

CHAPTER 22

MANDATED POLICIES

ARTICLE I – IDENTITY THEFT PROGRAMS

DIVISION I - PREVENTION POLICY

**22-1-1 PROGRAM ADOPTION.** The Village developed this Identity Theft Prevention Program pursuant to the Federal Trade Commission’s Red Flags Rule, which implements Section 114 of the Fair and Accurate Credit Transactions of 2003. 16 C.F.R. § 681.2. This Program was developed with oversight and approval of the Village. After consideration of the size and complexity of the Utility’s operations and account systems, and the nature and scope of the Utility’s activities, the Village Board determined that this Program was appropriate for the Village, and therefore approved this Program on February 9, 2009.

**22-1-2 PROGRAM PURPOSE AND DEFINITIONS.**

(A) **Fulfilling Requirements of the Red Flags Rule.** Under the Red Flag Rule, every financial institution and creditor is required to establish an “Identity Theft Prevention Program” tailored to its size, complexity and the nature of its operation. Each program must contain reasonable policies and procedures to:

- (1) Identify relevant Red Flags for new and existing covered accounts and incorporate those Red Flags into the Program;
- (2) Detect Red Flags that have been incorporated into the Program;
- (3) Respond appropriately to any Red Flags that are detected to prevent and mitigate Identity Theft; and
- (3) Ensure the Program is updated periodically, to reflect changes in risks to customers or to the safety and soundness of the creditor from Identity Theft.

(B) **Red Flags Rule Definitions Used in this Program.** The Red Flags Rule defines “Identity Theft” as “fraud committed using the identifying information of another person” and a “Red Flag” as “a pattern, practice, or specific activity that indicates the possible existence of Identity Theft.”

According to the Rule, a municipal utility is a creditor subject to the Rule requirements. The Rule defines creditors “to include finance companies, automobile dealers, mortgage brokers, utility companies, and telecommunications companies. Where non-profit and government entities defer payment for goods or services, they, too, are to be considered creditors.”

All the Utility’s accounts that are individual utility service accounts held by customers of the utility whether residential, commercial or industrial are covered by the Rule. Under the Rule, a “covered account” is:

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- (1) Any account the Utility offers or maintains primarily for personal, family or household purposes, that involves multiple payments or transactions; and
- (2) Any other account the Utility offers or maintains for which there is a reasonably foreseeable risk to customers or to the safety and soundness of the Utility from Identity Theft.

“Identifying information” is defined under the Rules as “any name or number that may be used, alone or in conjunction with any other information, to identify a specific person,” including: name, address, telephone number, social security number, date of birth, government issued driver’s license or identification number, alien registration number, government passport number, employer or taxpayer identification number, unique electronic identification number, computer’s Internet Protocol address, or routing code.

**22-1-3 IDENTIFICATION OF RED FLAGS.** In order to identify relevant Red Flags, the Utility considers the types of accounts that it offers and maintains, the methods it provides to open its accounts, the methods it provides to access its accounts, and its previous experiences with Identity Theft. The Utility identifies the following red flags, in each of the listed categories:

(A) **Notifications and Warnings From Credit Reporting Agencies; Red Flags.**

- (1) Report of fraud accompanying a credit report;
- (2) Notice or report from a credit agency of a credit freeze on a customer or applicant;
- (3) Notice or report from a credit agency of an active duty alert for an applicant; and
- (4) Indication from a credit report of activity that is inconsistent with a customer’s usual pattern or activity.

(B) **Suspicious Documents; Red Flags.**

- (1) Identification document or card that appears to be forged, altered or inauthentic;
- (2) Identification document or card on which a person’s photograph or physical description is not consistent with the person presenting the document;
- (3) Other document with information that is not consistent with existing customer information (such as if a person’s signature on a check appears forged); and
- (4) Application for service that appears to have been altered or forged.

(C) **Suspicious Personal Identifying Information; Red Flags.**

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- (1) Identifying information presented that is inconsistent with other information the customer provides (example: inconsistent birth dates);
- (2) Identifying information presented that is inconsistent with other sources of information (for instance, an address not matching an address on a credit report);
- (3) Identifying information presented that is the same as information shown on other applications that were found to be fraudulent;
- (4) Identifying information presented that is consistent with fraudulent activity (such as an invalid phone number or fictitious billing address);
- (5) Social security number presented that is the same as one given by another customer;
- (6) An address or phone number presented that is the same as that of another person;
- (7) A person fails to provide complete personal identifying information on an application when reminded to do so (however, by law social security numbers must not be required); and
- (8) A person's identifying information is not consistent with the information that is on file for the customer.

(D) **Suspicious Account Activity or Unusual Use of Account; Red Flags.**

- (1) Change of address for an account followed by a request to change the account holder's name;
- (2) Payments stop on an otherwise consistently up-to-date account;
- (3) Account used in a way that is not consistent with prior use (example: very high activity);
- (4) Mail sent to the account holder is repeatedly returned as undeliverable;
- (5) Notice to the Utility that a customer is not receiving mail sent by the Utility;
- (5) Notice to the Utility that an account has unauthorized activity;
- (7) Breach in the Utility's computer system security; and
- (8) Unauthorized access to or use of customer account information.

(E) **Alerts From Others; Red Flag.**

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- (1) Notice to the Utility from a customer, identity theft victim, law enforcement or other person that it has opened or is maintaining a fraudulent account for a person engaged in Identity Theft.

### **22-1-4 DETECTING RED FLAGS.**

(A) **New Accounts.** In order to detect any of the Red Flags identified above associated with the opening of a **new account**, Utility personnel will take the following steps to obtain and verify the identity of the person opening the account:

- (1) Require certain identifying information such as name, date of birth, residential or business address, principal place of business for an entity, driver's license or other identification;
- (2) Verify the customer's identity (for instance, review a driver's license or other identification card);
- (3) Review documentation showing the existence of a business entity; and
- (4) Independently contact the customer.

