

CHAPTER 22

MANDATED POLICIES

ARTICLE I – IDENTITY THEFT PREVENTION PROGRAM

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

22-1-2 SCOPE. This Program applies to the creation, modification and access to Identifying Information of a customer of one or more of the utilities operated by the City (electric, natural gas, water and waste water) by any and all personnel of the City, including management personnel. This Program does not replace or repeal any previously existing policies or programs addressing some or all of the activities that are the subject of this Program, but rather it is intended to supplement any such existing policies and programs.

22-1-3 DEFINITIONS. When used in this Program, the following terms have the meanings set forth opposite their name, unless the context clearly requires that the term be given a different meaning:

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

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

Identifying Information: The term "identifying information" means any name or number that may be used, alone or in conjunction with any other information, to identify a specific person, including any name, social security number, date of birth, official State or government issued driver's license or identification number, alien registration number, government passport number, employer or taxpayer identification number. Additional examples of "identifying information" are set forth in 16 CFR § 603.2(a).

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

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

22-1-4 ADMINISTRATION OF THE PROGRAM. The initial adoption and approval of the Identity Theft Prevention Program shall be by Ordinance of the City Council. Thereafter, changes to the Program of a day-to-day operational character and decisions relating to the interpretation and implementation of the Program may be made by the City Attorney (Program Administrator). Major changes or shifts of policy positions under the Program shall only be made by the City Council.

Development, implementation, administration and oversight of the Program will be the responsibility of the Program Administrator. The Program Administrator may, but shall not be required to, appoint a committee to administer the Program. The Program Administrator shall be the head of any

such committee. The Program Administrator will report at least annually to the City Council regarding compliance with this Program.

Issues to be addressed in the annual Identity Theft Prevention Report include:

- (A) The effectiveness of the policies and procedures in addressing the risk of Identity Theft in connection with the opening of new Covered Accounts and activity with respect to existing Covered Accounts.
- (B) Service provider arrangements.
- (C) Significant incidents involving Identity Theft and management's response.
- (D) Recommendations for material changes to the Program, if needed for improvement.

22-1-5

IDENTITY THEFT PREVENTION ELEMENTS.

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

(1) **Alerts, Notifications, or Other Warnings Received From Consumer Reporting Agencies or Service Providers.**

- (a) A fraud or active duty alert is included with a consumer report or an identity verification response from a credit reporting agency.
- (b) A consumer reporting agency provides a notice of credit freeze in response to a request for a consumer report.
- (c) A consumer reporting agency provides a notice of address discrepancy, as defined in §681.1(b) of the FTC's Identity Theft Rules.
- (d) A consumer report indicates a pattern of activity that is inconsistent with the history and usual pattern of activity of an applicant or customer, such as:
 - (i) A recent and significant increase in the volume of inquiries;
 - (ii) An unusual number of recently established credit relationships;
 - (iii) A material change in the use of credit, especially with respect to recently established credit relationships; or
 - (iv) An account that was closed for cause or identified for abuse of account privileges by a financial institution or creditor.

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

- (a) Documents provided for identification appear to have been altered or forged.
- (b) The photograph or physical description on the identification is not consistent with the appearance of the applicant or customer presenting the identification.
- (c) Other information on the identification is not consistent with information provided by the person opening a new covered account or customer presenting the identification.
- (d) Other information on the identification is not consistent with readily accessible information that is on file with the City, such as a signature card or a recent check.
- (e) An application appears to have been altered or forged, or gives the appearance of having been destroyed and reassembled.

(3) **The Presentation of Suspicious Personal Identifying Information, Such as a Suspicious Address Change.**

- (a) Personal identifying information provided is inconsistent when compared against external information sources used by the City. For example:
 - (i) The address does not match any address in the consumer report or CRA ID Check response; or
 - (ii) The Social Security Number (SSN) has not been issued, or is listed on the Social Security Administrator's Death Master File.
- (b) Personal identifying information provided by the customer is not consistent with other personal identifying information provided by the customer. For example, there is a lack of correlation between the SSN range and date of birth.
- (c) Personal identifying information provided is associated with known fraudulent activity as indicated by internal or third-party sources used by the City. For example:
 - (i) The address on an application is the same as the address provided on a fraudulent application; or
 - (ii) The phone number on an application is the same as the number provided on a fraudulent application.
- (d) Personal identifying information provided is of a type commonly associated with fraudulent activity as indicated by internal or third-party sources used by the City. For example:
 - (i) The billing address on an application is fictitious, a mail drop, or a prison; or
 - (ii) The phone number is invalid, or is associated with a pager or answering service.
- (e) The SSN provided is the same as that submitted by other persons opening an account or other customers.
- (f) The address or telephone number provided is the same as or similar to the account number or telephone number submitted by an unusually large number of other persons opening accounts or other customers.
- (g) 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.
- (h) Personal identifying information provided is not consistent with personal identifying information that is on file with the City.
- (i) If the City uses challenge questions, the person opening the covered account or the customer cannot provide authenticating information beyond that which generally would be available from a wallet or consumer report.

(4) **The Unusual Use of, or Other Suspicious Activity Related to, a Covered Account.**

- (a) Shortly following the notice of a change of address for a covered account, the City receives a request for the addition of authorized users on the account.
- (b) A new utility account is used in a manner commonly associated with known patterns of fraud patterns. For example: the customer fails to make the first payment or makes an initial payment but no subsequent payments.
- (c) A covered account with a stable history shows irregularities.

- (d) A covered account that has been inactive for a reasonably lengthy period of time is used (taking into consideration the type of account, the expected pattern of usage and other relevant factors).
- (e) Mail sent to the customer is returned repeatedly as undeliverable although usage of utility products or services continues in connection with the customer's covered account.
- (f) The City is notified that the customer is not receiving paper account statements.
- (g) The City is notified of unauthorized usage of utility products or services in connection with a customer's covered account.
- (5) **Notice of Possible Identity Theft.**
 - (a) 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.

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

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

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

The Program Administrator shall establish from time to time a written policy setting forth the steps to be taken in the event of an unresolved Red Flag situation. Consideration should be given to aggravating factors that may heighten the risk of Identity Theft, such as a data security incident that results in unauthorized access to a customer's account, or a notice that a customer has provided account

information to a fraudulent individual or website. Appropriate responses to prevent or mitigate Identity Theft when a Red Flag is detected include:

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

22-1-6**PROGRAM MANAGEMENT AND ACCOUNTABILITY.**

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

(B) **Program Updates - Risk Assessment.** The Program, including relevant Red Flags, is to be updated as often as necessary but at least annually to reflect changes in risks to customers from Identity Theft. Factors to consider in the Program update include:

- (1) An assessment of the risk factors identified above.
- (2) Any identified Red Flag weaknesses in associated account systems or procedures.
- (3) Changes in methods of Identity Theft.
- (4) Changes in methods to detect, prevent, and mitigate Identity Theft.
- (5) Changes in business arrangements, including mergers, acquisitions, alliances, joint ventures, and service provider arrangements.

(C) **Training and Oversight.** All staff and third-party service providers performing any activity in connection with one or more Covered Accounts are to be provided appropriate training and receive effective oversight to ensure that the activity is conducted in accordance with policies and procedures designed to detect, prevent, and mitigate the risk of Identity Theft.

22-1-7**OTHER LEGAL REQUIREMENTS.**

Awareness of the following related legal requirements should be maintained:

- (A) 31 U.S.C. 5318(g) - Reporting of Suspicious Activities.
- (B) 15 U.S.C. 1681 c-1 (h) - Identity Theft Prevention; Fraud Alerts and Active Duty Alerts - Limitations on Use of Information for Credit Extensions.
- (C) 15 U.S.C. 1681 s-2 - Responsibilities for Furnishers of Information to Consumer Reporting Agencies.
- (D) 15 U.S.C. 1681 m - Requirements on Use of Consumer Reports.

(Ord. No. 2008-12; 11-05-08)

ARTICLE II - USE OF SOCIAL SECURITY NUMBERS

22-2-1 GENERAL. This Identity-Protection Policy is adopted pursuant to the Illinois Identity Protection Act, **5 ILCS 179/1 et seq.**, to protect Social Security Numbers from unauthorized disclosure. All City officers, employees, and agents shall comply with the Identity Protection Act and this Policy at all times.

22-2-2 DEFINITIONS. The following words shall have the following meanings when used in this Policy.

"Act" means the Illinois Identity Protection Act, **5 ILCS 179/1 et seq.**

"City" means the City of Griggsville.

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

"Policy" means this Identity-Protection Policy.

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

"Redact" means to alter or truncate data so that no more than **five (5)** sequential digits of a SSN are accessible as part of personal information.

"SSN(s)" means any Social Security number provided to an individual by the Social Security Administration.

"Statement of Purpose" means the statement of the purpose or purposes for which the City is collecting and using an individual's SSN that the Act requires the City to provide when collecting a SSN or upon request by an individual.

