

**CHAPTER 22**

**MANDATED POLICIES**

**ARTICLE I – IDENTITY THEFT PREVENTION POLICY**

**22-1-1**     **COMPLIANCE WITH FEDERAL LAW.** The City is committed to comply with the Federal Fair and Accurate Credit Transactions Act of 2003, as well as provide customers, particularly customers with utility accounts, the maximum identity theft protection possible. Situations that lead to identity theft would hurt and inconvenience the City’s customers, while at the same time damage the City’s reputation and place the City at risk for losses. The City developed this Identity Theft Prevention Policy with the oversight and approval of the City Council after considering the size and complexity of the City’s operations and account systems and the nature and scope of the City’s activities.

(A)           **Examples of Identity Theft.**

- (1) An identity thief uses another person’s social security number to open a utility account.
- (2) An identity thief uses a victim’s information to obtain unauthorized services from the City.
- (3) An identity thief opens a utility account using a victim’s name and good credit.
- (4) An identity thief files for bankruptcy using a victim’s name.
- (5) An identity thief gives a victim’s name as his/her own when arrested by police.

**22-1-2**     **RISK ASSESSMENT/IDENTIFYING RELEVANT RED FLAGS.**

While the overall risk of identity theft involving the City appears low, the City will focus on detection and prevention from identity theft on the following covered accounts: accounts to individual customers; all of the City’s accounts that are individual utility service accounts held by customers of the utility whether residential, commercial or industrial; any account the City offers or maintains primarily for personal, family or household purposes that involves multiple payments or transactions; and any other account for which there is a reasonably foreseeable risk to customers or to the safety and soundness of the City from Identity Theft, as well as automatic deposits to the accounts of the City employees. There will be a periodic review to determine if the covered accounts are still accurate due to any changes such as changes of address or other changes which may occur relating to an account.

Each type of covered account will be examined and reviewed for relevant Red Flags in part by considering:

- (A) The methods provided to open covered accounts;
- (B) The methods provided to access covered accounts; and

(C) Previous experiences with identity theft.

As part of the process, the City will consider the relevant Red Flags provided by the regulatory guidance, as well as incidents of identity theft that the City and/or the City customers have experienced and applicable supervisory guidance.

**22-1-3 DETECTED RED FLAGS.** The City is committed to detecting situations in which identity theft might occur or may have occurred.

A "Red Flag" is a pattern, practice or specific activity that indicates the possible existence of Identity Theft. In order to identify relevant Red Flags, the City considered risk factors such as 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.

Identity Theft will be combated by detecting Red Flags in connection with the opening of covered accounts and existing covered accounts, such as by:

(A) Obtaining identifying information about, and verifying the identity of a person opening a covered account.

(B) Authenticating customers' transactions, including photo ID if necessary, plus possible additional verification methods such as a user ID and password.

(C) Monitoring transactions with emphasis on a change of address closely followed by a new service request or a material change in a customer's credit use.

(D) Verifying the validity of change of address requests, in the case of existing covered accounts in order to monitor the diversion of statements as a prelude to possible account manipulation.

**22-1-4 PREVENTING AND MITIGATING IDENTITY THEFT.** In order to prevent and mitigate Identity Theft, the City will provide appropriate responses to the following Red Flags:

(A) **Alerts, Notifications or Warnings from a Consumer Reporting Agency.**

- (1) A fraud or active duty alert is included with a credit report.
- (2) A credit reporting agency provides a notice of credit freeze in response to a request for a credit report.
- (3) A credit reporting agency provides a notice of address discrepancy.
- (4) Receiving a report of fraud with a credit report.
- (5) Receiving indication from a credit report of activity that is inconsistent with a customer's usual pattern or activity.

(B) **Suspicious Documents.**

- (1) Documents provided for identification appear to have been altered, forged or unauthentic.

- (2) The photograph or physical description on the identification is not consistent with the appearance of the applicant or person presenting the identification.
- (3) Receiving other documentation with information that is not consistent with existing customer information (such as if a person's signature on a check appears forged).
- (4) Receiving an application for service that appears to have been altered or forged.

(C) **Suspicious Personal Identifying Information.**

- (1) The person opening the covered account or the customer fails to provide all required personal identifying information on an application or in response to notification that the application is incomplete.
- (2) Personal identifying information provided is not consistent with personal identifying information that is on file with the City.
- (3) A person's identifying information is the same as shown on other applications found to be fraudulent.
- (4) A person's identifying information is consistent with fraudulent activity (such as an invalid phone number or fictitious billing address).
- (5) A person's social security number is the same as another customer's social security number.
- (6) A person's address or phone number is the same as that of another person.
- (7) A person's identifying information is not consistent with other information the customer provides.

(D) **Unusual Use of, or Suspicious Activity Related to, the Covered Account.**

- (1) A change of address for a covered account followed by the City receiving a request for the addition of authorized users on the account or adding other parties.
- (2) A covered account that has been inactive and then becomes active.
- (3) Payments stop on an otherwise consistently up-to-date account.
- (4) Mail sent to the customer is returned repeatedly as undeliverable although transactions continue to be conducted in connection with the customer's covered account.
- (5) The City is notified of unauthorized charges or transactions in connection with a customer's covered account.

- (6) A new account is used in a manner consistent with fraud (such as the customer failing to make the first payment, or making the initial payment and no other payments).
- (5) An account being used in a way that is not consistent with prior use (such as late or no payments when the account has been timely in the past).
- (6) The City receives notice that a customer is not receiving his/her paper statements.

(E) **Notice From Customers, Victims of Identity Theft, Law Enforcement Authorities, or Other Persons Regarding Possible Identity Theft in Connection with Covered Accounts Held by the City.**

- (1) The City is notified by a customer, a victim of identity theft, a law enforcement authority, or any other person that it has opened a fraudulent account for a person engaged in identity theft.
- (2) Should any of the above instances of suspicious activity that could be identity theft occur, the City will take immediate actions to either prevent or mitigate the situation.

In order to detect any of the Red Flags identified above with the opening of a new account, City personnel will take the following steps to obtain and verify the identity of the person opening the account:

Steps can include:

- (a) Requiring certain identifying information such as name, date of birth, residential or business address, principal place of business for an entity, social security number, driver's license or other identification.
- (b) Verifying the customer's identity, such as by copying and reviewing a driver's license or other identification card.
- (c) Reviewing documentation showing the existence of a business entity.
- (d) Independently contacting the customer.

In order to detect any of the Red Flags identified above for an existing account, City personnel will take the following steps to monitor transactions with an account:

Steps can include:

- (a) Verifying the identification of customers if they request information (in person, via telephone, via facsimile, via e-mail).
- (b) Verifying the validity of requests to change billing addresses.

- (c) Verifying changes in banking information given for billing and payment purposes.

Responses to these Red Flags are commensurate with the degree of risk posed based on the City's risk assessment.

Appropriate responses may include the following:

- (a) Complete verification of identification for fraud, active duty, credit freeze or address discrepancy alert for any of these types of alerts found on a consumer credit report when applying for services;
- (b) Monitoring a covered account for evidence of identity theft or suspicious activity by placing on the City's watch list;
- (c) Contacting the customer;
- (d) Changing any passwords, security codes, or other security devices that permit access to a covered account;
- (e) Reopening a covered account with a new account number;
- (f) Not opening a new covered account;
- (g) Closing an existing covered account;
- (h) Not attempting to collect on a covered account or not sending a covered account to a debt collector;
- (i) Notifying law enforcement; or
- (j) Determining that no response is warranted under the particular circumstances.

**22-1-5 DUTIES REGARDING CHANGE OF ADDRESS.** If a notice of change of address for an existing account is received and then within **thirty (30) days** a request for a change to the account is made, the City will assess the validity of the change of address or requested change to the account.

**22-1-6 UPDATING THE PROGRAM.** The City will periodically review and update this policy (including the Red Flags determined to be relevant) to reflect changes in risks to customers or to the safety and soundness of the City from identity theft, based on factors such as:

- (A) Experiences with identity theft;
- (B) Changes in methods of identity theft;
- (C) Changes in methods to detect, prevent, and mitigate identity theft;
- (D) Changes in the types of accounts or services that the City offers or maintains; and
- (E) Changes in our business arrangements, including services provided and service provider arrangements.