(B) **Existing Accounts.** In order to detect any of the Red Flags identified above for an existing account, Utility personnel will take the following steps to monitor transactions with an account:

- (1) Verify the identification of customers if they request information (in person, via telephone, via facsimile, via email);
- (2) Verify the validity of requests to change billing addresses; and
- (3) Verify changes in banking information given for billing and payment purposes.

### **22-1-5 PREVENTING AND MITIGATING IDENTITY THEFT.**

(A) **Prevent and Mitigate.** In the event Utility personnel detect any identified Red Flags, such personnel shall take one or more of the following steps, depending on the degree of risk posed by the Red Flag:

- (1) Continue to monitor an account for evidence of Identity Theft;
- (2) Contact the customer;
- (2) Change any passwords or other security devices that permit access to accounts;
- (3) Not open a new account;

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- (4) Close an existing account;
- (5) Reopen an account with a new number;
- (6) Notify the Program Administrator for determination of the appropriate step(s) to take;
- (7) Notify law enforcement; or
- (8) Determine that no response is warranted under the particular circumstances.

(B) **Protect Customer Identifying Information.** In order to further prevent the likelihood of Identity Theft occurring with respect to Utility accounts, the Utility will take the following steps with respect to its internal operating procedures to protect customer identifying information:

- (1) Ensure that its website is secure or provide clear notice that the website is not secure;
- (2) Ensure complete and secure destruction of paper documents and computer files containing customer information;
- (3) Ensure that office computers are password protected and that computer screens lock after a set period of time;
- (4) Keep offices clear of papers containing customer information;
- (5) Request only the last 4 digits of social security numbers (if any);
- (6) Ensure computer virus protection is up to date; and
- (7) Require and keep only the kinds of customer information that are necessary for utility purposes.

**22-1-6 PROGRAM UPDATES.** The Program Administrator will periodically review and update this Program to reflect changes in risks to customers and the soundness of the Utility from Identity Theft. In doing so, the Program Administrator will consider the Utility's experiences with Identity Theft situations, changes in Identity Theft methods, changes in Identity Theft detection and prevention methods, and changes in the Utility's business arrangements with other entities. After considering these factors, the Program Administrator will determine whether changes to the Program, including the listing of Red Flags, are warranted. If warranted, the Program Administrator will update the Program or present the Village Board with his or her recommended changes and the Village Board will make a determination of whether to accept, modify or reject those changes to the Program.

### **22-1-7 PROGRAM ADMINISTRATION.**

(A) **Oversight.** Responsibility for developing, implementing and updating this Program lies with an Identity Theft Committee for the Utility. The Committee is headed by a Program Administrator who may be the head of the Utility or his or her appointee. Two or more other individuals appointed by the head of the Utility or the Program Administrator comprise the remainder of the

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committee membership. The Program Administrator will be responsible for the Program administration, for ensuring appropriate training of Utility staff on the Program, for reviewing any staff reports regarding the detection of Red Flags and the steps for preventing and mitigating Identity Theft, determining which steps of prevention and mitigation should be taken in particular circumstances and considering periodic changes to the Program.

(B) **Staff Training and Reports.** Utility staff responsible for implementing the Program shall be trained either by or under the direction of the Program Administrator in the detection of Red Flags, and the responsive steps to be taken when a Red Flag is detected.

(C) **Service Provider Arrangements.** In the event the Utility engages a service provider to perform an activity in connection with one or more accounts, the Utility will take the following steps to ensure the service provider performs its activity in accordance with reasonable policies and procedures designed to detect, prevent, and mitigate the risk of Identity Theft.

- (1) Require, by contract, that service providers have such policies and procedures in place; and
- (2) Require, by contract, that service providers review the Utility's Program and report any Red Flags to the Program Administrator.

(D) **Non-Disclosure of Specific Practices.** For the effectiveness of this Identity Theft Prevention Program, knowledge about specific Red Flag identification, detection, mitigation and prevention practices must be limited to the Identity Theft Committee who developed this Program and to those employees with a need to know them. Any documents that may have been produced or are produced in order to develop or implement this program that list or describe such specific practices and the information those documents contain are considered "security information" as defined in Minnesota Statutes Section 13.37 and are unavailable to the public because disclosure of them would be likely to substantially jeopardized the security of information against improper use, that use being to circumvent the Utility's Identity Theft prevention efforts in order to facilitate the commission of Identity Theft.

**22-1-8 - 22-1-10 RESERVED.**

### **DIVISION II - USE OF SOCIAL SECURITY NUMBERS**

#### **22-1-11 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).

#### **22-1-12 PROHIBITED ACTIVITIES.**

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- (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.

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

- (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.

**22-1-13PUBLIC 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.

### **22-1-14APPLICABILITY.**

(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.



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(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.

**22-1-15 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.

**22-1-16 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.

### **22-1-17 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.

(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.

**22-1-18 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.

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**22-1-19 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.

**22-1-20 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 POLICY**

**22-2-1 DESIGNATION, DUTIES AND TRAINING OF FREEDOM OF INFORMATION ACT OFFICERS.**

(A) Linda Hansen 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 205 N. Wood St., Mulberry Grove, Illinois, between the hours of 9:00 a.m. and 4:30 p.m., Monday through Friday. In the event Linda Hansen is not available during the times described above, the Village Clerk 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 or 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.

(B) Upon receiving a request for a public record, the FOIA Officer or Deputy FOIA Officer shall:

- (1) Note the date the Village receives the written request;
- (2) Compute the date on which the period for response will expire and make a notation of that date on the written request;
- (3) Maintain an electronic or paper copy of the written request, including all documents submitted with the request until the request has been complied with or denied; and
- (4) 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 any other communications.