22-2-3 PROHIBITED ACTIVITIES.

(A) Neither the City nor any Person may:

- (1) Publicly post or publicly display in any manner an individual's SSN.
- (2) Print an individual's SSN on any card required for the individual to access products or services provided by the person or entity.
- (3) Require an individual to transmit a SSN over the Internet unless the connection is secure or the SSN is encrypted.
- (4) Print an individual's SSN on any materials that are mailed to the individual, through the U.S. Postal Service, any private mail service, electronic mail, or a similar method of delivery, unless State or federal law requires the SSN to be on the document to be mailed. Notwithstanding the foregoing, SSNs may be included in applications and forms sent by mail, including, but not limited to: (i) any material mailed in connection with the administration of the Unemployment Insurance Act; (ii) any material mailed in connection with any tax administered by the Department of Revenue; and (iii) 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 SSN. A SSN that is permissibly mailed pursuant to this paragraph will 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 paragraph (C) below or unless otherwise provided in the Act, neither the City nor any Person may:

- (1) Collect, use, or disclose a SSN 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 SSN is otherwise necessary for the performance of the City's duties and responsibilities; (ii) the need and purpose for the

SSN is documented before collection of the SSN; and (iii) the SSN collected is relevant to the documented need and purpose.

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

(C)
circumstances:

The prohibitions in paragraph (B) above do not apply in the following

- (1) The disclosure of SSNs to agents, employees, contractors, or subcontractors of a governmental entity or disclosure by a governmental entity 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 governmental entity first receives from the contractor or subcontractor a copy of the contractor's or subcontractor's policy that sets forth how the requirements imposed under this Act on a governmental entity to protect an individual's SSN will be achieved.
- (2) The disclosure of SSNs pursuant to a court order, warrant, or subpoena.
- (3) The collection, use, or disclosure of SSNs in order to ensure the safety of: State and local government 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 State or local government agency facility.
- (4) The collection, use, or disclosure of SSNs for internal verification or administrative purposes.
- (5) The disclosure of SSNs by a State agency to the City for the collection of delinquent child support or of any State debt or to the City to assist with an investigation or the prevention of fraud.
- (6) The collection or use of SSNs 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.

22-2-4 COORDINATION WITH THE FREEDOM OF INFORMATION ACT AND OTHER LAWS. The City shall comply with the provisions of the Illinois Freedom of Information Act, **5 ILCS 140/1 et seq.**, and 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 SSN. However, the City shall redact SSNs from the information or documents before allowing the public inspection or copying of the information or documents.

When collecting SSNs, the City shall request each SSN in a manner that makes the SSN easy to redact if required to be released as part of a public records request.

22-2-5 LIMITED EMPLOYEE ACCESS TO SOCIAL SECURITY NUMBERS. Only employees who are required to use or handle information or documents that contain SSNs will have access. All employees who have access to SSNs shall first be trained to protect the confidentiality of SSNs. The training will include instructions on the proper handling of information that contains SSNs from the time of collection through destruction of the information.

22-2-6 **EMBEDDED SOCIAL SECURITY NUMBERS.** Neither the City nor any Person shall encode or embed a SSN 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 SSN as required by the Act and this Policy.

22-2-7 **APPLICABILITY.** If any provision of this Policy conflicts with any provision of the Act, the provisions of the Act shall prevail. This Policy does not apply to:

(A) the collection, use, or disclosure of a SSN as required by State or federal law, rule, or regulation; or

(B) documents that are recorded with a county recorder or required to be open to the public under a State or federal law, rule, or regulation, applicable case law, Supreme Court Rule, or the Constitution of the State of Illinois; provided, however, that the City shall redact the SSN from such document if such law, rule, or regulation permits.

22-2-8 **AVAILABILITY OF POLICY.** All City employees shall be advised of the existence of this Policy. City employees who are required to use or handle information or documents that contain SSNs have been provided a copy of this Policy, which each shall maintain at all times. A copy of the Policy is available to all other employees and any member of the public by requesting a copy from the City Clerk.

22-2-9 **AMENDMENTS.** This Policy may be amended by the City at any time. If the Policy is amended, the City shall file a written copy of the Policy, as amended, with the Board and shall also advise all City employees of the existence of the amended Policy. A copy of the amended Policy will be made available to City employees and the public as set forth in the preceding section above.

22-2-10 **STATEMENT OF PURPOSE.** The City shall provide an individual with the following Statement of whenever an individual is asked to provide the City with his or her SSN or if an individual requests it.

STATEMENT OF PURPOSE

The City of Griggsville complies with the Identity Protection Act, **5 ILCS 179/1 et seq.**, which requires each local and State government agency to draft, approve, and implement an Identity Protection Policy that includes a statement of the purpose or purposes for which the City is collecting and using an individual's social security number.

We will only use your social security number for the purpose for which it was collected.

We will not:

- Sell, lease, loan, trade, or rent your social security number to a third part for any purpose;
- Publicly post or publicly display your social security number;
- Print your social security number on any card required for you to access our services;
- Require you to transmit your social security number over the internet, unless the connection is secure or your social security number is encrypted; or
- Print your social security number on any materials that are mailed to you, unless State or Federal law requires that number to be on documents mailed to you, or unless we are confirming the accuracy of your social security number.

We collect and use social security numbers for one or more of the following reasons:

- Complaint mediation or investigation;
- Crime victim compensation;
- Vendor services, such as executing contracts and/or billing;
- Law enforcement investigation;
- Internal verification;

- For investigation and prevention of fraud, conducting background checks, debt collection, and obtaining credit report from consumer reporting agencies;
- Administrative services;
- Other reasons that would be explained to you at the time we ask for your social security number.

The Mayor and City Council have adopted Identity Protection Act requirements. You may request a copy of the Statement of Purpose any time you have been asked by the City to provide your social security number or if you request a copy of the statement.

If you have questions or complaints about the City's Identity Protection Policy, contact:

Griggsville City Clerk
108 Corey Street
Griggsville, IL 62340

(Ord. No. 2014-03; 04-02-14)

ARTICLE III – POLICY PROHIBITING SEXUAL HARASSMENT

22-3-1 PROHIBITION ON SEXUAL HARASSMENT. It is unlawful to harass a person because of that person's sex. The courts have determined that sexual harassment is a form of discrimination under Title VII of the U.S. Civil Rights Act of 1964, as amended in 1991. All persons have a right to work in an environment free from sexual harassment. Sexual harassment is unacceptable misconduct which affects individuals of all genders and sexual orientations. It is a policy of this City to prohibit harassment of any person by any municipal official, municipal agent, municipal employee or municipal agency or office on the basis of sex or gender. All municipal officials, municipal agents, municipal employees and municipal agencies or offices are prohibited from sexually harassing any person, regardless of any employment relationship or lack thereof.

22-3-2 DEFINITION OF SEXUAL HARASSMENT. This policy adopts the definition of sexual harassment as stated in the Illinois Human Rights Act, which currently defines sexual harassment as:

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

- (1) Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment,
- (2) Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
- (3) Such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

(B) Conduct which may constitute sexual harassment includes:

- (1) **Verbal.** Sexual innuendoes, suggestive comments, insults, humor, and jokes about sex, anatomy or gender-specific traits, sexual propositions, threats, repeated requests for dates, or statements about other employees, even outside their presence, of a sexual nature.
- (2) **Non-verbal.** Suggestive or insulting sounds (whistling), leering, obscene gestures, sexually suggestive bodily gestures, "catcalls", "smacking" or "kissing" noises.
- (3) **Visual.** Posters, signs, pin-ups or slogans of a sexual nature, viewing pornographic material or websites.
- (4) **Physical.** Touching, unwelcome hugging or kissing, pinching, brushing the body, any coerced sexual act or actual assault.
- (5) **Textual/Electronic.** "Sexting" (electronically sending messages with sexual content, including pictures and video), the use of sexually explicit language, harassment, cyber stalking or threats via all forms of electronic communication (e-mail, text/picture/ video messages, intranet/on-line postings, blogs, instant messages and social network websites like Facebook and Twitter).

(C) The most severe and overt forms of sexual harassment are easier to determine. On the other end of the spectrum, some sexual harassment is more subtle and depends, to some extent, on individual perception and interpretation. The courts will assess sexual harassment by a standard of what would offend a "reasonable person."

22-3-3 PROCEDURE FOR REPORTING AN ALLEGATION OF SEXUAL HARASSMENT.

(A) An employee who either observes sexual harassment or believes herself/himself to be the object of sexual harassment should deal with the incident(s) as directly and firmly as possible

by clearly communicating his/her position to the offending employee, and his/her immediate supervisor. It is not necessary for sexual harassment to be directed at the person making the report.