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 City Council with his or her recommended changes, and the City Council will make a determination of whether to accept, modify or reject those changes to the Program.

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

(A) The ultimate oversight of the program is the City Council. The City Council has assigned specific responsibility for the Program's implementation to the Program Administrator.

(B) The Program Administrator will report to the City Council, at least annually, on compliance by the City with all identity theft issues.

(C) The report will address material matters related to the Program and evaluate issues such as:

- (1) The effectiveness of the policies and procedures of the City in addressing the risk of identity theft in connection with the opening of covered accounts and with respect to existing covered accounts;
- (2) Service provider arrangements;
- (3) Significant incidents involving identity theft and management's response; and
- (4) Recommendations for material changes to the Program.

The City Council will take any additional steps necessary to support this program.

**22-1-8 SERVICE PROVIDER ARRANGEMENTS.** The City will oversee any service provider who performs an activity in connection with one or more covered accounts. The City will take steps to ensure that the activity of the service provider is conducted in accordance with reasonable policies and procedures designed to detect, prevent, and mitigate the risk of Identity Theft and require the service provider to report any Red Flag to the Program Administrator.

**22-1-9 TRAINING.** The City staff responsible for implementing the Program will be trained to recognize and detect Red Flags and properly react to unauthorized or fraudulent attempts to obtain customer information. The City directs the Program Administrator to conduct annual training for all employees regarding identity theft and to supplement that training throughout the year as more schemes are uncovered.

**22-1-10 EDUCATION OF CUSTOMERS.** Educating consumers about preventing identity theft and identifying potential pretext calls may help reduce their vulnerability to these fraudulent practices. The City will have brochures available to consumers and an identity theft prevention section on the City's website that describes preventative measures consumers can take to avoid becoming victims of these types of fraud.

**22-1-11 OTHER APPLICABLE LEGAL REQUIREMENTS.** As part of the overall Program, the City will include other legal requirements when needed, such as:

- (A) Filing a Suspicious Activity Report; and
- (B) Implementing any requirements under which accounts may be created, changed or altered when the City detects a fraud or active duty alert.

**22-1-12 ASSISTANCE FOR VICTIMS.** In the event one of the City's customers becomes a victim of identity theft, the following steps will be taken, as appropriate, to assist them:

- (A) Have trained personnel respond to customer calls regarding identity theft or pretext calling.
- (B) Determine if it is necessary to close an account immediately after a customer reports unauthorized use of that account and create a new customer account when appropriate. Where a customer has multiple accounts, an assessment will be made as to whether any other account has been the subject of potential fraud.
- (C) Help educate the customer about appropriate steps to take if they have been victimized.

**(Ord. No. 1434; 10-06-08)**

**ARTICLE II - FREEDOM OF INFORMATION POLICY**

**22-2-1 PUBLIC RECORDS AVAILABLE.** To the extent required by the Freedom of Information Act, **5 ILCS 140-1 et seq.** the City shall make available to any person for inspection or copying all public records, except as otherwise provided in Section 7 of the Freedom of Information Act, **5 ILCSA 140/7.**

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

(A) The City Clerk or a designated employee is hereby designated to act as Freedom of Information Officer. The Officer shall receive requests submitted to the City under the Freedom of Information Act, insure that the City responds to requests in a timely fashion, and issue responses under the Freedom of Information Act. The Freedom of Information officer shall develop a list of documents or categories of records that the City shall immediately disclose upon request.

(B) Upon receiving a request for a public record, the Freedom of Information Officer shall:

- (1) Note the date the City 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 person making the request, and a copy of other communications regarding the request.

(C) The Freedom of Information Act officers shall successfully complete an electronic training curriculum to be developed by the Public Access Counselor in the office of the Attorney General of the State of Illinois and thereafter successfully complete an annual training program. Thereafter when a new Freedom of Information officer is designated by the City, that person shall successfully complete the electronic training curriculum within **thirty (30) days** after assuming the position. Successful completion of the required training curriculum within the periods provided shall be a prerequisite to continue serving as a Freedom of Information officer.

**22-2-3 PROCEDURES.** The City shall prominently display at the City Clerk's office, display on its website, make available for inspection and copying, and send through the mail as requested, each of the following:

(A) A brief description of the City, which will include, but not be limited to a block diagram giving its functional departments, the total amount of its operating budget, the number and location of all of its separate offices, the approximate number of full and part-time employees and the identification and membership of any board, commission, committee or council which operates in an advisory capacity relative to the operation of the City, or which exercises control over its policies or procedures; and



(B) A brief description of the methods whereby the public may request information and public records, a directory designating the Freedom of Information officers, the address where request for public records should be directed, and the fees relating thereto.

**22-2-4 REQUESTS TO INSPECT OR COPY.** All requests to inspect or copy records or documents prepared, maintained or under the control of the City shall be made in the following manner:

(A) All requests shall be in writing, shall state with reasonable particularity what records are to be inspected or copied, shall state whether the records are requested for a commercial purpose, and shall be signed by the person making the request. The request may be, but is not required to be, submitted on a form provided by the City.

(B) The written request shall be submitted to the City Clerk or to the designee. If neither the City Clerk nor the designee is available, the request shall be submitted to any employee of the City acting under the direction of the City Clerk.

(C) The Officer receiving the request shall date stamp the request and indicate the date by which a response to the request must be made.

(D) Each request for other than commercial purposes shall be granted or denied in writing within **five (5) business days** after its receipt by the City, except as hereafter stated. The failure to grant or deny a request within **five (5) business days** shall operate as a denial, except as provided hereinbelow.

(E) The time limit set forth hereinabove may be extended for an additional **five (5) business days** by notice in writing to the person making the request of the **five (5) business days** extension. The notification shall state the reason(s) for the **five (5) business day's** extension and contain a date certain on which the requested record(s) will be available. The failure to grant or deny a request within the additional **five (5) business days** shall operate as a denial. The person making the request and the City may agree in writing to extend the time for compliance for a period to be determined by the parties. If the person making the request and the City agree to extend the period for compliance, a failure by the City to comply with any previous deadlines shall not be treated as a denial of the request for the records.

(F) Charges for copies of records and/or documents shall be imposed in accordance with the following:

- (1) No fees shall be charged for the first **fifty (50) pages** of black and white, letter or legal sized copies requested.
- (2) **Fifteen Cents (\$0.15)** for one-sided page for each black and white, letter, legal sized or 11" x 17" copy requested.
- (3) **One Dollar (\$1.00)** for each certified copy requested.
- (4) **Ten Cents (\$0.10)** for each audio recording.

(G) It shall be the responsibility of the person making the request to pick up the requested documents at City Hall. If the person making the request asks the City to mail the documents, he or she shall provide the City with his/her correct mailing address so as to efficiently process all requests. Copies of records requested to be mailed will be forwarded United States Certified Mail to the address provided. Pre-payment of **Two Dollars Fifty Cents (\$2.50)** per ounce shall be required.

(H) When a person requests a copy of a record maintained in an electronic format, the City shall furnish it in the electronic format specified by the person making the request, if feasible. If it is not feasible to furnish the public records in the specified electronic format, then the City shall furnish it in the format in which it is maintained by the City, or in paper format at the option of the person making the request.

**22-2-5**      **REQUEST FOR COMMERCIAL PURPOSES.** The City shall respond to a request for records to be used for a commercial purpose within **twenty-one (21) working days** after receipt. The response shall (1) provide to the person making the request an estimate of the time required by the City to provide the records requested and an estimate of the fees to be charged, which the City may require the person to pay in full before copying the requested documents, (2) deny the request pursuant to **one (1)** or more of the exemptions set out in the Freedom of Information Act, **5 ILCS 140/1 et seq.**, (3) notify the person making the request that the request is unduly burdensome and extend an opportunity to the person making the request to attempt to reduce the request to manageable portions, or (4) provide the records requested.

