a fraudulent application.

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- (i) Personal identifying information provided is of a type commonly associated with fraudulent activity as indicated by internal or third party sources used by the Village. For example:
 - (i) The billing address on an application is fictitious, a mail drop or a prison; or
 - (ii) The phone number is invalid, or is associated with a pager or answering service.
- (j) The SSN provided is the same as that submitted by other persons opening an account or other customers.
- (k) The address or telephone number provided is the same as or similar to the account number and telephone number submitted by an unusually large number of other persons opening accounts or other customers.
- (l) The person opening the covered account or the customer fails to provide all required personal identifying information on an application or in response to notification that the application is incomplete.
- (m) Personal identifying information provided is not consistent with personal identifying information that is on file with the Village.
- (n) If the Village uses challenge questions, the person opening the covered account or the customer cannot provide authenticating information beyond that which generally would be available from a wallet or consumer report.
- (o) The unusual use of, or other suspicious activity related to a Covered Account.
- (p) Shortly following the notice of a change of address for a covered account, the Village receives a request for the addition of authorized users on the account.
- (q) A new utility account is used in a manner commonly associated with known patterns of fraud. For example: the customer fails to make the first payment or makes an initial payment but no subsequent payments.
- (r) A covered account with a stable history shows irregularities.
- (s) A covered account that has been inactive for a reasonably lengthy period of time is used (taking into consideration the type of account, the expected pattern of usage and other relevant factors).
- (t) Mail sent to the customer is returned repeatedly as undeliverable although usage of utility products or services continues in connection with the customer's covered account.
- (u) The Village is notified that the customer is not receiving paper account statements.

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- (v) The Village is notified of unauthorized usage of utility products or services in connection with a customer's covered account.
- (w) Notice of possible identity theft.
- (x) The Village is notified by a customer, a victim of identity theft, a law enforcement authority or any other person that has opened a fraudulent account for a person engaged in identity theft.

The employees of the Village that interact directly with customers on a day-to-day basis shall have the initial responsibility for monitoring the information and documentation provided by the customer and any third-party service provider in connection with the opening of new accounts and the modification of or access to existing accounts and the detection of any Red Flags that might arise. Management shall see to it that all employees who might be called upon to assist a customer with the opening of a new account or with modifying or otherwise accessing an existing account are properly trained such that they have a working familiarity with the relevant Red Flags identified in this Program so as to be able to recognize any Red Flags that might surface in connection with the transaction. An Employee who is not sufficiently trained to recognize the Red Flags identified in this Program shall not open a new account for any customer, modify any existing account or otherwise provide any customer with access to information in an existing account without the direct supervision and specific approval of a management employee. Management employees shall be properly trained such that they can recognize the relevant Red Flags identified in this Program and exercise sound judgment in connection with the response to any unresolved Red Flags that may present themselves in connection with the opening of a new account or with modifying or access of an existing account. Management employees shall be responsible for making the final decision on any such unresolved Red Flags.

The Program Administrator shall establish from time to time a written policy setting forth the manner in which a prospective new customer may apply for service, the information and documentation to be provided by the prospective customer in connection with an application for a new utility service account, the steps to be taken by the employee assisting the customer with the application in verifying the customer's identity and the manner in which the information and documentation provided by the customer and any third party service provider shall be maintained. Such policy shall be generally consistent with the spirit of the Customer Identification Program rules (31 CFR 103.121) implementing Section 326(a) of the USA PATRIOT Act but need not be as detailed. The Program Administrator may maintain a relationship with a credit reporting agency (CRA) to perform Identity Verification services. The Program Administrator shall establish from time to time a written policy setting forth the manner in which customers with existing accounts shall establish their identity before being allowed to make modifications to or otherwise gain access to existing accounts.

If the responsible employees of the Village as set forth in the previous sections are unable, after making a good faith effort, to form a reasonable belief that they know the true identity of a customer attempting to open a new account or modify or otherwise access an existing account based on the information and documentation provided by the customer and any third party service provider, the Village shall not open the new account or modify or otherwise provide access to the existing account as the case may be. Discrimination in respect to the opening of new accounts or the modification or access to existing accounts will not be tolerated by employees of the Village and shall be grounds for immediate dismissal.

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The Program Administrator shall establish from time to time a written policy setting for the steps to be taken in the event of an unresolved Red Flag situation. Consideration should be given to aggravating factors that may heighten the risk of Identity Theft, such as a data security incident that results in authorized access to a customer’s account, or a notice that a customer has provided account information to a fraudulent individual or website. Appropriate responses to prevent or mitigate Identity Theft when a Red Flag is detected include:

- (1) Monitoring a Covered Account for evidence of Identity Theft;
- (2) Contacting the customer;
- (3) Changing any passwords, security codes or other security devices that permit access to a Covered Account;
- (4) Reopening a Covered Account with a new account number;
- (5) Not opening a new Covered Account;
- (6) Closing an existing Covered Account;
- (7) Not attempting to collect on a Covered Account or not selling a Covered Account to a debt collector;
- (8) Notifying law enforcement;
- (9) Determining that no response is warranted under the particular circumstances.