(B) Any employee may report conduct which is believed to be sexual harassment, including the following:

- (1) **Electronic/Direct Communication.** If there is sexual harassing behavior in the workplace, the harassed employee should directly and clearly express his/her objection that the conduct is unwelcome and request that the offending behavior stop. The initial message may be verbal. If subsequent messages are needed, they should be put in writing in a note or a memo.
- (2) **Contact with Supervisory Personnel.** At the same time direct communication is undertaken, or in the event the employee feels threatened or intimidated by the situation, the problem must be promptly reported to the immediate supervisor of the person making the report, a department head, a director of human resources, an ethics officer, the city manager or administrator, or the chief executive officer of the Municipality.
The employee experiencing what he or she believes to be sexual harassment must not assume that the employer is aware of the conduct. If there are no witnesses and the victim fails to notify a supervisor or other responsible officer, the Municipality will not be presumed to have knowledge of the harassment.
- (3) **Resolution Outside Municipality.** The purpose of this policy is to establish prompt, thorough and effective procedures for responding to every report and incident so that problems can be identified and remedied by the Municipality. However, all municipal employees have the right to contact the Illinois Department of Human Rights (IDHR) or the Equal Employment Opportunity Commission (EEOC) for information regarding filing a formal complaint with those entities. An IDHR complaint must be filed within **three hundred (300) days** of the alleged incident(s) unless it is a continuing offense. A complaint with the EEOC must also be filed within **three hundred (300) days**.

(C) Documentation of any incident may be submitted with any report (what was said or done, the date, the time and the place), including, but not limited to, written records such as letters, notes, memos and telephone messages.

(D) All allegations, including anonymous reports, will be accepted and investigated regardless of how the matter comes to the attention of the Municipality. However, because of the serious implications of sexual harassment charges and the difficulties associated with their investigation and the questions of credibility involved, the claimant's willing cooperation is a vital component of an effective inquiry and an appropriate outcome.

22-3-4 PROHIBITION ON RETALIATION FOR REPORTING SEXUAL HARASSMENT ALLEGATIONS.

(A) No municipal official, municipal agency, municipal employee or municipal agency or office shall take any retaliatory action against any municipal employee due to a municipal employee's:

- (1) Disclosure or threatened disclosure of any violation of this policy,
- (2) The provision of information related to or testimony before any public body conducting an investigation, hearing or inquiry into any violation of this policy, or
- (3) Assistance or participation in a proceeding to enforce the provisions of this policy.

(B) For the purposes of this policy, retaliatory action means the reprimand, discharge, suspension, demotion, denial of promotion or transfer, or change in the terms or conditions of

employment of any municipal employee that is taken in retaliation for a municipal employee's involvement in protected activity pursuant to this policy.

(C) No individual making a report will be retaliated against even if a report made in good faith is not substantiated. In addition, any witness will be protected from retaliation.

(D) Similar to the prohibition against retaliation contained herein, the State Officials and Employees Ethics Act (**5 ILCS 430/15-10**) provides whistleblower protection from retaliatory action such as reprimand, discharge, suspension, demotion, or denial of promotion or transfer that occurs in retaliation for an employee who does any of the following:

- (1) Discloses or threatens to disclose to a supervisor or to a public body an activity, policy, or practice of any officer, member, State agency, or other State employee that the State employee reasonably believes is in violation of a law, rule, or regulation;
- (2) Provides information to or testifies before any public body conducting an investigation, hearing, or inquiry into any violation of a law, rule, or regulation by any officer, member, State agency or other State employee; or
- (3) Assists or participates in a proceeding to enforce the provisions of the State Officials and Employees Ethics Act.

(E) Pursuant to the Whistleblower Act (**740 ILCS 174/15(a)**), an employer may not retaliate against an employee who discloses information in a court, an administrative hearing, or before a legislative commission or committee, or in any other proceeding, where the employee has reasonable cause to believe that the information discloses a violation of a State or federal law, rule, or regulation. In addition, an employer may not retaliate against an employee for disclosing information to a government or law enforcement agency, where the employee has reasonable cause to believe that the information discloses a violation of a State or federal law, rule, or regulation. (**740 ILCS 174/15(b)**).

(F) According to the Illinois Human Rights Act (**775 ILCS 5/6-101**), it is a civil rights violation for a person, or for two or more people to conspire, to retaliate against a person because he/she has opposed that which he/she reasonably and in good faith believes to be sexual harassment in employment, because he/she has made a charge, filed a complaint, testified, assisted, or participated in an investigation, proceeding, or hearing under the Illinois Human Rights Act.

(G) An employee who is suddenly transferred to a lower paying job or passed over for a promotion after filing a complaint with IDHR or EEOC, may file a retaliation charge – either due within **three hundred (300) days** of the alleged retaliation.

22-3-5 CONSEQUENCES OF A VIOLATION OF THE PROHIBITION ON SEXUAL HARASSMENT. In addition to any and all other discipline that may be applicable pursuant to municipal policies, employment agreements, procedures, employee handbooks and/or collective bargaining agreement, any person who violates this policy or the Prohibition on Sexual Harassment contained in **5 ILCS 430/5-65**, may be subject to a fine of up to **Seven Hundred Fifty Dollars (\$750.00)** per offense, applicable discipline or discharge by the Municipality and any applicable fines and penalties established pursuant to local ordinance, State law or Federal law. Each violation may constitute a separate offense. Any discipline imposed by the Municipality shall be separate and distinct from any penalty imposed by an ethics commission and any fines or penalties imposed by a court of law or a State or Federal agency.

22-3-6 CONSEQUENCES FOR KNOWINGLY MAKING A FALSE REPORT. A false report is a report of sexual harassment made by an accuser using the sexual harassment report to accomplish some end other than stopping sexual harassment or retaliation for reporting sexual harassment. A false report is not a report made in good faith which cannot be proven. Given the seriousness of the consequences for the accused, a false or frivolous report is a severe offense that can itself result in disciplinary action. Any person who intentionally makes a false report alleging a violation of any provision of this policy shall be subject to discipline or discharge pursuant to applicable municipal

policies, employment agreements, procedures, employee handbooks and/or collective bargaining agreements.

In addition, any person who intentionally makes a false report alleging a violation of any provision of the State Officials and Employees Ethics Act to an ethics commission, an inspector general, the State Police, a State's Attorney, the Attorney General, or any other law enforcement official is guilty of a Class A misdemeanor. An ethics commission may levy an administrative fine of up to **Seven Hundred Fifty Dollars (\$750.00)** against any person who intentionally makes a false, frivolous or bad faith allegation.

22-3-7 EMPLOYEE RECEIPT AND ACCEPTANCE. Each employee of the City shall sign an "Employee Receipt and Acceptance" acknowledging receipt of the Policy Prohibiting Sexual Harassment, accepting responsibility to read and know the contents of said policy, agreeing to follow the terms of said policy and acknowledging that failure to follow the terms of the policy may result in disciplinary action including termination. A copy of said "employee receipt and acceptance shall be maintained in the employee's personnel file.

ARTICLE IV - FAIR HOUSING CODE

22-4-1 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.

22-4-2 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.

22-4-3 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.

(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.

22-4-4 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.

(65 ILCS 5/11-11.1-1)

(Ord. No. 2002-4; 04-17-02)

ARTICLE V – INVESTMENT POLICY

22-5-1 INVESTMENT POLICY. It is the policy of the City to invest public funds in a manner which will provide the highest investment return with the maximum security while meeting the daily cash flow demands of the City and conforming to all State and local statutes governing the investment of public funds.

22-5-2 SCOPE. This policy includes all public funds of the City.

22-5-3 PRUDENCE. Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of their capital, as well as the probable income to be derived.

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

22-5-4 OBJECTIVE. The primary objective, in order of priority, shall be:

- (A) **Legality.** Conformance with federal, state and other legal requirements.
- (B) **Safety.** Preservation of capital and protection of investment principal.
- (C) **Liquidity.** Maintenance of sufficient liquidity to meet operating requirements.
- (D) **Yield.** Attainment of market rates of return.

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

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

22-5-6 ETHICS AND CONFLICTS OF INTEREST. Officers and employees involved in the investment process shall refrain from personal business activity that could conflict with the proper execution and management of the investment program, or that could impair their ability to make impartial decisions.

22-5-7 AUTHORIZED FINANCIAL DEALERS AND INSTITUTIONS. The Treasurer will maintain a list of financial institutions authorized to provide investment services. In addition, a list will also be maintained of approved security brokers/dealers selected by creditworthiness.

22-5-8 AUTHORIZED AND SUITABLE INVESTMENTS. Investments may be made in any type of security allowed for in Illinois statutes regarding the investment of public funds. Investments shall be made that reflect the cash flow needs of the fund type being invested.

22-5-9 COLLATERALIZATION. Collateralization may be required, at the discretion of the City, on all funds held in banks or savings and loans above the insured limits provided by the FDIC or FSLIC. In order to anticipate market changes and provide a level of security for all funds, the collateralization level will be a minimum of **one hundred two percent (102%)** of market value of principal and accrued interest.