Unless the records are exempt from disclosure, the City shall comply with a commercial request within a reasonable period considering the size and complexity of the request, and giving priority to records requested for non-commercial purposes.

It is unlawful for a person to knowingly obtain a public record for a commercial purpose within disclosing that it is for a commercial purpose, and any person obtaining a public record for commercial purpose without disclosing that it is for a commercial purpose shall be fined in accordance with the City Code.

**22-2-6**      **FEES.** The City Clerk shall determine when the established fees are subject to waiver or reduction because the release of the requested information is in the public interest.

**22-2-7**      **PUBLIC FILE.** The City Clerk shall establish and maintain a central file, open to the public, of all denials of requests for records which shall be indexed according to the exemption utilized to deny a request for records, and to the extent possible, according to the types of records requested.

**22-2-8**      **GRANTING OR DENIAL OF REQUESTS.** A request for all records within a category shall be granted unless the request constitutes an undue burden upon the City. Prior to denying a request based upon the burdensome nature of the request, an opportunity to narrow the request to manageable proportions shall be provided. If the attempt to narrow the request fails, the request may be denied because compliance will unduly burden the operations of the City and the burden outweighs the public interest in the information. The denial shall be in writing, specifying the reasons why compliance will be unduly burdensome and the extent to which compliance will so burden the operations of the City. Repeated requests from the same person for the same records that are unchanged or identical to records previously provided are properly denied under the Freedom of Information Act shall be deemed unduly burdensome under this Section.

**22-2-9**      **CERTAIN INFORMATION EXEMPT FROM INSPECTION AND COPYING.** If any record exempt from disclosure contains material which is not exempt, the information which is exempt shall be deleted and the remaining information shall be available for inspection and copying.

**22-2-10      NOTICE OF DENIAL OF REQUEST; APPEALS.**

(A)      If the City denies the request, the City shall notify the person making the request in writing of:

- (1)      the decision to deny the request;
- (2)      the reasons for the denial, including a detailed factual basis for the application of any exemption claim;
- (3)      the names and titles or positions of each person responsible for the denial;
- (4)      the right to review by the Public Access Counselor and the address and phone number for the Public Access Counselor; and
- (5)      the right to judicial review.

If an exemption is claimed, then the denial must include the specific reasons for the denial, including a detailed factual basis and a citation to support a legal authority.

(B)      If the City asserts an exemption under Subsection (1)(c) or (1)(f) of Section 7 of the Freedom of Information Act, it shall, within the time periods provided for Respondent to request, provide written notice to the person making the request and the Public Access Counselor of its intent to deny the request in whole or in part. The notice shall include:

- (1)      a copy of the request for access to records;
- (2)      the proposed response from the City;
- (3)      a detailed summary of the City's basis for asserting its exemption.

If the Public Access Counselor determines that further inquiry is warranted, the procedures set forth in the Freedom of Information Act, as amended from time to time, regarding the review of denials shall be applicable. Times for response compliance by the City to the request shall be tolled until the Public Access Counselor concludes his or her inquiry.

**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 City may be ensured, it is hereby declared the policy of the City 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 City 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 City, 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. **(See 65 ILCS 5/11-11.1-1)**

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

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

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

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

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

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

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

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

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

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

(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 City or in furnishing of any facilities or services in connection therewith.

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

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

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

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

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

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

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

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

**ARTICLE IV - EQUAL EMPLOYMENT POLICY**

**22-4-1**      **ADOPTION OF CODES.** The City hereby declares to uphold, defend, enforce, and advocate for all laws related to Equal Employment Opportunity including, but not limited to, the following:

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

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

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

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

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

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

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

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

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

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

**22-4-2**      **NON-DISCRIMINATORY PRACTICES.** The City 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.

**22-4-3**      **CONTRACTING WITH NON-COMPLAINTS.** The City 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 City 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 placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex, national origin, or disability.
- (3) In the event of the contractor's noncompliance with the Equal Opportunity Clause or with any of the said rules, regulations, and orders, this contract may be canceled, terminated, or suspended in whole or in part and the contractor may be declared ineligible for further government contracts or federally assisted construction contracts.
- (4) The contractor will include the provisions of this Equal Opportunity clause in every subcontract or purchase order, unless exempted by the rules, regulations, or orders of the Secretary of Labor so that such provisions will be binding upon each such subcontractor or vendor.

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

**22-4-5**      **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 City as well as surrounding areas.

**22-4-6**      **ACCOMMODATIONS FOR DISABLED.** The City will provide accommodations to the best of its ability for employees with disabilities, contingent on budget and structural limitations.



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**22-4-7**      **COMPLIANCE BY EMPLOYEES.** All City employees are expected to adhere to the above policy and to work actively for its implementation both internally and in carrying out City program activities.

**22-4-8**      **DESIGNATED ENFORCERS.** The City designates the Mayor and the City Council to carry out the EEO/AA plan.

**ARTICLE V – ETHICS CODE**

**22-5-1 DEFINITIONS.** For the purposes of this Article, the following terms shall be given these definitions:

**"Campaign for Elective Office"** means any activity in furtherance of an effort to influence the selection, nomination, election, or appointment of any individual to any federal, State, or local public office or office in a political organization, or the selection, nomination, or election of Presidential or Vice-Presidential electors, but does not include activities (i) relating to the support or opposition of any executive, legislative, or administrative action, (ii) relating to collective bargaining, or (iii) that are otherwise in furtherance of the person's official duties.

**"Candidate"** means a person who has filed nominating papers or petitions for nomination or election to an elected office, or who has been appointed to fill a vacancy in nomination, and who remains eligible for placement on the ballot at a regular election, as defined in Section 1-3 of the Election Code (**10 ILCS 5/1-3**).

**"Collective Bargaining"** has the same meaning as that term is defined in Section 3 of the Illinois Public Labor Relations Act (**5 ILCS 315/3**).

**"Compensated Time"** means, with respect to an employee, any time worked by or credited to the employee that counts toward any minimum work time requirement imposed as a condition of his or her employment, but for purposes of this Article, does not include any designated holidays, vacation periods, personal time, compensatory time off or any period when the employee is on a leave of absence. With respect to officers or employees whose hours are not fixed, "compensated time" includes any period of time when the officer is on premises under the control of the employer and any other time when the officer or employee is executing his or her official duties, regardless of location.

**"Compensatory Time Off"** means authorized time off earned by or awarded to an employee to compensate in whole or in part for time worked in excess of the minimum work time required of that employee as a condition of his or her employment.

**"Contribution"** has the same meaning as that term is defined in Section 9-1.4 of the Election Code (**10 ILCS 5/9-1.4**).

**"Employee"** means a person employed by the City, whether on a full-time or part-time basis or pursuant to a contract, whose duties are subject to the direction and control of an employer with regard to the material details of how the work is to be performed, but does not include an independent contractor.

**"Employer"** means the City of Chester.

**"Gift"** means any gratuity, discount, entertainment, hospitality, loan, forbearance, or other tangible or intangible item having monetary value including, but not limited to, cash, food and drink, and honoraria for speaking engagements related to or attributable to government employment or the official position of an officer or employee.

**"Leave of Absence"** means any period during which an employee does not receive (i) compensation for employment, (ii) service credit towards pension benefits, and (iii) health insurance benefits paid for by the employer.

**"Officer"** means a person who holds, by election or appointment, an office created by statute or ordinance, regardless of whether the officer is compensated for service in his or her official capacity.

**"Political Activity"** means any activity in support of or in connection with any campaign for elective office or any political organization, but does not include activities (i) relating to the support or opposition of any executive, legislative, or administrative action, (ii)

relating to collective bargaining, or (iii) that are otherwise in furtherance of the person's official duties.

**"Political Organization"** means a party, committee, association, fund, or other organization (whether or not incorporated) that is required to file a statement of organization with the State Board of Elections or a county clerk under Section 9-3 of the Election Code (**10 ILCS 5/9-3**), but only with regard to those activities that require filing with the State Board of Elections or a county clerk.