Utility accounts for personal, family and household purposes are specifically included within the definition of “covered account” in the FTC’s Identity Theft Rules. Therefore, the Village determines that with respect to its residential utility accounts it offers and/or maintains covered accounts. The Village also performed an initial risk assessment to determine whether the utility offers or maintains any other accounts for which there are reasonably foreseeable risks to customers or the utility from identity theft. In making this determination the Village considered (1) the methods it uses to open its accounts, (2) the methods it uses to access its accounts, and (3) its previous experience with identity theft and it concluded that it does not offer or maintain any such other covered accounts.

22-1-13 - 22-1-14 RESERVED.

(Ord. No. 1308; 02-02-09)

DIVISION III - USE OF SOCIAL SECURITY NUMBERS

22-1-15 DEFINITIONS.

"Person" means any individual in the employ of the Village.

"Policy" or "Privacy Policy" means this document, as now or hereafter amended.

"Publicly post" or "publicly display" means to intentionally communicate or otherwise intentionally make available to the general public.

"Social Security Number" means the nine (9) digit number assigned to an individual by the United States Social Security Administration for the purposes authorized or required under the United States Social Security Act of August 14, 1935, as amended (Public Law 74-271).

22-1-16 PROHIBITED ACTIVITIES.

(A) No officer or employee of the Village shall do any of the following:

- (1) Publicly post or publicly display in any manner an individual's Social Security Number.
- (2) Print an individual's Social Security Number on any card required for the individual to access products or services provided by the person or entity.
- (3) Require an individual to transmit his or her Social Security Number over the Internet, unless the connection is secure or the Social Security Number is encrypted.
- (4) Print an individual's Social Security Number on any materials that are mailed to the individual, through the United States Postal Service, any private mail service, electronic mail, or a similar method of delivery, unless Illinois or federal law requires the Social Security Number to be on the document to be mailed. Notwithstanding any provision in this Section to the contrary, Social Security Numbers may be included in applications and forms sent by mail, including, but not limited to, any material mailed in connection with the administration of the Illinois Unemployment Insurance Act, any material mailed in connection with any tax administered by the Illinois Department of Revenue, and documents sent as part of an application or enrollment process or to establish, amend, or terminate an account, contract, or policy or to confirm the accuracy of the Social Security Number. A Social Security Number that may permissibly be mailed under this Section may not be printed, in whole or in part, on a postcard or other mailer that does not require an envelope or be visible on an envelope without the envelope having been opened.

(B) Except as otherwise provided in this policy, beginning immediately on the effective date of the Village's authorizing Ordinance, no officer or employee of the Village shall do any of the following:

- (1) Collect, use, or disclose a Social Security number from an individual, unless (i) required to do so under State or Federal law, rules, or regulations, or the collection, use, or disclosure of the

Social Security Number is otherwise necessary for the performance of that agency's duties and responsibilities; (ii) the need and purpose for the Social Security Number is documented before collection of the Social Security Number; and (iii) the Social Security Number collected is relevant to the documented need and purpose.

- (2) Require an individual to use his or her Social Security Number to access an Internet website.
- (3) Use the Social Security Number for any purpose other than the purpose for which it was collected.

(C)
circumstances:

The prohibitions in subsection (B) do not apply in the following

- (1) The disclosure of Social Security Numbers to agents, employees, contractors, or subcontractors of the Village or disclosure to another governmental entity or its agents, employees, contractors, or subcontractors if disclosure is necessary in order for the entity to perform its duties and responsibilities; and, if disclosing to a contractor or subcontractor, prior to such disclosure, the officer or employee of the Village must first receive from the contractor or subcontractor a copy of the contractor's or subcontractor's policy that sets forth how the requirements imposed under this Policy on the Village to protect an individual's Social Security Number will be achieved.
- (2) The disclosure of Social Security Numbers pursuant to a court order, warrant, or subpoena.
- (3) The collection, use, or disclosure of Social Security Numbers in order to ensure the safety of: Village employees; persons committed to correctional facilities, local jails, and other law enforcement facilities or retention centers; wards of the State; and all persons working in or visiting a Village facility.
- (4) The collection, use, or disclosure of Social Security Numbers for Internal verification or administrative purposes.
- (5) The collection or use of Social Security Numbers to investigate or prevent fraud, to conduct background checks, to collect a debt, to obtain a credit report from a consumer reporting agency under the federal Fair Credit Reporting Act, to undertake any permissible purpose that is enumerated under the federal Gramm Leach Bliley Act, or to locate a missing person, a lost relative, or a person who is due a benefit such as a pension benefit or an unclaimed property benefit.

(D) Any standards of the Village for the collection, use, or disclosure of Social Security Numbers that are stricter than the standards under this Policy with respect to the protection of those Social Security Numbers, then, in the event of any conflict with the provisions of this Policy, the stricter standards adopted by the Village shall control.

22-1-17 PUBLIC INSPECTION AND COPYING OF DOCUMENTS.

Notwithstanding any other provision of this policy to the contrary, all officers and employees of the Village must comply with the provisions of any other State law with respect to allowing the public inspection and copying of information or documents containing all or any portion of an individual's Social Security Number. All officers and employees of the Village must redact Social Security Numbers from the information or documents before allowing the public inspection or copying of the information or documents.

22-1-18 APPLICABILITY.