(C) 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 or such other training as is then required by applicable law. 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.

(D) 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 Deputy FOIA Officer, or by an employee of the Village acting under the direction of the FOIA Officer or Deputy 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.

(E) 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.

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(F) 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.

(G) The Village Clerk, in conjunction with the FOIA Officer, shall prepare: (1) a Village Information Directory; (2) a Village Records Directory; and (3) a Records Catalogue, all in accordance with Exhibits A, B and C attached hereto. This information shall also be posted on the Village's website if such website shall exist.

### 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.

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(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 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.

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(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.

(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.

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(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.

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- (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, 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 the 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



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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 provisions 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 re-hearings. 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.

### 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.

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(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-COMPLAINTS.** 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.

(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

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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 - AMERICANS WITH DISABILITIES ACT POLICY

**22-7-1 POLICY STATEMENT.** The Americans with Disabilities Act (“ADA”) clearly outlines the goal of designing and maintaining Village facilities that will enable all of our employee’s to be productive and contribute to the growth of our Village. The welfare of our employees continues to be paramount in the operation of the Village.

It is the intent of the Village to comply with all laws. To do this we must constantly strive to improve conditions in all work areas. As such, the Village intends to provide all mechanical and physical facilities required for the personal wellbeing, ADA, health and safety of our employees.

We will maintain an ADA compliance program conforming to the best management practices of organizations of this type. To be successful, such a program must embody the proper attitudes not only on the part of supervisors and employees, but also between each employee and his or her coworkers. Only through such a cooperative effort can an ADA program in the best interest of all be established and preserved.

The Village’s objective is to establish and promote an ADA program that will provide the best work environment for our employee’s in keeping with the requirements of the ADA.

**22-7-2 REGULATORY STANDARD.** The Americans with Disabilities Act of 1990, as amended, and the ADA Accessibility Guidelines for Buildings and Facilities.

**22-7-3 PROGRAM RESPONSIBILITY.** The Village will attempt to ensure that ADA deficiencies within our facility are evaluated, and that compliance initiatives are instituted. This standard practice instruction is intended to address the issues of evaluating the potential ADA deficiencies and establishing appropriate access and work conditions for all employees.

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There shall be an ADA Committee established. The ADA committee will be comprised of **three (3) members**. The make up of the committee will consist of **one (1) member** of the Board, **one (1) employee** of the Village and **one (1)** additional member appointed by the Mayor who may, but need not, be a board member but who shall in all cases be a resident of the Village. The ADA Committee will further encourage ADA awareness among all employees, monitor ADA performance, conduct at its discretion ADA inspections, and aid in administering this ADA policy.

The ADA Committee will review and evaluate this policy on an annual basis, when changes occur to ADA Guidelines that prompt a revision, when changes occur to any related regulatory document that prompts a revision of this document, or when facility or operational changes occur that require a revision of this document. The ADA Committee shall annually make recommendations to the Village Board as to proposed changes to this policy, if any. In addition, the ADA Committee will assess its facilities for the types of ADA issues that require improvement or modification and again make recommendations to the Village Board.

The Mayor shall be responsible for administration of this policy and shall have the authority to make necessary decisions to ensure implementation of the policy subject to review by the Village Board.

**22-7-4 ADA COMPLIANCE PROGRAM - EMPLOYMENT PRACTICES.** It is the policy of the Village to comply with the ADA. The Village will not discriminate against any qualified employee or job applicant with respect to any terms, privileges, or conditions of employment because of his or her physical or mental disability. The Village will also make reasonable accommodation wherever necessary for all employees or applicants with disabilities, provided that the individual is otherwise qualified to safely perform the essential duties and assignments connected with the job and provided that any accommodations made do not require significant difficulty, cause essential duties or assignments to be materially compromised or result in extraordinary expense to the Village.

The Mayor, or a specifically identified designee, shall be responsible for the implementation and enforcement of the Village's ADA compliance policy. It will be the responsibility of the Mayor (or the specifically identified designee) to periodically review the Village's policies and communications to ensure compliance with the ADA, meet with supervisors and employees to discuss alternative means for accommodating a disabled employee, and to keep abreast of all developments in the regulations governing the hiring and employing of persons with disabilities.

Applicants and employees are assured that all information regarding a disability will be kept confidential except that: (1) appropriate supervisory personnel will be informed of any restrictions on work assignments and/or reasonable accommodations that must be provided; (2) safety personnel will be informed of any emergency treatments or first aid that a person with a disability may require; and (3) government officials investigating compliance with federal, state or local laws may be informed of a person with a disability and any accommodation that is being provided.

Any employee who believes that he or she has been discriminated against due to a physical or mental disability should immediately report the problem or incident to his or her supervisor or the Mayor pursuant to the Village's grievance procedure set forth below. All complaints of discrimination due to a disability shall be investigated immediately, and the findings of the investigation and any remedial actions taken shall be reported to the complainant.

**22-7-5 GRIEVANCE PROCEDURE UNDER THE AMERICANS WITH DISABILITIES ACT.** This Grievance Procedure is established to meet the requirements of the ADA. It may be used by

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anyone who wishes to file a complaint alleging discrimination on the basis of disability in the provision of services, activities, programs, or benefits by the Village.

Any complaint must be in writing and contain information about the alleged discrimination such as name, address, phone number of complainant and location, date, and description of the problem. Alternative means of filing complaints, such as personal interviews or a tape recording of the complaint, will be made available for persons with disabilities upon request.