22-5-10 SAFEKEEPING AND CUSTODY. All security transactions, including collateral for repurchase agreements, entered into by the City, shall be conducted on a delivery-versus-payment (DVP) basis. Securities will be held by an independent third party custodian designated by the Treasurer and evidenced by safekeeping receipts and a written custodial agreement.

22-5-11 DIVERSIFICATION. The City shall diversify its investments to the best of its ability based on the type of funds invested and the cash flow needs of those funds. Diversification can be by type of investment, number of institutions invested in, and length of maturity.

22-5-12 MAXIMUM MATURITIES. To the extent possible, the City shall attempt to match its investments with anticipated cash flow requirements. Unless matched to a specific cash flow, the City will not directly invest in securities maturing more than **two (2) years** from the date of purchase.

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

22-5-13 INTERNAL CONTROL. The Treasurer is responsible for establishing and maintaining an internal control structure designed to insure that the assets of the City are protected from loss, theft or misuse. The internal control structure shall be designed to provide reasonable assurance that these objectives are met. The internal controls shall address the following points:

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

22-5-14 PERFORMANCE STANDARDS. The investment portfolio will be managed in accordance with the parameters specified within this policy. The portfolio should obtain a comparable rate of return during a market/economic environment of stable interest rates. Portfolio performance should be compared to benchmarks with similar maturity, liquidity and credit quality as the portfolio maintained by the Illinois Public Treasurer's Investment Pool (IPTIP).

22-5-15 REPORTING. The Treasurer shall prepare an investment report at least monthly. The report should be provided to the City Council and available upon request. The report should be in a format suitable for review by the general public. An annual report should also be provided to the City Council. A statement of the market value of the portfolio shall be issued to the City Council quarterly.

22-5-16 INVESTMENT POLICY ADOPTION AND MODIFICATION. The investment policy has been adopted by ordinance. The policy shall be reviewed on an annual basis by the Treasurer, and any modifications made thereto shall be made by ordinance.

ARTICLE VI – ETHICS CODE

22-6-1 STATE OFFICIALS AND EMPLOYEES ETHICS ACT.

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

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

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

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

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

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

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

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

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

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

ARTICLE VII - EQUAL EMPLOYMENT POLICY

22-7-1 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 188 of WIA 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.

(K) **Illinois Human Rights Act (775 ILCS 5)** which prohibits discrimination based on race, color, religion, sex, national origin, ancestry, age, order of protection status, marital status, physical or mental disability, military status, sexual orientation, or unfavorable discharge from military service in connection with employment, real estate transactions, access to financial credit, and the availability of public accommodations.

22-7-2 NON-DISCRIMINATORY PRACTICES. The City will assure non-discriminatory employment practices in recruitment, recruitment advertising, employment, placement, layoff or termination, promotion, demotion or transfer, rate of pay or other forms of compensation and use of facilities.

22-7-3 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 race, color, religion, sex, national origin, ancestry, age, order of protection status, marital status, physical or mental disability, military status, sexual orientation, or unfavorable discharge from military.

(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) In the event of the contractor's noncompliance with the provisions of this Equal Employment Opportunity Clause, the Act or the Rules and Regulations of the Department, the contractor may be declared ineligible for future contracts or subcontracts with the State of Illinois or any of its political subdivisions or municipal corporations, and the contract may be cancelled or voided in whole or in part, and other sanctions or penalties may be imposed or remedies invoked as provided by statute or regulation. During the performance of this contract, the contractor agrees as follows:
 - (a) That he or she will not discriminate against any employee or applicant for employment because of race, color, religion, sex, sexual orientation, marital status, national origin or ancestry, citizenship status, age, physical or mental disability unrelated to ability, sexual orientation, military status or an unfavorable discharge from military service; and, further, that he or she will examine all job classifications to determine if minority persons or women are underutilized and will take appropriate affirmative action to rectify any underutilization.
 - (b) That, if he or she hires additional employees in order to perform this contract or any portion of this contract, he or she will determine the availability (in accordance with the Department's Rules and Regulations) of minorities and women in the areas from which he or she may reasonably recruit and he or she will hire for each job classification for which employees are hired in a way that minorities and women are not underutilized.
 - (c) That, in all solicitations or advertisements for employees placed by him or her or on his or her behalf, he or she will state that all applicants will be afforded equal opportunity without discrimination because of race, color, religion, sex, sexual orientation, marital status, national origin or ancestry, citizenship status, age, physical or mental disability unrelated to ability, sexual orientation, military status or an unfavorable discharge from military service.
 - (d) That he or she will send to each labor organization or representative of workers with which he or she has or is bound by a collective bargaining or other agreement or understanding, a notice advising the labor organization or representative of the contractor's obligations under the Act and the Department's Rules and Regulations. If any labor organization or representative fails or refuses to cooperate with the contractor in his or her efforts to comply with the Act and Rules and Regulations, the contractor will promptly notify the Department and the contracting agency and will recruit employees from other sources when necessary to fulfill its obligations under the contract.
 - (e) That he or she will submit reports as required by the Department's Rules and Regulations, furnish all relevant information as may from time to time be requested by the Department or the contracting agency, and in all respects comply with the Act and the Department's Rules and Regulations.
 - (f) That he or she will permit access to all relevant books, records, accounts and work sites by personnel of the contracting agency and the Department for purposes of investigation to ascertain

- compliance with the Act and the Department's Rules and Regulations.
- (g) That he or she will include verbatim or by reference the provisions of this clause in every subcontract awarded under which any portion of the contract obligations are undertaken or assumed, so that the provisions will be binding upon the subcontractor. In the same manner as with other provisions of this contract, the contractor will be liable for compliance with applicable provisions of this clause by subcontractors; and further it will promptly notify the contracting agency and the Department in the event any subcontractor fails or refuses to comply with the provisions. In addition, the contractor will not utilize any subcontractor declared by the Illinois Human Rights Commission to be ineligible for contracts or subcontracts with the State of Illinois or any of its political subdivisions or municipal corporations.

22-7-4 OUTREACH TO ALL. The City assures that it will actively provide nondiscriminatory outreach, selection, and service to all individuals.

22-7-5 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.

22-7-6 ACCOMMODATIONS FOR DISABLED. The City will provide accommodations to the best of its ability for employees with disabilities, contingent on budget and structural limitations.

22-7-7 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.

22-7-8 DESIGNATED ENFORCERS. The City designates the Mayor and the City Council to carry out the EEO/AA plan.

ARTICLE VIII - FREEDOM OF INFORMATION POLICY

22-8-1 **DEFINITIONS.** For the purposes of this Chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

"Commercial Purpose". The use of any part of a public record or records, or information derived from public records, in any form for sale, resale, or solicitation or advertisement for sales or services. For purposes of this definition, requests made by news media and non-profit, scientific, or academic organizations shall not be considered to be made for a "commercial purpose" when the principal purpose of the request is (i) to access and disseminate information concerning news and current or passing events, (ii) for articles of opinion or features of interest to the public, or (iii) for the purpose of academic, scientific, or public research or education.

"Copying". The reproduction of any public record by means of any photographic, electronic, mechanical, or other process, device or means now known or hereafter developed and available to the City.

"Exempt Materials". Materials which are exempt from disclosure pursuant to Sections 7 and 7.5 of the Freedom of Information Act. See Appendix A to this Chapter.

"Freedom of Information Act" or "FOIA". The Illinois Freedom of Information Act, **5 ILCS 140/1.1 et seq.**

"Person". Any individual, corporation, partnership, firm, organization, or association, acting individually or as a group.

"Private Information". Unique identifiers, including a person's social security number, driver's license number, employee identification number, biometric identifiers, personal financial information, passwords or other access codes, medical records, home or personal telephone numbers, and personal email addresses. Private information also includes home address and personal license plates, except as otherwise provided by law or when compiled without possibility of attribution to any person.

"Public Access Counselor". The Public Access Counselor is an Illinois Attorney General Office appointee responsible for various duties described in Section 9.5 of the Illinois Freedom of Information Act and Section 7 of the Attorney General Act (**15 ILCS 205/7**). Contact information for the Public Access Counselor is as follows:

Public Access Bureau
500 S 2nd Street
Springfield, Illinois 62706
217-558-0486
publicaccess@atg.state.il.us

"Public Record". All records, reports, forms, writings, letters, memoranda, books, papers, maps, photographs, microfilms, cards, tapes, recordings, electronic data processing records, electronic communications, recorded information and all other documentary materials pertaining to the transaction of public business, regardless of physical form or characteristics, having been prepared by or for, or having been or being used by, received by, in the possession of, or under the control of the City.