(A) This policy does not apply to the collection, use, or disclosure of a Social Security Number as required by State or Federal law, rule, or regulation.

(B) This policy does not apply to documents that are required to be open to the public under any State or Federal law, rule, or regulation, applicable case law, Supreme Court Rule, or the Constitution of the State of Illinois.

22-1-19 COMPLIANCE WITH FEDERAL LAW. If a federal law takes effect requiring any federal agency to establish a national unique patient health identifier program, the Village shall follow that law.

22-1-20 EMBEDDED SOCIAL SECURITY NUMBERS. Beginning immediately on the effective date of the Village's authorizing Ordinance, no officer or employee of the Village may encode or embed a Social Security Number in or on a card or document, including, but not limited to, using a bar code, chip, magnetic strip, RFID technology, or other technology, in place of removing the Social Security Number as required by this Policy.

22-1-21 IDENTITY--PROTECTION REQUIREMENTS.

(A) All officers, employees and agents of the Village identified as having access to Social Security Numbers in the course of performing their duties to be trained to protect the confidentiality of all Social Security Numbers. Training shall include instructions on the proper handling of information that contains Social Security Numbers from the time of collection through the destruction of the information.

(B) Only employees who are required to use or handle information or documents that contain Social Security Numbers have access to such information or documents.

(C) Social Security Numbers requested from an individual shall be provided in a manner that makes the Social Security Number easily redacted if required to be released as part of a public records' request.

(D) When collecting a Social Security Number or upon request by the individual, a statement of the purpose or purposes for which the Village is collecting and using the Social Security Number be provided.

(E) A written copy of this Privacy Policy, and any amendment thereto, shall be filed with the Village Board within **thirty (30) days** after approval of this Policy or any amendment thereto.

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(F) The Village shall advise its employees of the existence of the Policy and make a copy of this Policy available to each employee, and shall also make this Privacy Policy available to any member of the public, upon request and at no charge for a single copy of this Privacy Policy. If the Village amends this Privacy Policy, then the Village shall also advise its employees of the existence of the amended Policy and make a copy of the amended Policy available to each employee.

22-1-22 PENALTY. Any person who violates any portion of this Article, as now or hereafter amended, shall be subject to a fine of not less than **One Hundred Dollars (\$100.00)** for the first such violation and a fine of not less than **Seven Hundred Fifty Dollars (\$750.00)** for each violation thereafter.

22-1-23 AMENDMENT OF PRIVACY POLICY. The Privacy Policy adopted in this Division and Chapter shall be subject to amendment from time to time by the Village Board as the Village Board shall deem necessary in its sole discretion in order to maintain the Village's compliance with the Illinois Identity Protection Act as now or hereafter amended.

22-1-24 CONFLICT WITH STRICTER LAWS. This Policy does not supersede any more restrictive law, rule, or regulation regarding the collection, use, or disclosure of Social Security Numbers.

[NOTE: This Policy is to comply with Public Act 096-9874 of the State of Illinois, cited as the Identity Protection Act, and codified as Title 30, Act 5, Section 1, et seq., as now or hereafter amended.]

ARTICLE II - FREEDOM OF INFORMATION ACT

22-2-1 **FOIA OFFICER.** The Village Clerk is hereby designated as the FOIA Officer to whom all initial requests for access to the records of the Village are to be referred. Such requests are to be made at the offices of the Village Clerk at 14 Southgate Center, Freeburg, Illinois, between hours of **7:00 a.m.** and **5:00 p.m.**, Monday through Friday. In the event that the Village Clerk is not available during the times described above, the Office Manager is designated as the Deputy FOIA Officer to whom such initial requests are to be made. Except in instances when records are furnished immediately, the FOIA Officer, or his/her designees, shall receive requests submitted to the Village under the Freedom of Information Act, ensure that the Village responds to requests in a timely fashion, and issue responses under the Act. The FOIA Officer shall develop a list of documents or categories of records that the Village shall immediately disclose upon request.

22-2-2 **DUTIES.** Upon receiving a request for a public record, the FOIA Officer shall:

- (A) note the date the Village receives the written request;
- (B) compute the day on which the period for response will expire and make a notation of that date on the written request;
- (C) maintain an electronic or paper copy of a written request, including all documents submitted with the request until the request has been complied with or denied; and
- (D) create a file for the retention of the original request, a copy of the response, a record of written communications with the requester, and a copy of other communications.

22-2-3 **TRAINING.** The FOIA Officer and Deputy FOIA Officer shall, within **six (6) months** after **January 1, 2010**, successfully complete an electronic training curriculum to be developed by the Public Access Counselor of the State of Illinois and thereafter successfully complete an annual training program. Whenever a new Freedom of Information Officer is designated by the Village, that person shall successfully complete the electronic training curriculum within **thirty (30) days** after assuming the position.

22-2-4 **RETRIEVAL OF RECORDS.** Any records which are the subject of a request under the Freedom of Information Act shall be retrieved from such place as they are stored, by the FOIA Officer, or by an employee of the Village acting under the direction of the FOIA Officer. In no event shall records be retrieved by the party requesting them or by any person who is not employed by the Village.