**"Prohibited Political Activity"** means:

(A) Preparing for, organizing, or participating in any political meeting, political rally, political demonstration, or other political event.

(B) Soliciting contributions, including but not limited to the purchase of, selling, distributing, or receiving payment for tickets for any political fundraiser, political meeting, or other political event.

(C) Soliciting, planning the solicitation of, or preparing any document or report regarding anything of value intended as a campaign contribution.

(D) Planning, conducting, or participating in a public opinion poll in connection with a campaign for elective office or on behalf of a political organization for political purposes or for or against any referendum question.

(E) Surveying or gathering information from potential or actual voters in an election to determine probable vote outcome in connection with a campaign for elective office or on behalf of a political organization for political purposes or for or against any referendum question.

(F) Assisting at the polls on election day on behalf of any political organization or candidate for elective office or for or against any referendum question.

(G) Soliciting votes on behalf of a candidate for elective office or a political organization or for or against any referendum question or helping in an effort to get voters to the polls.

(H) Initiating for circulation, preparing, circulating, reviewing, or filing any petition on behalf of a candidate for elective office or for or against any referendum question.

(I) Making contributions on behalf of any candidate for elective office in that capacity or in connection with a campaign for elective office.

(J) Preparing or reviewing responses to candidate questionnaires.

(K) Distributing, preparing for distribution, or mailing campaign literature, campaign signs, or other campaign material on behalf of any candidate for elective office or for or against any referendum question.

(L) Campaigning for any elective office or for or against any referendum question.

(M) Managing or working on a campaign for elective office or for or against any referendum question.

(N) Serving as a delegate, alternate, or proxy to a political party convention.

(O) Participating in any recount or challenge to the outcome of any election.

**"Prohibited Source"** means any person or entity who:

(A) is seeking official action (i) by an officer or (ii) by an employee, or by the officer or another employee directing that employee;

(B) does business or seeks to do business (i) with the officer or (ii) with an employee, or with the officer or another employee directing that employee;

(C) conducts activities regulated (i) by the officer or (ii) by an employee, or by the officer or another employee directing that employee; or

(D) has interests that may be substantially affected by the performance or non-performance of the official duties of the officer or employee.

**22-5-2 PROHIBITED POLITICAL ACTIVITIES.**

(A) No officer or employee shall intentionally perform any prohibited political activity during any compensated time, as defined herein. No officer or employee shall intentionally use any property or resources of the City in connection with any prohibited political activity.

(B) At no time shall any officer or employee intentionally require any other officer or employee to perform any prohibited political activity (i) as part of that officer or employee's duties, (ii) as a condition of employment, or (iii) during any compensated time off (such as holidays, vacation or personal time off).

(C) No officer or employee shall be required at any time to participate in any prohibited political activity in consideration for that officer or employee being awarded additional compensation or any benefit, whether in the form of a salary adjustment, bonus, compensatory time off, continued employment or otherwise, nor shall any officer or employee be awarded additional compensation or any benefit in consideration for his or her participation in any prohibited political activity.

(D) Nothing in this Section prohibits activities that are permissible for an officer or employee to engage in as part of his or her official duties, or activities that are undertaken by an officer or employee on a voluntary basis which are not prohibited by this Article.

(E) No person either (i) in a position that is subject to recognized merit principles of public employment or (ii) in a position the salary for which is paid in whole or in part by federal funds and that is subject to the Federal Standards for a Merit System of Personnel Administration applicable to grant-in-aid programs, shall be denied or deprived of employment or tenure solely because he or she is a member or an officer of a political committee, of a political party, or of a political organization or club.

**22-5-3 GIFT BAN.** Except as permitted by this Article, no officer or employee, and no spouse of or immediate family member living with any officer or employee (collectively referred to herein as "recipients"), shall intentionally solicit or accept any gift from any prohibited source, as defined herein, or which is otherwise prohibited by law or ordinance. No prohibited source shall intentionally offer or make a gift that violates this Section.

**22-5-4 EXCEPTIONS.** Section 22-5-1 is not applicable to the following:

(A) Opportunities, benefits, and services that are available on the same conditions as for the general public.

(B) Anything for which the officer or employee, or his or her spouse or immediate family member, pays the fair market value.

(C) Any (i) contribution that is lawfully made under the Election Code or (ii) activities associated with a fundraising event in support of a political organization or candidate.

(D) Educational materials and missions.

(E) Travel expenses for a meeting to discuss business.

(F) A gift from a relative, meaning those people related to the individual as father, mother, son, daughter, brother, sister, uncle, aunt, great aunt, great uncle, first cousin, nephew, niece, husband, wife, grandfather, grandmother, grandson, granddaughter, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, half sister, and including the father, mother, grandfather, or grandmother of the individual's spouse and the individual's fiancé or fiancée.

(G) Anything provided by an individual on the basis of a personal friendship unless the recipient has reason to believe that, under the circumstances, the gift was provided because of the official position or employment of the recipient or his or her spouse or immediate family member and not because of the personal friendship. In determining whether a gift is provided on the basis of personal friendship, the recipient shall consider the circumstances under which the gift was offered, such as: (i) the history of the relationship between the individual giving the gift and the recipient of the gift, including any previous exchange of gifts between those individuals; (ii) whether to the actual knowledge of the recipient the individual who gave the gift personally paid for the gift or sought a tax deduction or business reimbursement for the gift; and (iii) whether to the actual knowledge of the recipient the individual who gave the gift also at the same time gave the same or similar gifts to other officers or employees, or their spouses or immediate family members.

(H) Food or refreshments not exceeding **Seventy-Five Dollars (\$75.00)** per person in value on a single calendar day; provided that the food or refreshments are (i) consumed on the premises from which they were purchased or prepared or (ii) catered. For the purposes of this Section, "catered" means food or refreshments that are purchased ready to consume which are delivered by any means.

(I) Food, refreshments, lodging, transportation, and other benefits resulting from outside business or employment activities (or outside activities that are not connected to the official duties of an officer or employee), if the benefits have not been offered or enhanced because of the official position or employment of the officer or employee, and are customarily provided to others in similar circumstances.

(J) Intra-governmental and inter-governmental gifts. For the purpose of this Act, "intragovernmental gift" means any gift given to an officer or employee from another officer or employee, and "inter-governmental gift" means any gift given to an officer or employee by an officer or employee of another governmental entity.

(K) Bequests, inheritances, and other transfers at death.

(L) Any item or items from any one prohibited source during any calendar year having a cumulative total value of less than **One Hundred Dollars (\$100.00)**.

Each of the exceptions listed in this Section is mutually exclusive and independent of every other.

**22-5-5 DISPOSITION OF GIFTS.** An officer or employee, his or her spouse or an immediate family member living with the officer or employee, does not violate this Article if the recipient promptly takes reasonable action to return a gift from a prohibited source to its source or gives the gift or an amount equal to its value to an appropriate charity that is exempt from income taxation under Section 501(c)(3) of the Internal Revenue Code of 1986, as now or hereafter amended, renumbered, or succeeded.

**22-5-6**        **ETHICS ADVISOR.** The Mayor, with the advice and consent of the City Council, shall designate an Ethics Advisor for the City. The duties of the Ethics Advisor may be delegated to an officer or employee of the City unless the position has been created as an office by the City.

The Ethics Advisor shall provide guidance to the officers and employees of the City concerning the interpretation of and compliance with the provisions of this Article and State ethics laws. The Ethics Advisor shall perform such other duties as may be delegated by the City Council.

**22-5-7**        **ETHICS COMMISSION.**

(A)            There is hereby created a commission to be known as the Ethics Commission of the City. The Commission shall be comprised of **three (3) members** appointed by the Mayor with the advice and consent of the City Council. No person shall be appointed as a member of the Commission who is related, either by blood or by marriage up to the degree of first cousin, to any elected officer of the City.