The complaint should be submitted by the grievant and/or his/her designee as soon as possible but no later than **sixty (60) calendar days** after the alleged violation to:

Mayor  
Village Hall  
205 N. Wood St.  
Mulberry Grove, Illinois 62262

Within **fifteen (15) calendar days** after receipt of the complaint, the Mayor, or a specifically identified designee, will schedule a meeting with the complainant to discuss the complaint and the possible resolutions. Within **fifteen (15) calendar days** of the meeting, the Mayor (or the identified designee), on behalf of the Village, will respond in writing, and where appropriate, in a format accessible to the complainant. The response will explain the position of the Village and offer options for substantive resolution of the complaint.

If the response by Village does not satisfactorily resolve the issue, the complainant and/or his/her designee may appeal the decision within **fifteen (15) calendar days** after receipt of the response to the Village Board. The Village Board shall place the issue on the agenda for the next regular board meeting not less than **ten (10)** and not more than **sixty (60) days** later.

## ARTICLE VIII – SEXUAL HARASSMENT

### **22-8-1 STATEMENT OF POLICY.**

(A) The Village is committed to maintaining a work environment that encourages and fosters appropriate conduct among employees and respect for individual values and sensibilities. According, the Village intends to enforce its sexual harassment policy at all levels within the workplace in order to create an environment free from sexual harassment.

(B) Sexual harassment, according to the Equal Employment Opportunity Commission and the state department of human rights, and for purposes of this subdivision, consists of any unwelcome sexual advances; requests for sexual favors; or other verbal, nonverbal or physical acts of a sexual or sex-based nature; where:

- (1) Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
- (2) Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or

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- (3) 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.

(C) Sexual harassment can occur between men and women, or members of the same gender. This behavior is unacceptable in the workplace itself and in other work-related settings such as business trips, court appearances and business-related social events.

(D) It is also unlawful to retaliate in any way against anyone who has complained about sexual harassment or discrimination, whether that complaint relates to harassment of or discrimination against the individual making the complaint or against another individual.

(E) Sexual harassment affects the victim and other employees as well. Each incident of harassment contributes to a general atmosphere in which everyone suffers the consequences. Sexually oriented acts or sex-based conduct have no legitimate business purpose. Where such conduct is directed by a supervisor (or someone in a management position) toward a subordinate, the former will be held to a higher standard of accountability because of the degree of control and influence he or she has or is perceived to have over the employment conditions and benefits of the subordinate.

**22-8-2 PROHIBITED CONDUCT.** Prohibited acts of sexual harassment can take a variety of forms ranging from subtle pressure for sexual activity or contact to physical contact. At times the offender may be unaware that his or her conduct is offensive or harassing to others. Examples of conduct which could be considered sexual harassment include:

(A) Persistent or repeated unwelcome flirting, pressure for dates, sexual comments or

(B) Sexually suggestive jokes, gestures or sounds directed toward another or sexually oriented or degrading comments about another;

(C) Preferential treatment of an employee, or a promise of preferential treatment to an employee, in exchange for dates or sexual conduct; or the denial or threat of denial of employment, benefits or advancement for refusal to consent to sexual advances;

(D) The open display of sexually oriented pictures, posters or other material offensive to others; or

(E) Retaliation against an individual for reporting or complaining about sexually harassing conduct.

**22-8-3 INDIVIDUALS COVERED.** This Article covers all employees and elected officials. The Village will not tolerate, condone or allow sexual harassment, whether engaged in by fellow employees, supervisors, vendors, vendees, or other nonemployees who conduct business with the Village. The Village supports and encourages reporting of all incidents of sexual harassment, regardless of who the offender may be, and will promptly investigate all reported incidents. Where the alleged offender is not an employee of the Village, the Village, in consultation with the complainant, will review the complaint and make every effort to identify a reasonable remedy if sexual harassment has been confirmed.

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**22-8-4 COMPLAINT PROCESS.** While the Village encourages individuals who believe they are being harassed to firmly and promptly notify the offender that his behavior is unwelcome, the Village also recognizes that power and status disparities between an alleged harasser and a target may make such a confrontation impossible. If an individual believes he or she is being sexually harassed, he or she shall file a complaint. The following steps shall be taken to report a sexual harassment complaint:

(A) **Reporting of Incident.** All employees shall report any suspected sexual harassment by another employee or anyone else to the Mayor except where that person is the object of the complaint, in which case the report shall be made to the Village Attorney. The report shall be in writing.

(B) **Investigation of Complaint.** Upon receipt of a written complaint, the individual informed pursuant to paragraph (A) of this Section will initiate an investigation of the suspected sexual harassment within **five (5) working days** of notification. If necessary, the employer representative receiving the complaint may designate another supervisory or management employee of the opposite gender to assist in the investigation. The investigation will include an interview with the employee who made the initial report, the person towards whom the suspected harassment was directed and the individual accused of the harassment. Any other person who may have information regarding the alleged sexual harassment may also be interviewed.

(C) **Report.** The person responsible for investigating the complaint shall prepare a written report within **ten (10) working days** of his or her notification of the suspected harassment unless extenuating circumstances prevent him or her from doing so. The report shall include a finding that sexual harassment has or has not occurred or that there is inconclusive evidence as to whether sexual harassment occurred. A copy of the report will be given to the employee who made the initial report, the employee to whom the suspected harassment was directed, and the individual accused of the harassment.

(D) **Records; Confidentiality.** Employees who report incidents of sexual harassment are encouraged to keep written notes in order to accurately record the offensive conduct. Every effort shall be made to keep the investigation and the report confidential. In the event of an administrative complaint or a lawsuit, however, the complaint, ensuing investigation and investigative materials, and the written report shall not be considered privileged from disclosure. Written records will be maintained for **ten (10) years** from the date of the resolution of the complaint unless new circumstances dictate that the file should be kept for a longer period of time.