"Public record" also includes the following:

- (A) All records relating to the obligation, receipt, and use of public funds.
- (B) Certified payroll records submitted to the City under Section 5(a)(2) of the Prevailing Wage Act (**820 ILCS 130/5**) are public records; except that contractors' employees' addresses, telephone numbers, and social security numbers must be redacted by the City prior to disclosure.
- (C) Arrest reports (except for arrests of persons under the age of **twenty-one (21)** subject to the Juvenile Court Act of 1987). (See § 15-1-16 for further provisions with respect to arrest reports).
- (D) Criminal history records (except for arrests of persons under the age of **twenty-one (21)** subject to the Juvenile Court Act of 1987), including but not limited to:
 - (1) court records that are public;
 - (2) records that are otherwise available under State or local law; and

- (3) records in which the requesting party is the individual identified, except as provided under Section 7(1)(d)(vi) **(5 ILCS 140/7)** of the Freedom of Information Act.

"City". The City of Griggsville, Illinois.

22-8-2 POLICY. It is declared to be the public policy of the City that all persons are entitled to full and complete information regarding the affairs of the City. The official acts and policies of the public officials and public employees of the City shall be consistent with the terms of this Chapter.

22-8-3 INDIVIDUAL PRIVACY PROTECTED. This Chapter is not intended to be used to violate individual policy or to disrupt the duly undertaken work of the City.

22-8-4 PUBLIC RECORDS AVAILABLE. The City shall make available to any person for inspection or copying all public records, as provided in the Freedom of Information Act.

22-8-5 FREEDOM OF INFORMATION ACT OFFICER. The City shall designate one or more officials or employees to act as its Freedom of Information Act officer ("FOIA Officer"). The Chief of Police is hereby designated as deputy FOIA Officer for FOIA requests involving the police department and the City Attorney is designated as deputy FOIA Officer in the place and stead of the FOIA Officer if the FOIA Officer is unavailable. Except in instances when records are furnished immediately, the FOIA Officer, or designee, shall receive requests submitted to the City under this Chapter and issue responses accordingly. All City officers and employees who receive a FOIA request from any source whatsoever shall notify the FOIA Officer within **one (1) working day**. If the FOIA Officer is not available, the City Attorney shall be notified.

Upon receiving a request for a public record, the FOIA Officer shall:

- (A) note the date the City receives the written request;
- (B) compute the day on which the period for response will expire and make a notation of that date on the written request;
- (C) maintain an electronic or paper copy of a written request, including all documents submitted with the request until the request has been complied with or denied; and
- (D) create a file for the retention of the original request, a copy of the response, a record of written communications with the requester, and a copy of other communications. The City FOIA Officer and deputies shall, by July 1, 2010, successfully complete an electronic training curriculum to be developed by the Public Access Counselor and thereafter successfully complete an annual training program. Thereafter, whenever a new FOIA 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 FOIA Officer.

22-8-6 REQUESTS TO BE IN WRITING. All requests for inspection or copying of public records shall be in writing and shall be addressed to the FOIA Officer. The requestor shall include the following information in any request for public records:

- (A) The requestor's full name, mailing address and telephone number at which the requestor can be reached during normal business hours;
- (B) A description of the records sought, as specific as possible;
- (C) An indication of whether the records are requested for a commercial purpose and whether the requestor seeks a fee waiver; and
- (D) A statement as to whether the request is for inspection, copying, or both.

The FOIA Officer shall make available a form for use by requestors; however, no request shall be denied for failure to use the form.

All requests for inspection and copying received by the City shall immediately be forwarded to its FOIA Officer or designee.

22-8-7 FEES.

(A) The City hereby establishes and shall charge fees reasonably calculated to reimburse its actual cost for reproducing and certifying public records and for the use, by any person, of the equipment of the City to copy records. Such fees exclude the costs of any search for and review of the record, and shall not exceed the actual cost of reproduction and certification, unless otherwise provided by state statute. The charge for copying shall be **Ten Cents (\$0.10)** per page for photocopies, **Five Cents (\$0.05)** per page for computer printouts, and **Two Dollars Fifty Cents (\$2.50)** per audio tape, CD, or DVD. No fees shall be charged for the first **fifty (50) pages** of black and white, letter or legal sized copies requested by a requestor. If the City provides copies in color or in a size other than letter or legal, it shall charge the actual cost for reproducing the records. In calculating the actual cost for reproducing records or for the use of the equipment of the City to reproduce the records, the City shall not include the costs of any search for and review of the records or other personnel costs associated with reproducing the records. The cost for certifying a record shall be **One Dollar (\$1.00)**.

(B) Documents shall be furnished without charge or at a reduced charge where the City determines that waiver or reduction of the fee is in the public interest because furnishing information can be considered as primarily benefiting the general public. Waiver or reduction of the fee is in the public interest if the principal purpose of the request is to access and disseminate information regarding the health, safety and welfare or the legal rights of the general public and is not for the principal purpose of personal or commercial benefit. For purposes of this subsection, "commercial benefit" shall not apply to requests made by news media when the principal purpose of the request is to access and disseminate information regarding the health, safety, and welfare or the legal rights of the general public. In setting the amount of the waiver or reduction, the City may take into consideration the amount of materials requested and the cost of copying them.

22-8-8 TIME LIMIT FOR COMPLIANCE WITH REQUEST.

(A) **Compliance with Request (Non-Commercial Purpose).** The City shall either comply with or deny a request for public records within **five (5) business days** after its receipt. If the City fails to respond to a request within the requisite periods in this Section but thereafter provides the requester with copies of the requested public records may not impose a fee for such copies. If the City fails to respond to a request received may not treat the request as unduly burdensome under **Section 15-1-10**. Denials shall be in writing and in accordance with **Section 15-1-12**.

(B) **Compliance with Request (Commercial Purpose).** 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 requestor 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 or more of the exemptions set out in this Chapter,
- (3) notify the requestor that the request is unduly burdensome and extend an opportunity to the requestor to attempt to reduce the request to manageable proportions, or
- (4) provide the records requested.

Unless the records are exempt from disclosure (see Appendix A to this Chapter), the City shall comply with a request within a reasonable period considering the size and complexity of the request, and giving priority to records requested for non-commercial purposes. No person shall knowingly obtain a public record for a commercial purpose without disclosing that it is for a commercial purpose, if requested to do so by the City.

22-8-9 EXTENSION OF TIME LIMIT (NON-COMMERCIAL PURPOSE); NOTICE.

(A) The time limit prescribed in **Section 15-1-8(A)** may be extended in each case for not more than **five (5)** additional business days from the original due date for any of the following reasons:

- (1) The requested records are stored in whole or in part at other locations other than the office having charge of the requested records.
- (2) The request requires the collection of a substantial number of specified records.
- (3) The request is couched in categorical terms and requires an extensive search for the records responsive to it.
- (4) The requested records have not been located in the course of routine search and additional efforts are being made to locate them.
- (5) The requested records require examination and evaluation by personnel having the necessary competence and discretion to determine if they are exempt from disclosure under the terms of the Illinois Freedom of Information Act or should be revealed only with appropriate deletions.
- (6) The request for records cannot be complied with by the City within the time limits prescribed by the foregoing paragraph without unduly burdening or interfering with the operations of the City.
- (7) There is a need for consultation, which shall be conducted with all practicable speed, with another public body or among two or more components of a public body having a substantial interest in the determination or in the subject matter of the request.

(B) The person making a 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 requestor 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.

(C) When additional time is required for any of the above reasons, the FOIA Officer shall notify the person making the request, by letter, within the **five (5) business days** after receipt of the request, of the reasons for the delay and the date by which the records will be made available or denial will be forthcoming. In no instance may the delay in processing last longer than **five (5) business days**. A failure to render a decision within the time permitted for extension shall be considered a denial of the request.

(D) If the City fails to respond to a request within the time permitted for extension but thereafter provides the requestor with copies of the requested public records, the City may not impose a fee for those copies. If the City requests an extension and subsequently fails to respond to the request, it may not treat the request as unduly burdensome under **Section 22-8-10**.

22-8-10 UNDULY BURDENSOME REQUESTS.

(A) Requests calling for all records falling within a category shall be complied with unless compliance with the request would be unduly burdensome for the City, there is no method of narrowing the request, and the burden on the City strongly outweighs the public interest in the information. Before invoking this exemption, the City shall extend to the person making the request an opportunity to confer with it in an attempt to reduce the request to manageable proportions. If the City responds to a categorical request by stating that compliance would unduly burden its operation and the conditions described above are met, it shall do so in a writing signed by the FOIA Officer specifying the reasons why it would be unduly burdensome and the extent to which compliance will so burden the operation of the City. Such a response shall be treated as a denial of the request for information.

(B) Repeated requests for the same public records by the same person shall be deemed unduly burdensome. Repeated requests from the same person for the same records that are unchanged or identical to records previously provided or properly denied under this Chapter shall be deemed unduly burdensome.