22-2-5 **FEES.** If copies of records are requested, the fees for such copies, whether certified or not, shall be as determined from time to time by the FOIA Officer pursuant to Section 6(b) of the Freedom of Information Act. The Village Clerk shall maintain a written schedule of current fees in the Clerk's office. The fees so charged shall reflect the actual cost of copying the records, and the cost of certifying copies, if certification is requested.

22-2-6 **DENIAL OF REQUEST.** In the event that a request to inspect Village Records is denied by the FOIA Officer, the denial may be appealed to the Public Access Counselor of the State of Illinois.

22-2-7 **DOCUMENTS.** The Village Clerk shall prepare:

- (A) a Village Information Directory;
- (B) a block diagram of the functional Subdivisions of the Village;
- (C) a Village Records Directory; and
- (D) a Records Catalogue, all of which shall be substantially in the same form as the documents attached hereto and made a part hereof as Addendums "A", "B", "C", and "D". This information shall also be posted on the Village's website.

(Ord. No. 1348; 03-15-10)

ARTICLE III - FAIR HOUSING CODE

22-3-1 DECLARATION OF POLICY.

(A) In furthering the policy of the State of Illinois as expressed in its Constitution and other laws; in order that the safety and general welfare, peace and health of all the inhabitants of the Village may be ensured, it is hereby declared the policy of the Village to assure equal opportunity to all residents, regardless of race, color, religion, national origin or ancestry, sex, creed, or physical disability to live in decent, sanitary, healthful, standard living quarters.

(B) It is the policy of the Village that no owner, lessee, sub-lessee, assignee, managing agent, or other person, firm or corporation having the right to sell, rent, lease (or otherwise control) any housing accommodation and/or real property within the Village, or any agent of these shall refuse to sell, rent, lease, or otherwise deny to or withhold from any person or group of persons such housing accommodations and/or real property because of race, color, religion, national origin or ancestry, sex, creed, or disability of such person or persons or discriminate against any person or persons because of race, color, religion, national origin or ancestry, sex, creed, or disability in the conditions, terms, privileges of the sale, rental or lease of any housing accommodation and/or real property or in the furnishing of facilities and/or services in connection therewith.

(C) Relocation shall be carried out in a manner that will promote maximum choice within the community's total housing supply; lessen racial, ethnic, and economic concentrations; and facilitate desegregation and racially inclusive patterns of occupancy and use of public and private facilities.

22-3-2 DEFINITIONS. Unless a different meaning clearly appears from the context, the following terms shall have the meaning as described in this Section and as used in this Code:

(A) **"Decent, Sanitary, Healthful Standard Living Quarters"**. "Decent, sanitary, healthful standard living quarters" is housing which is in sound, clean, and weather tight condition in conformance with applicable local, state, and national codes.

(B) **"Discriminate"**. The terms "discriminate" or "discrimination" mean any difference expressed in any way toward a person or persons in the terms of the sale, exchange, lease, rental or financing for housing accommodation and/or real property in regard to such sale, exchange, rental, lease or finance because of race, color, religion, national origin or ancestry, sex, creed, or disability of such person.

(C) **"Financial Institution"**. The term "financial institution" means any person, institution or business entity of any kind which loans money to persons and receives as security for said loans a secured interest of any kind in the real property of the borrower.

(D) **"Housing Accommodation"**. The term "housing accommodation" includes any building, structure, or portion thereof which is used or occupied, maintained, arranged or designed to be used or occupied as a home, residence or sleeping place of **one (1)** or more human beings, or any real estate so used, designed or intended for such use.

(E) **"Owner"**. An "owner" means any person/persons who hold legal or equitable title to, or own any beneficial interest in any real property or who hold legal or equitable title to shares of, or hold any beneficial interest in any real estate cooperative which owns any real property and/or housing accommodations.

(F) **"Real Estate Broker"**. The term "real estate broker" means any person, partnership, association, corporation and/or agent thereof, who for a fee or other valuable consideration offers, sells, purchases, exchanges or rents, or negotiates for the sale, purchase, exchange or rental of a housing accommodation and/or real property of another, or collects rental for the use of housing accommodation and/or real property of another.

(G) **"Real Property"**. The term "real property" means any real estate, vacant land, building, structure or housing accommodations within the corporate limits of the Village.

22-3-3 PROHIBITED ACTS. It shall be an unlawful for any owner of real estate, lessee, sub-lessee, real estate broker or salesman, financial institution or employee of the financial institution, advertiser, or agent of any or all of the foregoing, to discriminate against any person or persons because of their race, color, religion, national origin or ancestry, sex, creed, or disability with regard to the sale, exchange or rental, or any dealing concerning any housing accommodation and/or real property.

In addition to the foregoing, it shall also be unlawful for any real estate broker or employee thereof, owner or other person, or financial institution dealing with housing or real property of the Village:

(A) To discriminate against any person in the availability of or the price, terms, conditions, or privileges of any kind relating to the sale, rental, lease, or occupancy of any housing accommodation or real property in the Village or in furnishing of any facilities or services in connection therewith.

(B) To publish or circulate, or cause to be published or circulated, any notice, statement or advertisement, or to announce a policy, or to use any form of application, for the purchase, lease, rental or financing of real property, or to make any record of inquiry in connection with the prospective purchase, rental or lease of such real estate, which expresses directly or indirectly any discrimination as to race, color, religion, national origin or ancestry, sex, creed or disability of any person.