(E) **Time Frame For Reporting Complaint.** The Village demands prompt reporting of complaints so that rapid appropriate action may be taken. All complaints shall be filed within **thirty (30) days** from the date on which the alleged sexual harassment occurred. Delayed reporting of complaints will not in and of itself preclude the Village from taking remedial action.

(F) **Protection Against Retaliation.** The Village will not retaliate against an individual who reports alleged sexual harassment nor permit any employee or elected official to do so. Retaliation is a serious violation of this subdivision and shall be reported immediately. Any person found to have retaliated against another individual for reporting sexual harassment will be subject to the same disciplinary action provided for sexual harassment offenders.

## **22-8-5 DISCIPLINE; SANCTIONS.**

(A) Disciplinary action will be taken against any employee or elected official found to be engaged in the sexual harassment of any other employee. The extent of sanctions may depend in part upon the length and conditions of employment, previous charges of sexual harassment, and the

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nature of the offense. The Village has the right to apply any sanction or combination of sections, up to and including termination, to deal with sexual harassment, unreasonable conduct or discrimination.

(B) 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.

(C) If an investigation results in a finding that the complainant falsely accused another of sexual harassment knowingly or in a malicious manner, the complainant will be subject to appropriate sanctions, including the possibility of termination.

**22-8-6 OTHER REMEDIES.** Employees also have legal recourse, investigative and complaint process available through the State Department of Human Rights and the State Human Rights Commission as follows:

(A) Within **one hundred eighty (180) days** after the date that sexual harassment or a civil rights violation allegedly has been committed, a charge in writing under oath or affirmation may be filed with the Department of Human Rights by an aggrieved party or issued by the Department itself under the signature of the Director.

(B) The Department shall serve a copy of the charge on the respondent and shall conduct a full investigation of the allegations set forth in the charge. If there is a failure to settle or adjust any charge through conciliation, the Department shall file a complaint with the Commission.

(C) A complaint may be filed with the State Human Rights Commission. Within **five (5) days** after a complaint is filed by the Department or the aggrieved party, notice shall be served upon the respondent and the matter set down for hearing before a hearing before a Hearing Officer who shall make findings of fact; and if he finds against the respondent, he shall issue a recommended order for appropriate relief. The Commission shall review the recommendations of the Hearing Officer and shall file its written order and decision.

(D) Complaints may be filed with the Illinois Department of Human Rights at 222 South College, Room 101A, Springfield, Illinois 62704 (217-785-5100), or with the Illinois Human Rights Commission at Room 404A, Stratton Office Building, Springfield, Illinois 62706 (217-785-4350).

## ARTICLE IX - DRUG FREE WORKPLACE

### **22-9-1 DEFINITIONS.**

(A) **“Drug Free Workplace”** means any place for the performance of work for or on behalf of the Village, done by an employee of the Village, or an employee of a contractor or subcontractor performing work for the Village.

(B) **“Employee”** as used within the meaning of this Article, means an employee of the Village as well as an employee of a contractor or subcontractor performing work for the Village.

(C) **“Controlled Substance”** means a controlled substance as defined in the Illinois Controlled Substance Act, 720 ILCS 570/100 *et seq.* or Cannabis as defined in the Cannabis Control Act, 720 ILCS 550/1 *et seq.*



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(D) **“Conviction”** means a finding of guilt, including a plea of nolo contendere, or imposition of sentence, or both, by any judicial body charged with determining violations of the Federal or State criminal drug statutes.

(E) **“Criminal Drug Statute”** means a criminal statute involving manufacture, distribution, dispensation, use, or possession of any controlled substance.

(F) **“State”** means all officers, boards, commissions, and agencies created by the Constitution, whether in the executive, legislative, or judicial branch; all officers, departments, boards, commissions, agencies, institutions, authorities, universities, bodies politic and corporate of the State; or administrative units or corporate outgrowths, of the State government which are created by or pursuant to statute.

**22-9-2 REQUIREMENTS FOR VILLAGE.** The Village shall provide a drug free workplace by:

(A) **Publishing a Statement.**

- (1) Notifying employees that the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance, including cannabis, is prohibited in the workplace.
- (2) Specifying the actions that will be taken against employees for violations of such prohibition.
- (3) Notifying employee that, as a condition of employment, the employee will:
  - (a) abide by the terms of the statement; and
  - (b) notify the employer of any criminal drug statute conviction for a violation occurring in the workplace no later than **five (5) days** after such conviction.

(B) Establishing a drug free awareness program to be administered by a person appointed by the Mayor to inform employees about:

- (1) the dangers of drug abuse in the workplace;
- (2) the Village’s policy of maintaining a drug free workplace;
- (3) any available drug counseling, rehabilitation, and employee assistance programs; and
- (3) the penalties that may be imposed upon employees for drug violations.

(C) A copy of the statement required by Subsection (A) above shall be given to each employee and posted in a prominent place in the workplace.

(D) If the Village receives a grant from the State or Contract for the procurement of any property or services from the State, then the Village shall notify the contracting or granting agency

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within **ten (10) days** after receiving notice under part (b) of paragraph (3) of Subsection (A) from an employee or otherwise receiving actual notice of such conviction.

(E) Within **thirty (30) days** from receiving notice from an employee of a conviction of a violation of a criminal drug statute occurring in the workplace, the Mayor shall take action against such employee as may be appropriate as determined by the Mayor and which may include but is not limited to reprimand; suspension for any length of time with or without pay; termination from employment; and/or a requirement to satisfactorily participate in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency.

(F) Assisting employees in selecting a course of action in the event drug counseling, treatment, and rehabilitation is required and indicating that a trained referral team is in place.

(G) Making a good faith effort to continue to maintain a drug free workplace through implementation of this Section.