22-8-11 CERTAIN INFORMATION EXEMPT FROM INSPECTION AND COPYING.

Information exempted by Sections 7 and 7.5 of the Freedom of Information Act shall be exempt from inspection and copying (see Appendix A to this Chapter). If a record contains both exempt and nonexempt information, the City may elect to redact the information that is exempt and make the remainder of the record available for inspection and copying.

Moreover, information described in items (iii) through (vi) of subsection C. of the definition for "Public Record" may be withheld if it is determined that disclosure would: (i) interfere with pending or actually and reasonably contemplated law enforcement proceedings conducted by any law enforcement agency; (ii) endanger the life or physical safety of law enforcement or correctional personnel or any other person; or (iii) compromise the security of any correctional facility.

22-8-12 NOTICE OF DENIAL OF REQUEST; REQUEST FOR REVIEW.

(A) The FOIA Officer, when denying a request for public record, shall notify the requestor, by letter, of the decision to deny the information, the reason for the denial, including a detailed factual basis for the application of any exemption claimed, and the names and titles or positions of each person responsible for the denial.

(B) Each notice of denial by the FOIA Officer shall inform the person of the right to review by the Public Access Counselor and provide the address and phone number for the Public Access Counselor.

(C) Each notice of denial shall also inform such person of his or her right to judicial review in accordance with Section 11 of the Freedom of Information Act.

(D) When a request is denied on the grounds that the records are exempt under the provisions of this Chapter, the notice of denial shall specify the exemption claimed to authorize the denial and briefly explain how the exemption applies to the specified records withheld.

(E) Copies of all notices of denials shall be retained by the City in a single central office file that is open to the public and indexed according to the type of exemption asserted and, to the extent feasible, according to the types of records requested.

(F) Any person making a request for public records shall be deemed to have exhausted his or her administrative remedies with respect to that request if the City fails to act within the time periods provided in **Sections 22-8-8 and 22-8-9**.

22-8-13 PUBLIC ACCESS COUNSELOR; OPINIONS.

(A) A person whose request to inspect or copy a public record is denied by the City may file a request for review with the Public Access Counselor established in the Office of the Attorney General not later than **sixty (60) days** after the date of the final denial. The request for review must be in writing, signed by the requester, and include (i) a copy of the request for access to records and (ii) any responses from the public body.

(B) If the City receives a request for records, and asserts that the records are exempt under General Exemptions (1)(C) or (1)(F) (see Appendix A of this Chapter), it shall, within the time periods provided for responding to a request, provide written notice to the requester 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 public body; and
- (3) a detailed summary of the public body's basis for asserting the exemption.

(C) In accordance with FOIA, upon receipt of a notice of intent to deny from the City, the Public Access Counselor determines whether further inquiry is warranted. Within **five (5) working days** after receipt of the notice of intent to deny, the Public Access Counselor notifies the City and the requester whether further inquiry is warranted. If the Public Access Counselor determines that further inquiry is warranted, the procedures set out in this Section regarding the review of denials, including the production of documents, shall also be applicable to the inquiry and resolution of a notice of intent to deny from the City. Times for response or compliance by the City under **Sections 22-8-8 and 22-8-9** shall be tolled until the Public Access Counselor concludes his or her inquiry.

(D) In accordance with FOIA, upon receipt of a request for review, the Public Access Counselor determines whether further action is warranted. If the Public Access Counselor determines that the alleged violation is unfounded, he or she so advises the requester and the City and no further action shall be undertaken. In all other cases, the Public Access Counselor forwards a copy of the request for review to the City within **seven (7) working days** after receipt and specifies the records or other documents that the City shall furnish to facilitate the review. Within **seven (7) working days** after receipt of the request for review, the FOIA Officer shall provide copies of records requested and shall otherwise fully cooperate with the Public Access Counselor. If the FOIA Officer fails to furnish specified records pursuant to this Section, or if otherwise necessary, the Attorney General may issue a subpoena to any person or public body having knowledge of or records pertaining to a request for review of a denial of access to records under the Freedom of Information Act. By statute, to the extent that records or documents produced by the City contain information that is claimed to be exempt from disclosure under Appendix A of this Chapter, the Public Access Counselor does not further disclose that information.

(E) In accordance with FOIA, within **seven (7) working days** after it receives a copy of a request for review and request for production of records from the Public Access Counselor, the FOIA Officer may, but is not required to, answer the allegations of the request for review. The answer may take the form of a letter, brief, or memorandum. The Public Access Counselor forwards a copy of the answer to the person submitting the request for review, with any alleged confidential information to which the request pertains redacted from the copy. The requester may, but is not required to, respond in writing to the answer within **seven (7) working days** and shall provide a copy of the response to the City. In addition to the request for review, and the answer and the response thereto, if any, a requester or the City may furnish affidavits or records concerning any matter germane to the review.

(F) In accordance with FOIA, unless the Public Access Counselor extends the time by no more than **twenty-one (21) business days** by sending written notice to the requester and the City that includes a statement of the reasons for the extension in the notice, or decides to address the matter without the issuance of a binding opinion, the Attorney General examines the issues and the records, makes findings of fact and conclusions of law, and issues to the requester and the City an opinion in response to the request for review within **sixty (60) days** after its receipt. The opinion is binding upon both the requester and the City, subject to administrative review under Section 11.5 of the Freedom of Information Act (**5 ILCS 140/11.5**).

Upon receipt of a binding opinion concluding that a violation of FOIA has occurred, the FOIA Officer shall either take necessary action immediately to comply with the directive of the opinion or shall initiate administrative review under Section 11.5 of FOIA. If the opinion concludes that no violation of FOIA has occurred, the requester may initiate administrative review under Section 11.5 of FOIA. If the City discloses records in accordance with an opinion of the Attorney General, it is immune from all liabilities by reason thereof and shall not be liable for penalties under FOIA.

(G) In accordance with FOIA, the Attorney General may also issue advisory opinions to the City regarding compliance with FOIA. A review may be initiated upon receipt of a written request from the City Mayor or the City Attorney, which shall contain sufficient accurate facts from which a determination can be made. The Public Access Counselor may request additional information from the City in order to assist in the review. If the City relies in good faith on an advisory opinion of the Attorney General in responding to a request, it is not liable for penalties under FOIA, so long as the facts upon which the opinion is based have been fully and fairly disclosed to the Public Access Counselor.

22-8-14 GRANTING OF REQUEST; PROCEDURE FOR INSPECTION. When a freedom of information request is granted, the documents will be made available for inspection at the City Hall during regular business hours. Copies shall be made upon request as set forth in **Section 22-8-7**.

22-8-15 WRITTEN REQUEST NOT REQUIRED FOR CERTAIN DOCUMENTS. The following documents shall be made available for inspection and copying without a written request; however, the requestor shall contact the FOIA Officer or designee in advance to set a mutually convenient time. These documents, if copied, shall be subject to the copying fee set forth in **Section 22-8-7**.

- (A) Ordinances and written resolutions.
- (B) The journal of the City Council, not including executive session minutes.
- (C) Any personnel code, building code, other technical code, or any other regulation of the City adopted by the City, whether by ordinance, resolution or otherwise.

22-8-16 SPECIAL PROVISIONS PERTAINING TO CERTAIN LAW ENFORCEMENT RECORDS. The following chronologically maintained arrest and criminal history information maintained by the City Police Department shall be furnished as soon as practical, but in no event later than **seventy-two (72) hours** after the arrest, notwithstanding the time limits otherwise provided for in **Section 22-8-8** of this Chapter:

- (A) Information that identifies the individual, including the name, age, address, and photograph, when and if available;
- (B) Information detailing any charges relating to the arrest;
- (C) The time and location of the arrest;
- (D) The name of the investigating or arresting law enforcement agency;
- (E) If the individual is incarcerated, the amount of any bail or bond; and
- (F) If the individual is incarcerated, the time and date that the individual was received into, discharged from, or transferred from the City Police Department's custody.

22-8-17 DISSEMINATION OF INFORMATION ABOUT PUBLIC BODIES. The City shall prominently display at the City Hall, make available for inspection and copying without charge, and shall send through the mail if requested, each of the following:

- (A) A brief description of itself, which will include, but not be limited to a short summary of its purpose, a block diagram giving its functional subdivisions, 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, or to which the City is required to report and be answerable for its operation;
- (B) A brief description of the methods whereby the public may request information and public records, a directory designating for the FOIA Officer or officers, the address where requests for public records should be directed, and any fees allowable under **Section 22-8-7**; and
- (C) The City shall also post this information on its website, if one is maintained.

22-8-18 LIST OF CATEGORIES OF RECORDS. As to public records prepared or received after the effective date of this Chapter, the FOIA Officer shall maintain and make available for inspection and copying a reasonably current list of all types or categories of records under its control. The list shall be reasonably detailed in order to aid persons in obtaining access to public records pursuant to this Chapter. The FOIA Officer shall furnish upon request a description of the manner in which public records stored by means of electronic data processing may be obtained in a form comprehensible to persons lacking knowledge of computer language or printout format.