(C) To discriminate in connection with lending money, guaranteeing loans, accepting mortgages or otherwise obtaining or making available funds for the purchase, acquisition, construction, rehabilitation, repair or maintenance of any housing accommodation and/or real property.

(D) To solicit for sale, lease, or listing for the sale or lease, of any housing accommodation and/or real property on the grounds of loss of value because of the present or prospective entry into any neighborhood of any person or persons of any particular race, color, religion, national origin or ancestry, sex, creed, or disability.

(E) To distribute or cause to be distributed, written material or statements designed to induce any owner of any housing accommodation and/or real property to sell or lease his or her property because of any present or prospective change in the race, color, religion, national origin or ancestry, sex, creed, or disability of persons in the neighborhood.

(F) To make any misrepresentations concerning the listing for sale or the anticipated listing for sale or the sale of any housing accommodation and/or real property for the purpose of inducing or attempting to induce the sale or listing for sale of any housing accommodation and/or real property by representing that the presence or anticipated presence of persons of any particular race, color, religion, national origin or ancestry, sex, creed, or disability in the area will or may result in the lowering of property values in the block, neighborhood or area in which the property is located.

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(G) For an owner to solicit any real estate broker to sell, rent or otherwise deal with such owner's housing accommodations and/or real property with any limitation on its sale based on race, color, religion, national origin or ancestry, sex, creed or disability.

(H) For an owner to refuse to sell, rent, or otherwise deal with any housing accommodation and/or real property because of race, color, religion, national origin or ancestry, sex, creed, or disability of the proposed buyer or tenant.

22-3-4 PENALTY. Any person convicted of violating any of the provisions of this Code shall be punished by a fine of not less than **One Hundred Dollars (\$100.00)** nor more than **Seven Hundred Fifty Dollars (\$750.00)**. Each day a violation continues shall constitute a separate violation. This Section shall in no way abrogate or impair the right of the Village to specifically enforce, by any legal means, any of the provisions of this Code.

ARTICLE IV – INVESTMENT POLICY

22-4-1 **INVESTMENT POLICY.** It is the policy of the Village to invest public funds in a manner which will provide the highest investment return with the maximum security while meeting the daily cash flow demands of the Village and conforming to all State and local statutes governing the investment of public funds.

22-4-2 **SCOPE.** This policy includes all public funds of the Village.

22-4-3 **PRUDENCE.** Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of their capital, as well as the probable income to be derived.

The standard of prudence to be used by investment officials shall be the “prudent person” standard and shall be applied in the context of managing an overall portfolio.

22-4-4 **OBJECTIVE.** The primary objective, in order of priority, shall be:
(A) **Legality.** Conformance with federal, state and other legal requirements.
(B) **Safety.** Preservation of capital and protection of investment principal.
(C) **Liquidity.** Maintenance of sufficient liquidity to meet operating requirements.
(D) **Yield.** Attainment of market rates of return.

The portfolio should be reviewed periodically as to its effectiveness in meeting the Village’s needs for safety, liquidity, rate of return, diversification and its general performance.

22-4-5 **DELEGATION OF AUTHORITY.** Management and administrative responsibility for the investment program is hereby delegated to the Treasurer who may establish written procedures for the operation of the investment program.

22-4-6 **ETHICS AND CONFLICTS OF INTEREST.** Officers and employees involved in the investment process shall refrain from personal business activity that could conflict with the proper execution and management of the investment program, or that could impair their ability to make impartial decisions.

22-4-7 **AUTHORIZED FINANCIAL DEALERS AND INSTITUTIONS.** The Treasurer will maintain a list of financial institutions authorized to provide investment services. In addition, a list will also be maintained of approved security brokers/dealers selected by creditworthiness.

22-4-8 **AUTHORIZED AND SUITABLE INVESTMENTS.** Investments may be made in any type of security allowed for in Illinois statutes regarding the investment of public funds. Investments shall be made that reflect the cash flow needs of the fund type being invested.

22-4-9 **COLLATERALIZATION.** Collateralization may be required, at the discretion of the Village, on all funds held in banks or savings and loans above the insured limits provided by the FDIC or FSLIC. In order to anticipate market changes and provide a level of security for all funds, the collateralization level will be a minimum of **one hundred two percent (102%)** of market value of principal and accrued interest.

22-4-10 **SAFEKEEPING AND CUSTODY.** All security transactions, including collateral for repurchase agreements, entered into by the Village, shall be conducted on a delivery-versus-payment (DVP) basis. Securities will be held by an independent third party custodian designated by the Treasurer and evidenced by safekeeping receipts and a written custodial agreement.

22-4-11 **DIVERSIFICATION.** The Village shall diversify its investments to the best of its ability based on the type of funds invested and the cash flow needs of those funds. Diversification can be by type of investment, number of institutions invested in, and length of maturity.

22-4-12 **MAXIMUM MATURITIES.** To the extent possible, the Village shall attempt to match its investments with anticipated cash flow requirements. Unless matched to a specific cash flow, the Village will not directly invest in securities maturing more than **two (2) years** from the date of purchase.