(B)            At the first meeting of the Commission, the initial appointees shall draw lots to determine their initial terms. **Two (2)** commissioners shall serve **two (2) year** terms, and the third commissioner shall serve a **one (1) year** term. Thereafter, all commissioners shall be appointed to **two (2) year** terms. Commissioners may be reappointed to serve subsequent terms. At the first meeting of the Commission, the commissioners shall choose a chairperson from their number. Meetings shall be held at the call of the chairperson or any **two (2)** commissioners. A quorum shall consist of **two (2)** commissioners, and official action by the Commission shall require the affirmative vote of **two (2) members**.

(C)            The Mayor, with the advice and consent of the City Council, may remove a commissioner in case of incompetency, neglect of duty or malfeasance in office after service on the commissioner by certified mail, return receipt requested, of a copy of the written charges against the commissioner and after providing an opportunity to be heard in person or by counsel upon not less than **ten (10) days'** notice. Vacancies shall be filled in the same manner as original appointments.

(D)            The Commission shall have the following powers and duties:

- (1)        To promulgate procedures and rules governing the performance of its duties and the exercise of its powers.
- (2)        Upon receipt of a signed, notarized, written complaint, to investigate, conduct hearings and deliberations, issue recommendations for disciplinary actions, impose fines in accordance with **Section 22-5-8(C)** of this Article and refer violations of **Section 22-5-2** or **Section 22-5-3** of this Article to the appropriate attorney for prosecution. The Commission shall, however, act only upon the receipt of a written complaint alleging a violation of this Article and not upon its own prerogative.
- (3)        To receive information from the public pertaining to its investigations and to require additional information and documents from persons who may have violated the provisions of this Article.
- (4)        To compel the attendance of witnesses and to compel the production of books and papers pertinent to an investigation. It is

the obligation of all officers and employees of the City to cooperate with the Commission during the course of its investigations. Failure or refusal to cooperate with requests by the Commission shall constitute grounds for discipline or discharge.

- (5) The powers and duties of the Commission are limited to matters clearly within the purview of this Article.

(E)

**Complaints.**

- (1) Complaints alleging a violation of this Article shall be filed with the Ethics Commission.
- (2) Within **three (3) business days** after the receipt of a complaint, the Commission shall send by certified mail, return receipt requested, a notice to the respondent that a complaint has been filed against him or her and a copy of the complaint. The Commission shall send by certified mail, return receipt requested, a confirmation of the receipt of the complaint to the complainant within **three (3) business days** after receipt by the Commission. The notices to the respondent and the complainant shall also advise them of the date, time, and place of the meeting to determine the sufficiency of the complaint and to establish whether probable cause exists to proceed.
- (3) Upon not less than **forty-eight (48) hours'** public notice, the Commission shall meet to review the sufficiency of the complaint and, if the complaint is deemed sufficient to allege a violation of this Article, to determine whether there is probable cause, based on the evidence presented by the complainant, to proceed. The meeting may be closed to the public to the extent authorized by the Open Meetings Act. The Commission shall issue notice to the complainant and the respondent of the Commission's ruling on the sufficiency of the complaint and, if necessary, on probable cause to proceed within **seven (7) business days** after receiving the complaint.

If the complaint is deemed sufficient to allege a violation of **Section 22-5-3** of this Article and there is a determination of probable cause, then the Commission's notice to the parties shall include a hearing date scheduled within **four (4) weeks** after the complaint's receipt. Alternatively, the Commission may elect to notify in writing the attorney designated by the corporate authorities to prosecute such actions and request that the complaint be adjudicated judicially. If the complaint is deemed not sufficient to allege a violation or if there is no determination of probable cause, then the Commission shall send by certified mail, return receipt requested, a notice to the parties of the decision to dismiss the complaint, and that notice shall be made public.

If the complaint is deemed sufficient to allege a violation of **Section 22-5-2** of this Article, then the Commission shall notify in writing the attorney designated by the Corporate Authorities to prosecute such actions and shall transmit to the attorney the

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- complaint and all additional documents in the custody of the Commission concerning the alleged violation.
- (4) On the scheduled date and upon at least **forty-eight (48) hours'** public notice of the meeting, the Commission shall conduct a hearing on the complaint and shall allow both parties the opportunity to present testimony and evidence. The hearing may be closed to the public only if authorized by the Open Meetings Act.
  - (5) Within **thirty (30) days** after the date the hearing or any recessed hearing is concluded, the Commission shall either: (a) dismiss the complaint or (b) issue a recommendation for discipline to the alleged violator and to the Mayor or impose a fine upon the violator, or both. The particular findings in the case, any recommendation for discipline, and any fine imposed shall be a matter of public information.
  - (6) If the hearing was closed to the public, the respondent may file a written demand for a public hearing on the complaint within **seven (7) business days** after the issuance of the recommendation for discipline or imposition of a fine, or both. The filing of the demand shall stay the enforcement of the recommendation or fine. Within **fourteen (14) days** after receiving the demand, the Commission shall conduct a public hearing on the complaint upon at least **forty-eight (48) hours'** public notice of the hearing and allow both parties the opportunity to present testimony and evidence. Within **seven (7) days** thereafter, the Commission shall publicly issue a final recommendation to the alleged violator and to the Mayor or impose a fine upon the violator, or both.
  - (7) If a complaint is filed during the **sixty (60) days** preceding the date of any election at which the respondent is a candidate, the Commission shall render its decision as required under subsection (5) within **seven (7) days** after the complaint is filed, and during the **seven (7) days** preceding that election, the Commission shall render such decision before the date of that election, if possible.
  - (8) The Commission may fine any person who intentionally violates any provision of **Section 22-5-3** of this Article in an amount of not less than **One Thousand One Dollars (\$1,001.00)** and not more than **Five Thousand Dollars (\$5,000.00)**. The Commission may fine any person who knowingly files a frivolous complaint alleging a violation of this Article in an amount of not less than **One Thousand One Dollars (\$1,001.00)** and not more than **Five Thousand Dollars (\$5,000.00)**. The Commission may recommend any appropriate discipline up to and including discharge.
  - (9) A complaint alleging the violation of this Act must be filed within **one (1) year** after the alleged violation.



**22-5-8      PENALTIES.**

(A)            A person who intentionally violates any provision of **Section 22-5-2** of this Article may be punished by a term of incarceration in a penal institution other than a penitentiary for a period of not more than **three hundred sixty-four (364) days**, and may be fined in an amount not to exceed **Two Thousand Five Hundred Dollars (\$2,500.00)**.

(B)            A person who intentionally violates any provision of **Section 22-5-3** of this Article is subject to a fine in an amount of not less than **One Thousand One Dollars (\$1,001.00)** and not more than **Five Thousand Dollars (\$5,000.00)**.

(C)            Any person who intentionally makes a false report alleging a violation of any provision of this Article to the local enforcement authorities, the State's Attorney or any other law enforcement official may be punished by a term of incarceration in a penal institution other than a penitentiary for a period of not more than **three hundred sixty-four (364) days**, and may be fined in an amount not to exceed **Two Thousand Five Hundred Dollars (\$2,500.00)**.

(D)            A violation of **Section 22-5-2** of this Article shall be prosecuted as a criminal offense by an attorney for the City by filing in the circuit court any information, or sworn complaint, charging such offense. The prosecution shall be under and conform to the rules of criminal procedure. Conviction shall require the establishment of the guilt of the defendant beyond a reasonable doubt. A violation of **Section 22-5-3** of this Article may be prosecuted as a quasi-criminal offense by an attorney for the City, or, if an Ethics Commission has been created, by the Commission through the designated administrative procedure.

(E)            In addition to any other penalty that may be applicable, whether criminal or civil, an officer or employee who intentionally violates any provision of **Section 22-5-2** or **22-5-3** of this Article is subject to discipline or discharge.

**(Ord. No. 1289; 05-03-04)**

**ARTICLE VI – INVESTMENT POLICY**

**22-6-1 POLICY.** It is the policy of the City to invest public funds in a manner which will provide the highest investment return with maximum security while meeting the daily cash flow demands of the City and conforming with all statutes of the State of Illinois as well as the City’s ordinances controlling the deposit and investment of funds.