(Ord. No. 2010-01; 01-06-10)

APPENDIX A

EXEMPT MATERIALS PER THE FOIA (AS AMENDED 2009)

**Section 7 of FOIA:
General Exemptions**

1. The following shall be exempt from inspection and copying:
 - A. Information specifically prohibited from disclosure by federal or State law or rules and regulations implementing federal or State law.
 - B. Private information, unless disclosure is required by another provision of this Act, a State or federal law or a court order.
 - C. Personal information contained within public records, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, unless the disclosure is consented to in writing by the individual subjects of the information. "Unwarranted invasion of personal privacy" means the disclosure of information that is highly personal or objectionable to a reasonable person and in which the subject's right to privacy outweighs any legitimate public interest in obtaining the information. The disclosure of information that bears on the public duties of public employees and officials shall not be considered an invasion of personal privacy.
 - D. Records in the possession of the City created in the course of administrative enforcement proceedings, and any law enforcement or correctional agency for law enforcement purposes, but only to the extent that disclosure would:
 - i. interfere with pending or actually and reasonably contemplated law enforcement proceedings conducted by any law enforcement or correctional agency that is the recipient of the request;
 - ii. interfere with active administrative enforcement proceedings conducted by the City is the recipient of the request;
 - iii. create a substantial likelihood that a person will be deprived of a fair trial or an impartial hearing;
 - iv. unavoidably disclose the identity of a confidential source, confidential information furnished only by the confidential source, or persons who file complaints with or provide information to administrative, investigative, law enforcement, or penal agencies; except that the identities of witnesses to traffic accidents, traffic accident reports, and rescue reports shall be provided by agencies of local government, except when disclosure would interfere with an active criminal investigation conducted by the agency that is the recipient of the request;
 - v. disclose unique or specialized investigative techniques other than those generally used and known or disclose internal documents of correctional agencies related to detection, observation or investigation of incidents of crime or misconduct, and disclosure would result in demonstrable harm to the agency or public body that is the recipient of the request;
 - vi. endanger the life or physical safety of law enforcement personnel or any other person; or
 - vii. obstruct an ongoing criminal investigation by the agency that is the recipient of the request.
 - E. Records that relate to or affect the security of correctional institutions and detention facilities.
 - F. Preliminary drafts, notes, recommendations, memoranda and other records in which opinions are expressed, or policies or actions are formulated, except that a specific record or relevant portion of a record shall not be exempt when the record is publicly cited and identified by the City Mayor.
 - G. Trade secrets and commercial or financial information obtained from a person or business where the trade secrets or commercial or financial information are furnished under a claim that they are proprietary, privileged or confidential, and that disclosure of the trade

secrets or commercial or financial information would cause competitive harm to the person or business, and only insofar as the claim directly applies to the records requested.

- i. All trade secrets and commercial or financial information obtained by the City, including a public pension fund, from a private equity fund or a privately held company within the investment portfolio of a private equity fund as a result of either investing or evaluating a potential investment of public funds in a private equity fund. The exemption contained in this item does not apply to the aggregate financial performance information of a private equity fund, nor to the identity of the fund's managers or general partners. The exemption contained in this item does not apply to the identity of a privately held company within the investment portfolio of a private equity fund, unless the disclosure of the identity of a privately held company may cause competitive harm.

Nothing contained in this paragraph (G) shall be construed to prevent a person or business from consenting to disclosure.

- H. Proposals and bids for any contract, grant, or agreement, including information which if it were disclosed would frustrate procurement or give an advantage to any person proposing to enter into a contractor agreement with the City, until an award or final selection is made. Information prepared by or for the City in preparation of a bid solicitation shall be exempt until an award or final selection is made.
- I. Valuable formulae, computer geographic systems, designs, drawings and research data obtained or produced by any public body when disclosure could reasonably be expected to produce private gain or public loss. The exemption for "computer geographic systems" provided in this paragraph (I) does not extend to requests made by news media as defined in Section 2 of the FOIA when the requested information is not otherwise exempt and the only purpose of the request to access and disseminate information regarding the health, safety, welfare, or legal rights of the general public.
- J. Architects' plans, engineers' technical submissions, and other construction related technical documents for projects not constructed or developed in whole or in part with public funds and the same for projects constructed or developed with public funds, including but not limited to power generating and distribution stations and other transmission and distribution facilities, water treatment facilities, airport facilities, sport stadiums, convention centers, and all government owned, operated, or occupied buildings, but only to the extent that disclosure would compromise security.
- K. Minutes of meetings of public bodies closed to the public as provided in the Open Meetings Act until the public body makes the minutes available to the public under Section 2.06 of the Open Meetings Act.
- L. Communications between the City and its attorney or auditor representing the City that would not be subject to discovery in litigation, and materials prepared or compiled by or for the City in anticipation of a criminal, civil or administrative proceeding upon the request of the City Attorney advising the City, and materials prepared or compiled with respect to internal audits of the City.
- M. Records relating to the City's adjudication of employee grievances or disciplinary cases; however, this exemption shall not extend to the final outcome of cases in which discipline is imposed.
- N. Administrative or technical information associated with automated data processing operations, including but not limited to software, operating protocols, computer program abstracts, file layouts, course listings, object modules, load modules, user guides, documentation pertaining to all logical and physical design of computerized systems, employee manuals, and any other information that, if disclosed, would jeopardize the security of the system or its data or the security of materials exempt under this Section.
- O. Records relating to collective negotiating matters between the City and its employees or representatives, except that any final contract or agreement shall be subject to inspection and copying.

- P. Test questions, scoring keys, and other examination data used to determine the qualifications of an applicant for a license or employment.
 - Q. The records, documents and information relating to real estate purchase negotiations until those negotiations have been completed or otherwise terminated. With regard to a parcel involved in a pending or actually and reasonably contemplated eminent domain proceeding under the Eminent Domain Act, records, documents and information relating to that parcel shall be exempt except as may be allowed under discovery rules adopted by the Illinois Supreme Court. The records, documents and information relating to a real estate sale shall be exempt until a sale is consummated.
 - R. Any and all proprietary information and records related to the operation of an intergovernmental risk management association or self-insurance pool or jointly self-administered health and accident cooperative or pool. Insurance or self insurance (including any intergovernmental risk management association or self insurance pool) claims, loss or risk management information, records, data, advice or communications.
 - S. Information contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of the City responsible for the regulation or supervision of financial institutions or insurance companies, unless disclosure is otherwise required by State law.
 - T. Information that would disclose or might lead to the disclosure of secret or confidential information, codes, algorithms, programs, or private keys intended to be used to create electronic or digital signatures under the Electronic Commerce Security Act.
 - U. Vulnerability assessments, security measures, and response policies or plans that are designed to identify, prevent, or respond to potential attacks upon a community's population or systems, facilities, or installations, the destruction or contamination of which would constitute a clear and present danger to the health or safety of the community, but only to the extent that disclosure could reasonably be expected to jeopardize the effectiveness of the measures or the safety of the personnel who implement them or the public. Information exempt under this item may include such things as details pertaining to the mobilization or deployment of personnel or equipment, to the operation of communication systems or protocols, or to tactical operations.
 - V. Maps and other records regarding the location or security of generation, transmission, distribution, storage, gathering, treatment, or switching facilities owned by a utility, by a power generator, or by the Illinois Power Agency.
 - W. Information contained in or related to proposals, bids, or negotiations related to electric power procurement under Section 1-75 of the Illinois Power Agency Act and Section 16-111.5 of the Public Utilities Act that is determined to be confidential and proprietary by the Illinois Power Agency or by the Illinois Commerce Commission.
2. A public record that is not in the possession of the City but is in the possession of a party with whom the agency has contracted to perform a governmental function on behalf of the City, and that directly relates to the governmental function and is not otherwise exempt under this Act, shall be considered a public record of the City, for purposes of the FOIA.