### **ARTICLE X – DRUG/ALCOHOL TESTING POLICY AND PROCEDURE**

**22-10-1 DRUG AND ALCOHOL FREE WORKPLACE POLICY.** The Village is committed to maintaining a drug free workplace pursuant to the federal and state Drug Free Workplace Acts, 41 U.S.C.A. § 701 *et seq.*, 30 ILCS 580/1 *et seq.* It is the policy of the Village that the public has the reasonable right to expect persons employed by the Village to be free from the effects of alcohol and drugs. The Village, as the employer, has the right to expect its employees to report for work fit and able for duty. This policy is intended to ensure that Village employees are not impaired in their ability to perform assigned duties in a safe, healthy and productive manner and to protect any such employee and the public from the risks associated with the adverse effects of drugs and alcohol. Accordingly, the unlawful manufacture, distribution, possession, or use of a controlled substance, including cannabis and alcohol, is prohibited in the workplace or while acting on behalf of the Village. Employees are required to sign a release and consent/authorization form, a copy of which is included with this policy, at the time the policy is distributed to the employee.

**22-10-2 DEFINITIONS.** For purposes of this policy, the following definitions apply:

(A) **“Abuse of alcohol”** or **“being under the influence of alcohol”** means the consumption of any beverage, mixture or preparation, including any medication containing alcohol, which results in an employee being intoxicated. Intoxicated or a positive test for alcohol shall mean a test result which shows an alcohol concentration of .02 or more for all persons covered by Federal DOT regulations and .08 or more for all persons not covered by Federal DOT regulations.

(B) **“Abuse of any drug”** means the use of any illegal drug, the use of any prescription drug which has not been legally prescribed and dispensed, or the misuse of any legally prescribed drug.

(C) **“Drug”** means any controlled substances listed in the Federal Controlled Substances Act, 21 U.S.C. § 801 *et seq.*, or the Illinois Controlled Substances Act, 720 ILCS 570/100 *et seq.*, and cannabis as defined in the state Cannabis Controlled Act, 720 ILCS 550 *et seq.*

**22-10-3 PROHIBITED ACTIONS.** Employees shall be prohibited from:

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(A) Manufacture, distribution, dispensation, possession, use, sale, purchase, abuse of alcohol or being under the influence of alcohol at any time during the course of the employee's workday or anywhere on or in any Village-owned property, including Village buildings and Village-owned vehicles.

(B) Manufacture, distribution, dispensation, possession, use, sale, purchase, being under the influence of or abuse of any drug at any time and at any place.

(C) Failure to immediately disclose to his or her Department Head or immediate supervisor any drug or other medication-related work restrictions, or failure to disclose the taking of any drug or medication whose container has warnings that such drug or medication may affect any such employee's ability to perform his or her job, or to drive or operate machinery.

(D) Testing positive for any drug or for the abuse of alcohol or being under the influence of any drug and/or alcohol during working hours.

(E) Failure to comply with this policy.

(F) Refusal to submit to any drug or alcohol test under this policy, which shall also include, but not be limited to, any attempt to tamper with or substitute any sample to be used in connection with any such test.

**22-10-4 APPLICABILITY.** This Drug/Alcohol Testing Policy and Procedure is not intended to replace the Drug Free Workplace Programs but to define and clarify, who will be tested, when the employees will be tested and where employees will be tested. The following four employee categories define under which category each full time, part time/temporary and volunteer employee will be tested:

(A) Any employee who drives a Village vehicle, tractor, tractor mower or similar motor powered equipment that moves under its own power will be tested under the Federal DOT testing standards.

(B) Testing for employees of the Police Department shall be controlled by the provisions set forth in their union contract.

(C) All other Village employees who are not included within the two categories listed above in (A) or (B) will be subject to testing to comply with the requirements necessary to establish a Drug Free Workplace within the Village.

(D) Part time/temporary employees and volunteer employees of the Village will remain exempt from pre-employment and random testing as defined in this testing program, but they can be included for testing if reasonable suspicion should arise, or an accident should occur during the tenure of their part time/temporary or volunteer employment. After reasonable suspicion of abuse of drugs or alcohol has been established or an accident should occur, the decision to request a drug and alcohol test for the employee must be deemed necessary and reasonable by the Mayor and/or the supervisor of the employee.

**22-10-5 TESTING PROCEDURE.** In conducting any drug testing under this policy, the Village shall:

## Mandated Policies

- (A) Use only a clinical laboratory or hospital facility that is licensed pursuant to the Illinois Clinical Laboratory and Blood Bank Act, 210 ILCS 25/101 *et seq.*, that has been or is capable of being accredited by the National Institute of Drug Abuse (“NIDA”).
- (B) Insure that the laboratory or facility selected conforms to all NIDA standards.
- (C) Follow all Federal DOT guidelines for the collection, testing and reporting procedures.
- (D) In conducting any alcohol testing under this policy, the Village shall use a facility that:
- (1) Ensures that all technicians are trained and equipment is calibrated.
  - (2) Conducts breath test to detect the presence of alcohol or blood tests if circumstances require.
- (E) The fees for drug/alcohol testing shall be paid as follows:
- (1) Pre-employment testing will be paid by the Village.
  - (2) Post accident tests shall be paid by the Village.
  - (3) Reasonable suspicion testing will be paid by the Village.
  - (4) Random testing will be paid by the Village.
  - (5) Retesting at the request of the employee after a positive drug or alcohol test shall be at the employee’s sole expense.
  - (6) Drug/Alcohol test for renewal of CDL Driver’s License shall be paid by the Village.