**22-6-2 SCOPE.** This investment policy applies to the investment of all financial assets of the City. It applies to the general fund, special revenue funds, debt service funds (including funds held in trust by a paying agent or trustee), capital project funds, special assessment funds, enterprise funds, internal service funds, expendable and non-expendable trust funds, and agency funds. Specific funds may be subject to additional investment procedures or exempted if passed by an ordinance of council.

**22-6-3 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. The City officials acting in accordance to written procedures and the investment policy and exercising due diligence shall be relieved of the personal responsibility for an individual security’s risk provided deviations from expectations are reported in a timely fashion and appropriate action is taken to control adverse developments.

**22-6-4 OBJECTIVE.** The primary objectives, in priority order, of the City’s investment activity shall be:

(A) **Safety.** Safety of the principal is the foremost objective of the investment program. Investments of the City of Chester shall be undertaken in a manner that seeks to ensure the preservation of capital in the overall portfolio. To obtain this objective, diversification is required in order that potential losses on individual securities do not exceed the income generated from the remainder of the portfolio.

**Derivatives.** Under no circumstances will any City funds, either directly or indirectly, be invested in derivatives (except stripped coupons).

(B) **Liquidity.** The City’s investment portfolio will remain sufficiently liquid to enable the City to meet all operating requirements that might be reasonably anticipated.

(C) **Return on Investment.** The City’s investment portfolio shall be designed with the objective of attaining a market rate of return throughout budgetary and economic cycles, taking into account the City’s investment risk characteristics and the cash flow characteristics of the portfolio.

(D) Whenever possible and prudent, City funds will be invested with local financial institutions.

**22-6-5**      **DELEGATION OF AUTHORITY.** Authority to manage the City's investment policy is derived from the Illinois State Statutes. Management of investments is hereby delegated to the City Treasurer who shall invest surplus City funds as set forth in this investment policy, establish a system of internal controls and written operational procedures. All persons engaged in investment transactions for the City or any of its entities shall follow this investment policy.

The City Clerk shall be responsible for receiving, depositing and recording all monies. A monthly report is generated showing all receipts and disbursements. Semi-annual investment reports will be submitted by the City Treasurer to the City Council. Monthly Treasurer's reports will represent receipts from various tax sources. The City Council's Finance Committee will approve all disbursements.

**22-6-6**      **ETHICS AND CONFLICTS OF INTEREST.** City officials and employees involved in the investment process shall refrain from personal business activity that could conflict with the proper execution of the investment program, or which would impair their ability to make impartial decisions. City officials shall disclose to the Mayor any material financial interests in financial institutions that conduct business with the City, and he shall further disclose any large personal/investment positions that could be related to the City's portfolio. City officials shall subordinate their personal investment transactions to those of the City, particularly with regard to the time of purchases and sales.

(A)      **Pecuniary Interest in Contracts.** City officials are also bound by the provision of **30 ILCS 235/2(d)** and **50 ILCS 105/3.2** regarding pecuniary interests allowed in contracts of deposit and financial service with local banks and savings and loan associations. **See Appendix "A"** which is attached hereto and by reference made a part of this investment policy.

**22-6-7**      **AUTHORIZED FINANCIAL DEALERS AND INSTITUTIONS.** Investment instruments as defined in **Section 22-6-8** of this policy may be purchased from financial institutions inside and outside the City or from primary security broker/dealers. Security broker/dealers not affiliated with a bank shall be required to have an office located in Illinois and be classified as reporting dealers affiliated with the New York Federal Reserve Bank as primary dealers. Financial institutions and security broker/dealers must file a current financial statement with the finance director as well as signed statement that they have read and understand this policy and will limit their recommendations to those investments which they believe are consistent with its requirements.

(A)      Brokers/Dealers who provide investments on a "delivery versus payment" basis must be primary dealers of government securities as listed by the Federal Reserve Bank of New York or regional dealers that qualify under Securities and Exchange Commission Rule 15C3-1 (uniform net capital rule).

(B)      Brokers/Dealers who sell commercial paper and provide their own safekeeping for commercial paper must be primary dealers of government securities as listed by the Federal Reserve Bank of New York, or regional brokers that the City Treasurer has determined can provide sufficient insurance to secure the assets.

(C)      Commercial Banks authorized to provide investments on a "delivery versus payment" basis must have at least **\$500 million** of total assets and a Sheshunoff rating of at least **thirty (30)** according to the most recent Sheshunoff quarterly bank rating report.

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(D) Commercial Banks authorized to provide federally insured Certificates of Deposit must have a Sheshunoff rating of at least **twenty (20)** according to the most recent Sheshunoff quarterly bank rating report.

(E) Commercial Banks authorized to provide collateralized Certificates of Deposit above and beyond the **One Hundred Thousand Dollar (\$100,000.00)** federally insured limit must have a Sheshunoff rating of at least **fifty (50)** according to the most recent Sheshunoff quarterly bank rating report.

(F) Commercial Banks performing safekeeping services must provide these services in the framework of a legally separate trust department.

A current audited financial statement is required to be on file for each financial institution and broker/dealer in which the City invests.

**22-6-8**      **AUTHORIZED AND SUITABLE INVESTMENTS.**    The City Treasurer may invest in the following investments:

(A) Treasury Obligations including bills, notes, bonds and stripped coupons.

(B) Obligations of the Government National Mortgage Association (GNMAs).

(C) Bonds, notes, debentures and similar obligations issued by agencies of the United States government.

(D) Certificates of Deposit issued by Commercial Banks that are FDIC insured or collateralized.

(E) Commercial paper that has the highest rating classifications by at least one of the standard rating agencies and has one of the two highest rating classifications by at least two of the standard rating agencies.

(F) The Illinois Public Treasurer's Investment Pool.

(G) Any money market mutual fund permissible under state law.

**22-6-9**      **COLLATERALIZATION.**    Collateralization may be required of all certificates of deposit, savings accounts, money market funds and all other funds held by a financial institution for the City. In order to anticipate market changes and provide a level of security for all funds, the collateralization level will be **one hundred two percent (102%)** of market value of principal and accrued interest. Collateral will be limited to direct obligations of the United States of America, agencies of the United States of America and Collateral Mortgage Obligations derived solely from those agencies, and obligations of any governmental agency within the United States with a Moody's rating of AA or better or a Standard and Poor's rating of AA or better. Collateral will always be held by an independent third party with whom the City has a current custodial agreement. A clearly marked evidence of ownership (safekeeping receipt) must be supplied to the City and retained. The right of collateral substitution is granted, but all substitution must be reported to the City at least **forty-eight (48) hours** prior to execution. Collateralization agreements, signed by financial institutions, are on file at City Hall.

**22-6-10**      **SAFEKEEPING AND CUSTODY.** All securities will be held by a third party custodian. Where practical those securities will be purchased on a delivery-versus-payment (DVP) basis. Securities will be held by a third party custodian recommended by the City Treasurer and approved by the City Council and evidenced by safekeeping receipts. Where

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securities cannot practically be purchased on a DVP basis, the seller of the security will hold the security provided it meets the requirements set in **Section 22-6-7**. Sales of securities by the City shall be made on a DVP basis where practicable.

**22-6-11 DIVERSIFICATION.** The City will diversify its investments by security type and institution to avoid incurring unreasonable risks inherent in overinvesting in specific instruments, individual financial institutions or maturities.

<u>Diversification by Investment Instrument</u>	<u>Percent of Portfolio</u>
U.S. Treasury Obligations (bills, notes, bonds)	100%
Bonds, notes, debentures or other obligations or securities issued by any federal government agency	50%
Certificates of Deposit (specific collateral 102%)	100%
Repurchase Agreements with signed master repurchase agreement (specific collateral 102%)	25%
State and Local Government Securities	25%
Illinois Public Treasurer's Investment Pool	100%

**22-6-12 MAXIMUM MATURITIES.** To the extent possible, the City shall attempt to match its investments with anticipated cash flow. Unless matched to a specific cash flow, the City will not directly invest in securities maturing more than **three (3) years** from the date of purchase. In no case can commercial paper be purchased with a maturity date of more than **one hundred twenty-five (125) days** from purchase, and in no case can certificates of deposit be purchased with a maturity date of more than **one thousand eighty (1080) days** from date of purchase. (To be evaluated individually based upon projected cash flow needs).