Reserve funds may be invested in securities exceeding **two (2) years** if the maturity of such investments are made to coincide as nearly as practicable with the expected use of the funds.

22-4-13 **INTERNAL CONTROL.** The Treasurer is responsible for establishing and maintaining an internal control structure designed to insure that the assets of the Village are protected from loss, theft or misuse. The internal control structure shall be designed to provide reasonable assurance that these objectives are met. The internal controls shall address the following points:

- (A) Control of collusion.
- (B) Separation of transaction authority from accounting.
- (C) Custodial safekeeping.
- (D) Written confirmation of telephone transactions for investments and wire transfers.

22-4-14 **PERFORMANCE STANDARDS.** The investment portfolio will be managed in accordance with the parameters specified within this policy. The portfolio should obtain a comparable rate of return during a market/economic environment of stable interest rates. Portfolio performance should be compared to benchmarks with similar maturity, liquidity and credit quality as the portfolio maintained by the Illinois Public Treasurer's Investment Pool (IPTIP).

22-4-15 **REPORTING.** The Treasurer shall prepare an investment report at least monthly. The report should be provided to the Village Board and available upon request. The report should be in a format suitable for review by the general public. An annual report should also be provided to the Village Board. A statement of the market value of the portfolio shall be issued to the Village Board quarterly.

22-4-16 **INVESTMENT POLICY ADOPTION AND MODIFICATION.** The investment policy has been adopted by ordinance. The policy shall be reviewed on an annual basis by the Treasurer, and any modifications made thereto shall be made by ordinance.

ARTICLE V - ETHICS CODE

22-5-1 STATE OFFICIALS AND EMPLOYEES ETHICS ACT.

(A) The regulations of Sections 5-15 (**5 ILCS 430/5-15**) and Article 10 (**5 ILCS 430/10-10 through 10-40**) of the State Officials and Employees Ethics Act, **5 ILCS 430/1-1 et seq.**, (hereinafter referred to as the "Act" in this Section) are hereby adopted by reference and made applicable to the officers and employees of the Village to the extent required by **5 ILCS 430/70-5**.

(B) The solicitation or acceptance of gifts prohibited to be solicited or accepted under the Act, by any officer or any employee of the Village, is hereby prohibited.

(C) The offering or making of gifts prohibited to be offered or made to an officer or employee of the Village under the Act, is hereby prohibited.

(D) The participation in political activities prohibited under the Act, by any officer or employee of the Village, is hereby prohibited.

(E) For purposes of this Section, the terms "officer" and "employee" shall be defined as set forth in **5 ILCS 430/70-5(c)**.

(F) The penalties for violations of this Section shall be the same as those penalties set forth in **5 ILCS 430/50-5** for similar violations of the Act.

(G) This Section does not repeal or otherwise amend or modify any existing ordinances or policies, which regulate the conduct of Village officers and employees. To the extent that any such existing ordinances or policies are less restrictive than this Section, however, the provisions of this Section shall prevail in accordance with the provisions of **5 ILCS 430/70-5(a)**.

(H) Any amendment to the Act that becomes effective after the effective date of this Section shall be incorporated into this Section by reference and shall be applicable to the solicitation, acceptance, offering and making of gifts and to prohibited political activities. However, any amendment that makes its provision optional for adoption by municipalities shall not be incorporated into this Section by reference without formal action by the corporate authorities of the Village.

(I) If the Illinois Supreme Court declares the Act unconstitutional in its entirety, then this Section shall be repealed as of the date that the Illinois Supreme Court's decision becomes final and not subject to any further appeals or rehearings. This Section shall be deemed repealed without further action by the Corporate Authorities of the Village if the Act is found unconstitutional by the Illinois Supreme Court.

(J) If the Illinois Supreme Court declares part of the Act unconstitutional but upholds the constitutionality of the remainder of the Act, or does not address the remainder of the Act, then the remainder of the Act as adopted by this Section shall remain in full force and effect; however, that part of this Section relating to the part of the Act found unconstitutional shall be deemed repealed without further action by the Corporate Authorities of the Village.

(Ord. No. 1144; 05-17-04)

ARTICLE VI - EQUAL EMPLOYMENT POLICY

22-6-1 **ADOPTION OF CODES.** The Village hereby declares to uphold, defend, enforce, and advocate for all laws related to Equal Employment Opportunity including, but not limited to, the following:

(A) **Title VI of the Civil Rights Act of 1964** which prohibits discrimination in the participation in or benefits of programs or activities receiving federal financial assistance on the basis of race, color, or national origin.

(B) **Title VII of the Civil Rights Act of 1964** which prohibits discrimination because of race, color, religion, sex or national origin in all employment practices including hiring, firing, promotions, compensation, and other terms, privileges and conditions of employment.

(C) **Title IX of the Education Amendments of 1972** which prohibits discrimination in federally assisted education programs.

(D) **The Equal Pay Act of 1963** which covers all employees who are covered by the Fair Labor Standards Act. The Act forbids pay differentials on the basis of sex.

(E) **The Age Discrimination Act of 1967** which prohibits discrimination because of age against anyone between the ages of **forty (40)** and **sixty-five (65)**.