### **22-10-6 SCREENING AND TESTING.**

- (A) **Pre-Employment Testing.**
- (1) All employee applicants shall be advised of the Village Drug/Alcohol testing requirements at the time of interview. After having successfully completed the interview process, the selected prospective full time employee shall then be required to successfully complete the Village’s drug screening test, as part of his/her background investigation.
  - (2) All applicants for full time employment shall sign a release and consent/authorization form for Drug/Alcohol testing.
  - (3) An applicant will not be employed or considered for employment if:  
the test results confirm POSITIVE;  
he/she refuses to complete the test;  
he/she tampers with, or adulterates the specimen;

## Mandated Policies

he/she fails to cooperate in the testing process (including executing all required documentation).

(B) **Testing Based on Reasonable Suspicion.** If there is a reasonable suspicion that any Village employee, paid or volunteer, has violated any of the prohibited actions covered by this policy, such employee may be required to undergo drug and/or alcohol testing. Reasonable suspicion exists if the facts and circumstances warrant a rational inference that an employee has violated any of the acts prohibited by this policy. Reasonable suspicion shall be based upon the following:

- (1) Observable phenomena, such as direct observation of use or the verifiable physical symptoms resulting from the abuse of drugs or being under the influence of alcohol which may include by way of example but is not limited to a pattern of abnormal conduct or erratic behavior, a dramatic decline in work performance, excessive sick leave usage, difficulty in walking, slurred speech, needle marks, glazed stare, and possession of alcohol, or unauthorized banned substance or drug paraphernalia at work.
- (2) Information provided by an identifiable, reliable and credible third party that an employee has committed any of the acts prohibited by this policy.

In the event reasonable suspicion exists, the Village shall arrange for a drug and/or alcohol test. When testing is ordered, the employee may be temporarily reassigned or relieved from duty and placed on leave with pay pending the receipt of the test results by the Village. The Village shall also provide the employee with written notice setting forth the objective facts and reasonable inferences to be drawn from those facts which form the basis of the reasonable suspicion.

The employee will then be escorted to the testing facility or collection facility by a designated supervisor immediately.

After completing the test, the employee will be escorted to his/her residence or at the option of his/her supervisor to another location to await the test results, and the employee shall be off work with pay pending the results of the tests. Under no circumstances shall the employee be allowed to leave the work site or the test site driving his/her own vehicle or a Village vehicle.

Employees who test positive for either drugs or alcohol will be subject to disciplinary action, up to and including termination.

(C) **Random Testing.** Random drug testing shall be conducted during working hours. Employees will be selected at random for a drug test by a random drawing/lottery. The testing times and dates are unannounced and are with unpredictable frequency throughout the year.

When testing is ordered, the employee will be directed to the testing facility or collection facility within a reasonable period of time.

After completing the test, the employee will return to work pending the results of the test.

Employees who test positive for drugs will be subject to disciplinary action, up to and including termination.

## Mandated Policies

(D) **Post Accident Testing.** Post accident drug/alcohol testing is required immediately following any accident involving a Village employee, paid or volunteer, who operates Village equipment or operates a Village vehicle where an injury to a person has occurred or where damage to equipment, or property has occurred and that damage exceeds **One Hundred Dollars (\$100.00)**, based on actual cost or reliable estimates of damage.

When testing is ordered, the employee will be escorted to the testing facility or collection facility by a designated supervisor within a reasonable period of time following the accident.

Employees who test positive for either drugs or alcohol will be subject to disciplinary action, up to and including termination.

(E) **Testing Required for Position Required to Have a CDL.** In addition to the provisions of this policy, any employee who is appointed to a position required to have a commercial driver's license ("CDL") shall be subject to drug and/or alcohol screening following any work related accident. Mandatory drug screening shall also be required of all applicants chosen to be hired for positions requiring a CDL. Those who fail the pre-employment drug screening shall not be hired for those positions.

**22-10-7 CONFIDENTIALITY OF TEST RESULTS.** Any employee subject to a drug and/or alcohol test under this policy will be provided a copy of all information and reports received by the Village in connection with any drug and/or alcohol test and any results thereof under this policy. Any results of drug and alcohol test will be disclosed to any employee tested, the applicable supervisor, Village Attorney and those permitted by law.

**22-10-8 CONSEQUENCES OF POSITIVE TEST RESULT OR REFUSAL TO COOPERATE.** Any employee who refuses to cooperate in testing or who fails a test or violates the Drug and Alcohol Policy shall be subject to disciplinary action, up to and including termination.

### **Policy**

As a Federal Grantee, I hereby notify employees that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited in this workplace. As a condition of employment, employees must abide by this policy.

### **Drug-Free Awareness**

Drug abuse in the workplace has major adverse effects on the welfare of all citizens of the United States, and it results in lost productivity each year. Employees who use illegal drugs have three to four times more accidents while at work.

Employees with drug abuse problems should seek help. Employees desiring more information on the dangers of drug abuse in the workplace and those employees needing drug counseling, rehabilitation, or other employee assistance should contact: Community Resource Center, 580 8<sup>th</sup> St. Carlyle, IL 62231 (618) 594-4581 for assistance.

Employees will be referred to the appropriate resource for available counseling, rehabilitation or other assistance.

### **Notice of Potential Personnel Actions for Illegal Drug Use On-the-Job**

## Mandated Policies

Penalties may be imposed upon employees for drug abuse violations occurring in our workplaces:

1. Employees must notify this employer of any criminal drug statute conviction or a violation occurring in the workplace no later than five days after such conviction.
2. Within 30 days of receiving notice of any criminal drug statute conviction or a violation occurring in the workplace, this employer will take appropriate personnel action against such employee, up to and including termination; or
3. Within 30 days of receiving notice of any criminal drug statute conviction or a violation occurring in the workplace, this employer may require such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State or local health, law enforcement, or other appropriate agency.

### Employee Certification

- ✓ I understand the drug-free workplace policy.
- ✓ I agree, as a condition of my employment, to abide by the terms of this program.
- ✓ I agree to notify this employer of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction.