The City may invest up to **fifty percent (50%)** of its budgeted capital reserve in U.S. Treasury securities with a maturity date of up to **seven (7) years** from the date of purchase, and the City may invest up to **ten percent (10%)** of its budgeted capital reserve in a GNMA with a maturity date of up to **fifteen and one-quarter (15 1/4) years** from its date of purchase (this longer maturity allowance for a GNMA takes into account the self-amortizing nature of the security which reduces its average life substantially).

**22-6-13 INTERNAL CONTROL.** The City shall participate in an annual process of independent review by an external auditor. This review will provide internal control by assuring compliance with policies and procedures.

**22-6-14**     **PERFORMANCE STANDARDS.**   The investment portfolio will be designed to obtain a market average rate of return during budgetary and economic cycles, taking into account the City’s investment risk constraints and cash flow needs.

(A)           **Market Yield (Benchmark).**   The City’s investment strategy is passive. Given this strategy, the basis used by City officials to determine whether market yields are being achieved shall be the Illinois Public Treasurer’s Investment Pool.

**22-6-15**     **REPORTING.**   The City Treasurer will make monthly reports to the City Council on investment purchases, sales and maturities. A semi-annual listing of all investments made by the City Treasurer will be presented to the City Council for review along with a report comparing actual performance to benchmark performance.

**22-6-16**     **INVESTMENT POLICY ADOPTION.**   The investment policy shall be adopted by resolution of the City Council, and any modifications made must be approved by the City Council.

**ARTICLE VII - USE OF SOCIAL SECURITY NUMBERS**

**22-7-1 DEFINITIONS.**

**"Person"** means any individual in the employ of the City.

**"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).

**22-7-2 PROHIBITED ACTIVITIES.**

(A) No officer or employee of the City 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 City's authorizing Ordinance, no officer or employee of the City shall do any of the following:

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

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

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

(C) circumstances:

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

- (1) The disclosure of Social Security Numbers to agents, employees, contractors, or subcontractors of the City 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 City 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 City 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: City 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 City 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 City 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 City shall control.

**22-7-3 PUBLIC INSPECTION AND COPYING OF DOCUMENTS.**

Notwithstanding any other provision of this policy to the contrary, all officers and employees of the City 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 City must redact Social Security Numbers from the information or documents before allowing the public inspection or copying of the information or documents.

**22-7-4 APPLICABILITY.**

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

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

**22-7-5 COMPLIANCE WITH FEDERAL LAW.** If a federal law takes effect requiring any federal agency to establish a national unique patient health identifier program, the City shall follow that law.

**22-7-6 EMBEDDED SOCIAL SECURITY NUMBERS.** Beginning immediately on the effective date of the City's authorizing Ordinance, no officer or employee of the City 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.

**22-7-7 IDENTITY--PROTECTION REQUIREMENTS.**

(A) All officers, employees and agents of the City 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 City 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 City Council within **thirty (30) days** after approval of this Policy or any amendment thereto.

(F) The City 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 City amends this Privacy Policy, then the City shall also advise its employees of the existence of the amended Policy and make a copy of the amended Policy available to each employee.

**22-7-8**      **PENALTY.** Any person who violates any portion of this Article, as now or hereafter amended, shall be subject to a fine of not less than **One Hundred Dollars (\$100.00)** for the first such violation and a fine of not less than **Seven Hundred Fifty Dollars (\$750.00)** for each violation thereafter.

**22-7-9**      **AMENDMENT OF PRIVACY POLICY.** The Privacy Policy adopted in this Division and Chapter shall be subject to amendment from time to time by the City Council as the City Council shall deem necessary in its sole discretion in order to maintain the City's compliance with the Illinois Identity Protection Act as now or hereafter amended.

**22-7-10**      **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 VIII – POLICY AGAINST DISCRIMINATION, HARASSMENT AND SEXUAL MISCONDUCT**

**22-8-1 STATEMENT OF POLICY.** It is the City’s policy that it will not tolerate or condone discrimination or harassment on the basis of race, color, religion, creed, sex, gender-identity, gender-expression, sexual orientation, pregnancy, childbirth, medical or common conditions relating to pregnancy and childbirth, genetic information, national origin, age, physical or mental disability, ancestry, marital status, military status, arrest record, unfavorable discharge from military service, order of protection status, citizenship status or any other classification protected under federal or state law. Sexual misconduct is also prohibited. The City will neither tolerate nor condone discrimination, harassment or sexual misconduct by employees, managers, supervisors, elected officials, co-workers, or non-employees with whom the City has a business, service or professional relationship. “Employee” for purposes of this policy only, includes any individual performing work for the City, an apprentice, an applicant for apprenticeship or an unpaid intern. The City has appointed an Ethics Officer to receive and oversee investigations of complaints made pursuant to this policy and he/she is referred to in this policy as the City’s “Ethics Officer”. He/She can be contacted by email or phone at [cityhall@powrup.net](mailto:cityhall@powrup.net) or (618) 826-2326. The City reserves the right to change the Ethics Officer from time to time.

Retaliation against an employee who complains about or reports any act of discrimination, harassment or misconduct in violation of this policy is prohibited. Retaliation against any employee who participates in an investigation pursuant to this policy is likewise prohibited. The City is committed to ensuring and providing a work place free of discrimination, harassment, sexual misconduct and retaliation. The City will take disciplinary action, up to and including termination, against an employee who violates this policy.

(A) As set forth above, sexual harassment and sexual misconduct are prohibited. Sexual harassment includes unwelcome sexual advances, requests for sexual favors or any other visual, verbal or physical conduct of a sexual nature when:

- (1) submission to or rejection of this conduct explicitly or implicitly affects a term or condition of the individual’s employment;
- (2) submission to or rejection of the conduct is used as the basis for an employment decision affecting the harassed employee; or
- (3) the harassment has the purpose or effect of unreasonably interfering with the employee’s work performance or creating an intimidating, hostile or offensive work environment because of the persistent, severe or pervasive nature of the conduct.

(B) Sexual harassment can occur in a variety of circumstances, including but not limited to the following:

- (1) The employee as well as the harasser may be a woman or a man. The employee does not have to be of the opposite sex.
- (2) The harasser can be the employee’s supervisor, an agent of the employer, a supervisor in another area, a co-worker, or a non-employee.
- (3) The employee does not have to be the person harassed, but could be anyone affected by the offensive conduct.
- (4) Unlawful sexual harassment may occur without economic injury to or discharge of the employee.
- (5) The harasser’s conduct must be unwelcome.

(C) Each employee must exercise his or her own good judgment to avoid engaging in conduct that may be perceived by others as sexual harassment or harassment based on any status protected by law. The following are illustrations of actions that the City deems inappropriate and in violation of our policy:

- (1) Unwanted sexual advances.
- (2) Offering employment benefits in exchange for sexual favors.
- (3) Retaliating or threatening retaliation after a negative response to a sexual advance or after an employee has made or threatened to make a harassment complaint.
- (4) Visual conduct such as leering, making sexual gestures, displaying sexually suggestive objects or pictures, cartoons, calendars or posters.
- (5) Verbal conduct such as making derogatory comments, using epithets or slurs, making sexually explicit jokes or suggestive comments about a person's body or dress.
- (6) Written or electronic communications of a sexual nature or containing statements or images which may be offensive to individuals in a particular protected group, such as racial or ethnic stereotypes or stereotypes about disabled individuals.
- (7) Physical conduct such as unwanted touching, assaulting, impeding or blocking movements.

(D) Sexual misconduct is strictly prohibited by the City and can include any inappropriate and/or illegal conduct of a sexual nature including, but not limited to, sexual abuse, sexual exploitation, sexual intimidation, rape, sexual assault, or ANY sexual contact or sexual communications with a minor (including, but not limited to, conduct or communications which are written, electronic, verbal, visual, virtual or physical).