(F) **Federal Executive Order 11246** which requires every contract with federal financial assistance to contain a clause against discrimination because of race, color, religion, sex, or national origin.

(G) **Section 504 of the Rehabilitation Act of 1973 and DOL Implementing Regulations at 29 CFR 32** which prohibits any discrimination based on disability.

(H) **Section 167 of JTPA and the U.S. DOL Regulations at 29 CFR Parts 31 and 32** which provides that no person in the United States shall be excluded from participation in, be denied the benefits of, or be subjected to discrimination on the basis of race, color, or national origin, under any program or activity receiving Federal financial assistance from the Department of Labor.

(I) **Chapter 68, Article I, Section 17-19 of the Illinois Constitution** which prohibits discrimination based on race, color, creed, national ancestry, disability, and sex in the hiring and promotion practices of any employer.

(J) **The Americans with Disabilities Act of 1990** which prohibits any discrimination against qualified individuals with disabilities on the basis of their disability.

22-6-2 **NON-DISCRIMINATORY PRACTICES.** The Village will assure non-discriminatory employment practices in recruitment advertising, employment, placement, layoff or termination, promotion, demotion or transfer, rate of pay or other forms of compensation and use of facilities.

22-6-3 **CONTRACTING WITH NON-COMPLIANCE.** The Village will not contract with other agencies, banks, businesses, vendors, etc., who practice or establish a pattern of discrimination based on sex, color, race, religion, age, national origin, political affiliation or belief.

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(A) The Village will incorporate into any contract for construction work, or modification thereof, subject to the relevant rules, regulations, and orders of the Secretary of Labor or of any prior authority that remain in effect, which is paid for in whole or in part with the aid of such financial assistance, the following "Equal Opportunity Clause":

- (1) The contractor will not discriminate against any employee or applicant for employment because of race, color, religion, sex, disability or national origin. The contractor will take affirmative action to ensure that applicants are employed, and the employees are treated during employment, without regard to their race, color, religion, sex, national origin or disability. Such action shall include, but not be limited, to the following: employment, upgrading, demotion or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices setting forth the provisions of this nondiscrimination clause.
- (2) The contractor will, in all solicitations or advertisement for employees places by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex, national origin, or disability.
- (3) In the event of the contractor's noncompliance with the Equal Opportunity Clause or with any of the said rules, regulations, and orders, this contract may be canceled, terminated, or suspended in whole or in part and the contractor may be declared ineligible for further government contracts or federally assisted construction contracts.
- (4) The contractor will include the provisions of this Equal Opportunity clause in every subcontract or purchase order, unless exempted by the rules, regulations, or orders of the Secretary of Labor so that such provisions will be binding upon each such subcontractor or vendor.

22-6-4 **OUTREACH TO ALL.** The Village assures that it will actively provide nondiscriminatory outreach, selection, and service to all individuals.

22-6-5 **MINORITY HIRING.** Efforts will be made to hire minority individuals for all job categories so that minority employment in all categories of the work force will represent a proportionate share of minority populations in the Village as well as surrounding areas.

22-6-6 **ACCOMMODATIONS FOR DISABLED.** The Village will provide accommodations to the best of its ability for employees with disabilities, contingent on budget and structural limitations.

22-6-7 **COMPLIANCE BY EMPLOYEES.** All Village employees are expected to adhere to the above policy and to work actively for its implementation both internally and in carrying out Village program activities.

22-6-8 **DESIGNATED ENFORCERS.** The Village designates the Mayor and the Village Board to carry out the EEO/AA plan.

ARTICLE VII - SEXUAL HARASSMENT POLICY

22-7-1 GENERAL POLICY STATEMENT. The Village is committed to maintaining a work environment that is free of discrimination. In keeping with this commitment, we will not tolerate harassment of Village employees by anyone, including any supervisor, co-worker, vendor, or contractor of the Village.

The Village's policy on sexual harassment is part of its overall affirmative action efforts pursuant to state and federal laws prohibiting work place discrimination. Sexual harassment is prohibited by the Civil Rights Act of 1964, as amended in 1991, and the Illinois Human Rights Act.

The Village will not tolerate harassing conduct that affects job benefits, that interferes unreasonably with an individual's work performance, or that creates an intimidating, hostile, or offensive work environment. Individuals who instigate sexual harassment are subject to disciplinary action up to and including dismissal.

22-7-2 DEFINITION OF SEXUAL HARASSMENT. Sexual harassment is defined as:

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

- (A) submission to such conduct is made, either explicitly or implicitly, a term or condition of an individual's employment;
- (B) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individuals; or
- (C) 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.

Illinois Human Rights Act. **(775 ILCS 5/2-101(E))**

22-7-3 GENERAL PROVISIONS.

(A) Examples of sexual harassment situations include: Where an individual must submit to unwelcome sexual conduct in order to receive an employment opportunity or where employment opportunities are denied when an individual does not submit to unwelcome sexual advances.