\_\_\_\_\_  
**Employee Signature**

\_\_\_\_\_  
**Date**

### Employer Statement

- ✓ I have explained the policy, drug-free awareness, and potential personnel action statements and have provided the employee's part of this pamphlet to the employee.

\_\_\_\_\_  
**Authorized Employer Signature**

\_\_\_\_\_  
**Date**

**Name of Organization**

EXHIBIT A

MUNICIPAL INFORMATION DIRECTORY

The Village of Mulberry Grove is a municipality incorporated and organized under the laws of the State of Illinois for the purpose of providing its residents with the following major services:

- A. Police protection.
- B. Sewer and water service.
- C. Garbage collection service.

The approximate amount of the annual operating budget of the Village of Mulberry Grove is \_\_\_\_\_ . The Village's sole office is located at 205 N. Wood St. in Mulberry Grove, Illinois. The Village currently employs a total of \_\_\_ full time and and \_\_\_ part-time employees.

The members of the boards, commissions and committees of the Village of Mulberry Grove are as follows:

Board Members:

_____	_____
_____	_____
_____	_____

Committees: (First person listed denotes Chairman of Committee)

<i>Committee Name</i>	<i>Committee Members</i>
_____	_____
	_____
	_____
_____	_____
	_____
	_____
_____	_____
	_____
	_____
_____	_____
	_____
	_____



**Mandated Policies**

\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Corporate Officers:

President: \_\_\_\_\_

Village/Water Clerk: \_\_\_\_\_

Treasurer: \_\_\_\_\_

Village Attorney: \_\_\_\_\_

Freedom of Information Officer:

\_\_\_\_\_

Zoning Administrator: \_\_\_\_\_

Zoning Board of Appeals/Planning Commission:

Chairman: \_\_\_\_\_

Acting Chairman: \_\_\_\_\_

Secretary: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**EXHIBIT B**

**MUNICIPAL RECORDS DIRECTORY**

Any person requesting records of the Village of Mulberry Grove may make such a request either in person, orally or in writing at the Village Clerk's office located at 205 N. Wood St., Mulberry Grove, Illinois 62262. Such request should be made to \_\_\_\_\_, FOIA Officer, at such address and if \_\_\_\_\_ is not present in person, you should see the Deputy FOIA Officer. Another method would be by mailing, faxing or emailing a written request to either \_\_\_\_\_ or Deputy Village Clerk at 205 N. Wood St., Mulberry Grove, Illinois 62262, specifying in particular the records requested to be disclosed and copied. If you desire that any records be certified, you must indicate that in your request and specify which records must be certified.

The fees for any such records, if the person requesting the records wishes them to be copied, are as follows:

First 50 pages, black and white, letter or legal size copies, no cost.

Additional pages, black and white, letter or legal, actual cost to \$0.15 each.

Electronic records will be formatted subject to reimbursement for costs of recording medium. Color copies or copies in a size other than letter or legal shall be reimbursed to actual costs.

Costs of certifying each record will be \$1.00 each.

Records may be furnished without charge or at a reduced charge, as determined by the Village, if the person requesting the documents states the specific purpose for the request and indicates that a waiver or reduction of the fee is in the public interest. A waiver or reduction of the fee is in the public interest if the principal purpose of the request is to access and disseminate information regarding the health, safety and welfare or the legal rights of the general public and is not for the principal purpose of personal or commercial benefit.

**EXHIBIT C**

**DIRECTION AS TO CATALOGING AND  
INDEXING OF PUBLIC RECORDS**

The Act requires that the Village list (catalog) all types or categories of records under its control which are prepared or received after July 1, 1984. The purpose of the catalogued list is to aid individuals to “gain access” to public records under the Act. The Act requires the list to be by “type” or “category” of records and not listing every individual record.

The following are the different types of categories that the Village may elect to establish to cover the records that it has under its control and which are subject to inspection under the Act. This list is by no means meant to be exhaustive and is merely for reference or descriptive purposes.

The “type” of records is meant to be a broad general category and the category is a sub-part of the type. For example, one type of record is a financial record. Under “financial records” may be the following categories: (a) budget; (b) appropriation ordinance; (c) audit; (d) bills; (e) receipts for revenue; (f) vouchers; (g) cancelled checks; (h) water bills; (i) sewer bills; (j) receipts for fines; (k) sales tax receipts; (l) real estate tax receipts; (m) liquor license fees; (n) other license fees; (o) building permit fees; (p) salary schedules; (q) utility bills (e.g., telephone, gas and electric); (r) etc. This gives you examples of categories that could be listed under the general type “financial record”.

Other general types could include, for example and if existing, the following: (1) building inspection reports; (2) administrative memoranda; (3) building permits; (4) board minutes; (5) board resolutions; (6) board ordinances; (7) correspondence received by the municipality; (8) correspondence from the municipality; (9) bidding specifications; (10) board policies; (11) administrative rules and regulations; (12) personnel code; (13) village maps; (14) comprehensive plan; (15) zoning ordinance; (16) building ordinance; (17) personnel files; (18) office equipment; (19) insurance; (20) capital equipment; (21) real estate; (22) legal notices; (23) newspaper articles; (24) consulting contracts; (25) contracts for capital equipment; (26) contracts for office supplies; (27) contracts for maintenance and repair; (28) professional consultant contracts; (29) pension fund records; (30) hospitalization records; (31) worker’s compensation records; (32) training records; (33) official bonds; (34) municipal stickers; (35) village vehicles; (36) animal control records; (37) village liens; and (38) police department records. Again, this list is not meant to be exhaustive.

The Village Clerk shall be charged with keeping the Village’s records, catalogues and lists reasonably current and in such reasonable detail as to assist individuals in obtaining access to public records.