**22-8-2      RESPONSIBILITIES.**

(A) **Supervisors.** Each supervisor shall be responsible for ensuring compliance with this policy, including the following:

- (1) Monitoring the workplace environment for signs of discrimination, harassment or sexual misconduct;
- (2) Immediately notifying law enforcement where there is reasonable belief that the observed or complained of conduct violates the criminal laws of the State of Illinois;
- (3) Immediately notifying the Department of Children and Family Services (DCFS) Hotline (1-800-25-ABUSE or 1-800-252-2873) if the observed or complained of conduct involves the abuse of a minor;
- (4) Immediately stopping any observed acts of discrimination, harassment or sexual misconduct and taking appropriate steps to intervene, whether or not the involved employees are within his/her line of supervision;
- (5) Immediately reporting any complaint of harassment, discrimination or sexual misconduct to the City Attorney or to the Ethics Officer; and

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- (6) Taking immediate action to limit the work contact between the individuals when there has been a complaint of discrimination, harassment or sexual misconduct, pending investigation.
- (B) **Employees.** Each employee is responsible for assisting in the prevention of discrimination, harassment and sexual misconduct through the following acts:
- (1) Refraining from participation in, or encouragement of, actions that could be perceived as discrimination, harassment or sexual misconduct;
  - (2) Immediately reporting any violations of this policy to a supervisor, the Ethics Officer or City Attorney, and law enforcement (if appropriate under the circumstances) and/or DCFS (if appropriate under the circumstances); employees are obligated to report violations of this policy as soon as they occur. An employee should not wait until the conduct becomes unbearable before reporting the prohibited conduct. All employees are obligated to report instances of prohibited conduct even if the conduct is merely observed and directed toward another individual and even if the other person does not appear to be bothered or offended by the conduct. All employees are obligated to report instances of prohibited conduct regardless of the identity of the alleged offender (e.g. man, woman, supervisor, elected official, co-worker, volunteer, vendor, member of public); and
  - (3) Encouraging any employee who confides that he/she is the victim of conduct in violation of this policy to report these acts to a supervisor.
- (C) Failure to take action to stop known discrimination, harassment or sexual misconduct may be grounds for discipline.
- (D) There is a clear line most cases between a mutual attraction and a consensual exchange and unwelcome behavior or pressure for an intimate relationship. A friendly interaction between two persons who are receptive to one another is not considered unwelcome or harassment. Employees are free for form social relationships of their own choosing. However, when one employee is pursuing or forcing a relationship upon another who does not like or want it, regardless of friendly intentions, the behavior is unwelcome sexual behavior. An employee confronted with these actions is encouraged to inform the harasser that such behavior is offensive and must stop. You should assume that sexual comments are unwelcome unless you have clear unequivocal indications to the contrary. In other words, another person does not have to tell you to stop for your conduct to be harassment and unwelcome. Sexual communications and sexual contact with a minor are ALWAYS prohibited.
- (E) If you are advised by another person that your behavior is offensive, you must immediately stop the behavior, regardless of whether you agree with the person's perceptions of your intentions.
- (F) The City does not consider conduct in violation of this policy to be within the course and scope of employment and does not sanction such conduct on the part of any employee, including supervisory and management employees.

**22-8-3**      **APPLICABLE PROCEDURES.**      The City takes allegations of discrimination, harassment and sexual misconduct very seriously. It will actively investigate all complaints.

It is helpful for the employee to directly inform the offending individual that the conduct is unwelcome and must stop. The employee should use the City's complaint procedure to advise the City of any perceived violation of this policy as soon as it occurs.

(A) **Bringing a Complaint.** Any employee of the City or any elected official of the City who believes that there has been a violation of this policy may bring the matter to the attention of the City in one of the following ways:

- (1) Advising his or her supervisor or the Ethics Officer for the City; or
- (2) Advising the offending employee's supervisor, the City Attorney or the City Clerk in the event that the alleged harasser is the City Attorney.

If the complaint involves someone in the employee's direct line of command, then the employee should go directly to the City Attorney or the Ethics Officer.

The complaint should be presented as promptly as possible after the alleged violation of this policy occurs.

The City will take steps to ensure that complaints made are kept confidential to the extent permissible under the law. Individuals who are involved in an investigation under this policy are required to keep the matter confidential to the fullest extent permitted under the law.

(B) **Resolution of a Complaint.** Promptly after a complaint is submitted, the City will undertake such investigation, corrective and preventive actions as are appropriate. In general, the procedure in resolving any complaints can (but will not necessarily) include any of the following items:

- (1) A meeting between the employee making a complaint and an individual designated by the City to investigate such complaints. Important data to be provided by the complaining employee includes the following:
  - (a) A description of the specific offensive conduct;
  - (b) Identification of all person(s) who engaged in the conduct;
  - (c) The location where the conduct occurred;
  - (d) The time when the conduct occurred;
  - (e) Whether there were any witnesses to the conduct;
  - (f) Whether conduct of a similar nature has occurred on prior occasions;
  - (g) Whether there are any documents which would support the complaining employee's allegations; and
  - (h) What impact the conduct had on the complaining employee.
- (2) While not required, the City encourages anyone who makes a complaint under this policy to provide a written statement setting forth the above details and attaching any pertinent records.
- (3) After a complaint is submitted by the employee, the alleged offending individual should be contacted by a designated representative of the City. The alleged offending individual should be advised of the charges brought against him or her, and may be provided with a copy of the written statement of complaint made by the complaining employee (if applicable). The alleged offending individual should have an opportunity to fully explain his or her side of the circumstances, and may also submit a written statement, if desired.

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- (4) After the alleged offending individual is interviewed, any witnesses identified by either the complaining employee or the alleged offending individual may be interviewed separately.
- (5) Once this investigation is completed, the City will take such action as is appropriate based upon the information obtained in the investigation. In the event that the City finds merit in the charges made by the complaining employee, disciplinary action will be taken against the offending employee. This disciplinary action may, but need not necessarily, include:
  - (a) Verbal or written reprimand;
  - (b) Placing the offending employee on a corrective action plan for a period of time to be identified;
  - (c) Delay in pay increases or promotions;
  - (d) Suspending the offending employee from work without pay;
  - (e) Demotion; or
  - (f) Immediate termination.
- (6) Upon completion of the investigation, the City will advise the complaining employee of the results of the investigation, including action taken, if any, against the offending individual.

When investigating alleged violations of this policy, the City looks at the whole record including, but not limited to, the nature of the allegations, the context in which the alleged incidents occurred, and the statements of the parties and witnesses. A determination on the allegations is made from the facts on a case-by-case basis.

(C) **Non-Retaliation.** Under no circumstances will there be any retaliation against any employee making a complaint of discrimination, harassment or sexual misconduct. Any act of retaliation by any party directed against a complaining employee, an accused employee, witnesses or participants in the process will be treated as a separate and distinct complaint and will be similarly investigated. Complaints of retaliation should be addressed to the Ethics Officer, City Attorney or City Clerk. Illinois law provides protections to whistleblowers as set forth in the Whistleblower Act, **740 ILCS 174/15** and the Illinois Human Rights Act, **775 ILCS 5/6-101**.

(D) **False Reports Prohibited.** It is a violation of this policy for an employee to knowingly make a false report of discrimination, harassment, sexual misconduct or retaliation. An employee who is found to have knowingly made a false report is subject to disciplinary action, as set forth in Section 22-8-3(B)(5), above.

(E) **Additional Resources.** If you have any questions concerning the City's policies on this matter, please see your supervisor, the Ethics Officer or the City Attorney. Further information may also be obtained from the Illinois Department of Human Rights, 312-814-6200, or the Equal Employment Opportunity Commission (EEOC), 800-669-4000. Confidential reports of harassment or discrimination may also be filed with these state agencies. For matters involving the abuse of minors, the Illinois Department of Children and Family Services (DCFS) may be contacted by dialing 800-25-ABUSE.

Please acknowledge receipt and review of this policy by completing the acknowledgement form at the end of this policy and returning it to the Mayor's office.

**(Ord. No. 1666; 12-18-17)**