(B) Other conduct commonly considered to be sexual harassment includes:

- (1) **Verbal.** Sexual innuendoes, suggestive comments, insults, foul or obscene language, sex, anatomy or gender-specific traits, sexual propositions, threats, repeated requests for dates, or statements about other employees (even outside their presence) of a sexual nature.
- (2) **Non-Verbal.** Suggestive or insulting sounds (whistling), leering, obscene gestures, sexually suggestive bodily gestures, "catcalls", "smacking" or "kissing" noises.
- (3) **Visual.** Posters, signs, pin-ups or slogans of a sexual nature.
- (4) **Physical.** Touching, unwelcome hugging or kissing, pinching, brushing the body, coerced sexual intercourse, or actual assault.

22-7-4 RESPONSIBILITY OF INDIVIDUAL EMPLOYEES. Each individual employee has the responsibility to refrain from sexual harassment in the workplace. An individual employee who sexually harasses a fellow worker is liable for his or her individual conduct. The harassing employee will be subject to disciplinary action up to and including discharge in accordance with the Village's disciplinary policy and the terms of any applicable collective bargaining agreement.

22-7-5 RESPONSIBILITY OF SUPERVISORY EMPLOYEES. Each supervisor is responsible for maintaining the workplace free of sexual harassment. This is accomplished by promoting a professional working environment and by dealing with sexual harassment as with all other forms of employee misconduct.

Supervisors who observe an incident of sexual harassment or who receive a complaint must take prompt action to investigate it, report it, end it, implement appropriate disciplinary action, and observe strict confidentiality. This also applies to instances where an employee tells the supervisor about behavior that constitutes sexual harassment but does not wish to make a formal complaint.

Supervisors must ensure that no retaliation will result against an employee who makes a sexual harassment complaint.

22-7-6 PROCEDURES FOR FILING A COMPLAINT OF SEXUAL HARASSMENT. An employee who either observes or believes herself or himself to be the object of sexual harassment should deal with the incident as directly and firmly as possible by clearly communicating his or her position to the offending person and to his or her supervisor. It is not necessary for sexual harassment to be directed at the person making the complaint.

Each incident of sexual harassment should be documented or recorded. A note should be made of the date, time, place, what was said or done, and by who. No one making a complaint of sexual harassment will be retaliated against even if a complaint made in good faith is not substantiated. Any witness to an incident of sexual harassment is also protected from retaliation.

(A) **Direct Communication.** If there is sexually harassing behavior in the workplace, the harassed employee should directly and clearly express his or her objection to the unwelcome conduct and ask that the offending behavior stop.

(B) **Contact Supervisor.** At the same time direct communication is undertaken, or if the employee feels threatened or intimidated by the harasser, the harassed employee must immediately report the incident orally and in writing to his or her immediate supervisor. If the harasser is the immediate supervisor, the incident should be reported to the Mayor. Oral or written complaints may also be made to the Village Attorney.

(C) **Formal Written Complaint.** Incidents of sexual harassment may be reported directly to the Department Head. The Department Head will counsel the reporting employee and will be available to assist with filing a formal complaint. The Department Head will fully investigate the complaint, and will advise the complainant and the alleged harasser of the results of the investigation. To the fullest extent practicable, complaints and the terms of their resolution will be kept confidential.

(D) **Discipline/Sanctions.** Disciplinary action will be taken against any employee found to have engaged in sexual harassment of any other employee. The extent of sanctions may depend in part upon the length and conditions of employment of the particular

employee and the nature of the offense. The Village has a right to apply any sanction or combination of sanctions, up to and including discharge, to deal with unreasonable conduct or discrimination.

Where a hostile work environment has been found to exist, the Village will take all reasonable steps to eliminate the conduct creating such an environment.

22-7-7 EXTERNAL REMEDIES. The Village hopes that any incident of sexual harassment can be resolved using the above procedures. All employees, however also have the right to file formal charges with the Illinois Department of Human Rights and the United States Equal Employment Opportunity Commission. An employee who has been physically harassed or threatened while on the job may also have grounds for a criminal complaint. (Charges through the Illinois Department of Human Rights) A charge shall include:

- (A) the full name and address of the complainant;
- (B) the full name and address of the harasser;
- (C) a statement of facts constituting the harassment, including date, time and place;
- (D) a statement of the specific harm the harassed has suffered, and
- (E) a notarized signature under oath of affirmation.

A charge must be filed within **one hundred eighty (180) days** after the incident. After a charge has been filed, the Department's staff shall institute an investigation to ascertain the facts relating to the civil rights violation as alleged in the charge and any amendments.

Contact information for the following state agencies:

Illinois Department of Human Rights
217-785-5100 Springfield
217-785-5119 TDD Springfield

Illinois Human Rights Commission
217-785-4350 Springfield
217-785-5119 TDD Springfield

Equal Employment Opportunity Commission
800-353-2713 Chicago
800-800-3302 TDD

22-7-8 FALSE AND FRIVOLOUS COMPLAINTS. False and frivolous charges refer to cases where the accuser files a sexual harassment complaint to accomplish some end other than stopping sexual harassment. Charges made in good faith which are not proven are not false or frivolous. A false and frivolous charge is a serious offense which may result in disciplinary action to the individual who makes a bad faith claim.

22-7-9 NON-RETALIATION PROVISION. This policy prohibits retaliation against employees who bring sexual harassment charges or assist in investigating sexual harassment charges. Any employee filing a sexual harassment complaint under this policy will not be adversely affected in terms and conditions of employment not discriminated against or discharged because of such complaint.