**Section 7.5 of FOIA:
Statutory Exemptions**

To the extent provided for by the statutes referenced below, the following shall be exempt from inspection and copying:

- A. All information determined to be confidential under Section 4002 of the Technology Advancement and Development Act **(20 ILCS 700/4002)**.
- B. Library circulation and order records identifying library users with specific materials under the Library Records Confidentiality Act **(75 ILCS 70/1 et seq.)**
- C. Applications, related documents, and medical records received by the Experimental Organ Transplantation Procedures Board and any and all documents or other records prepared by the

- Experimental Organ Transplantation Procedures Board or its staff relating to applications it has received.
- D. Information and records held by the Department of Public Health and its authorized representatives relating to known or suspected cases of sexually transmissible disease or any information the disclosure of which is restricted under the Illinois Sexually Transmissible Disease Control Act **(410 ILCS 325/1 et seq.)**.
 - E. Information the disclosure of which is exempted under Section 30 of the Radon Industry Licensing Act **(420 ILCS 44/30)**.
 - F. Firm performance evaluations under Section 55 of the Architectural, Engineering, and Land Surveying Qualifications Based Selection Act **(30 ILCS 535/55)**.
 - G. Information the disclosure of which is restricted and exempted under Section 50 of the Illinois Prepaid Tuition Act **(110 ILCS 979/50)**.
 - H. Information the disclosure of which is exempted under the State Officials and Employees Ethics Act **(5 ILCS 430/1-1 et seq.)**, and records of any lawfully created State or local inspector general's office that would be exempt if created or obtained by an Executive Inspector General's office under that Act.
 - I. Information contained in a local emergency energy plan submitted to a municipality in accordance with a local emergency energy plan ordinance that is adopted under Section 11-21.5-5 of the Illinois Municipal Code **(65 ILCS 5/11-21.5-5)**.
 - J. Information and data concerning the distribution of surcharge moneys collected and remitted by wireless carriers under the Wireless Emergency Telephone Safety Act **(50 ILCS 751/1 et seq.)**.
 - K. Law enforcement officer identification information or driver identification information compiled by a law enforcement agency or the Department of Transportation under Section 11-212 of the Illinois Vehicle Code **(625 ILCS 5/11-212)**.
 - L. Records and information provided to a residential health care facility resident sexual assault and death review team or the Executive Council under the Abuse Prevention Review Team Act **(210 ILCS 28/1 et seq.)**.
 - M. Information provided to the predatory lending database created pursuant to Article 3 of the Residential Real Property Disclosure Act **(765 ILCS 77/70 et seq.)**, except to the extent authorized under that Article.
 - N. Defense budgets and petitions for certification of compensation and expenses for court appointed trial counsel as provided under Sections 10 and 15 of the Capital Crimes Litigation Act **(725 ILCS 124/10 and 725 ILCS 124/15)**. This subsection (N) shall apply until the conclusion of the trial of the case, even if the prosecution chooses not to pursue the death penalty prior to trial or sentencing.
 - O. Information that is prohibited from being disclosed under Section 4 of the Illinois Health and Hazardous Substances Registry Act **(410 ILCS 525/4)**.
 - P. Security portions of system safety program plans, investigation reports, surveys, schedules, lists, data, or information compiled, collected, or prepared by or for the Regional Transportation Authority under Section 2.11 of the Regional Transportation Authority Act **(70-3615/2.11)** or the St. Clair County Transit District under the Bi-State Transit Safety Act **(45-111/1 et seq.)**
 - Q. Information prohibited from being disclosed by the Personnel Records Review Act.
 - R. Information prohibited from being disclosed by the Illinois School Student Records Act **(105 ILCS 10/1 et seq.)**.
 - S. Information the disclosure of which is restricted under Section 5-108 of the Public Utilities Act **(220 ILCS 5/5-108)**.

(Ord. No. 2010-01; 01-06-10)

ARTICLE IX - DRUG FREE WORKPLACE**22-9-1 DEFINITIONS.**

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

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

(C) **"Controlled Substance"** means a controlled substance as defined in the Illinois Controlled Substance Act, **720 ILCS 570/100 et seq.** (1992 State Bar Edition) or Cannabis as defined in the Cannabis Control Act, **720 ILCS 550/1 et seq.** (1992 State Bar Edition).

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

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

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

22-9-2 REQUIREMENTS FOR CITY. The City shall provide a drug free workplace by:**(A) Publishing a Statement.**

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

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

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

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

(D) If the City receives a grant from the State or Contract for the procurement of any property or services from the State, then the City shall notify the contracting or granting agency within **ten (10) days** after receiving notice under part (b) of paragraph (3) of Subsection (A) from an employee or otherwise receiving actual notice of such conviction.

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

program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency.

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

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

ARTICLE X – DRUG/ALCOHOL TESTING POLICY AND PROCEDURE

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

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

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

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

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

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

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

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

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

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

(E) Failure to comply with this policy.

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

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

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

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

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

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

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

(A) Use only a clinical laboratory or hospital facility that is licensed pursuant to the Illinois Clinical Laboratory and Blood Bank Act, **210 ILCS 25/101 *et seq.***, that has been or is capable of being accredited by the National Institute of Drug Abuse ("NIDA").

(B) Insure that the laboratory or facility selected conforms to all NIDA standards.

(C) Follow all Federal DOT guidelines for the collection, testing and reporting procedures.

(D) In conducting any alcohol testing under this policy, the City shall use a facility that:

- (1) Ensures that all technicians are trained and equipment is calibrated.
- (2) Conducts breath test to detect the presence of alcohol or blood tests if circumstances require.

(E) The fees for drug/alcohol testing shall be paid as follows:

- (1) Pre-employment testing will be paid by the City.
- (2) Post accident tests shall be paid by the City.
- (3) Reasonable suspicion testing will be paid by the City.
- (4) Random testing will be paid by the City.
- (5) Retesting at the request of the employee after a positive drug or alcohol test shall be at the employee's sole expense.
- (6) Drug/Alcohol test for renewal of CDL Driver's License shall be paid by the City.

22-10-6 SCREENING AND TESTING.

(A) **Pre-Employment Testing.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

ARTICLE XI – CONFLICT OF INTEREST POLICY

22-11-1 PURPOSE. The purpose of this policy is to establish conflicts of interest guidelines that meet or exceed the requirements under state law and local policy when procuring goods, services, and construction or repair projects paid for in part or whole by federal funds and required under 2 C.F.R. § 200.318(c).

22-11-2 POLICY. This policy applies when procuring goods, services, and construction, or repair projects funded in part or whole with federal financial assistance either direct or reimbursed. This policy also applies to any subrecipient of the funds.

The Mayor shall be responsible for managing the federal financial assistance award and shall review the notice of award to identify any additional conflicts of interest prohibitions or requirements associated with the award, and shall notify all employees, officers, and agents, including subrecipients, of the requirements of this policy and any additional prohibitions or requirements.

(A) **Personal Conflicts of Interest.**

- (1) No officer, employee, or agent of the City may participate directly or indirectly in the selection, award, or administration of a contract supported by a federal award if he or she, or a member of his or her immediate family, has a real or apparent conflict of interest. A real or apparent conflict of interest exists when any of the following parties has a financial or other interest in or receives a tangible personal benefit from a firm considered for award of a contract:
 - (a) The employee, officer, or agent involved in the selection, award, or administration of a contract;
 - (b) Any member of his or her immediate family;
 - (c) His or her partner; or
 - (d) An organization which employs or is about to employ any of these parties.
- (2) For the purposes of this policy, "immediate family" shall mean any of the following:
 - (a) Spouse, and parents thereof;
 - (b) Children, and spouses thereof;
 - (c) Parents, and spouses thereof;
 - (d) Siblings, and spouses thereof;
 - (e) Grandparents and grandchildren, and spouses thereof;
 - (f) Domestic partner and parents thereof; and
 - (g) Any individual related by blood or affinity whose close association with the employee is the equivalent of a family relationship.
- (3) Any officer, employee, or agent with an actual, apparent, or potential conflict of interest as defined in this policy shall report the conflict to the Mayor; should the Mayor have a conflict, he/she shall report it to the City Council. The City and any subrecipients shall disclose in writing to the federal award agency or pass-through entity, any potential conflict of interest affecting the awarded funds in accordance with applicable federal awarding agency policy.

(B) **Gifts.** In addition to the prohibition against accepting gifts and favors from vendors and contractors under state law, officers, employees, and agents of the City are prohibited from accepting or soliciting gifts, gratuities, favors, or anything of monetary value from contractors, suppliers, or parties to subcontracts.

Unsolicited items of nominal value may be accepted if the gift falls into one of the following categories:

- (1) Promotional items;

- (2) Honorariums for participation in meetings;
- (3) Meals furnished at banquets; or
- (4) Items consistent with that generally given or shared locally as a part of traditional cultural activities.

Any officer, employee, or agent who knowingly accepts the item of nominal value allowed under this policy shall report the item to the Mayor, and in the case of the Mayor, to the longest serving member of the City Council.

22-11-3 INVESTIGATION OF CONFLICT OF INTEREST. The Mayor shall investigate any reports of conflicts of interest and evaluate the potential conflict of interest. The Mayor will determine whether the employee, officer, or agent should be recused from participation in the matter or action. In the event the conflict involves the Mayor, the longest serving member of the City Council shall be in charge of the investigation.

The Mayor shall consider the following factors when implementing this policy:

- (A) The scope and nature of the conflict or potential conflict;
- (B) The potential for the appearance of impropriety;
- (C) The scope of the discretion vested in the City employee, officer, or agent;
- (D) Whether the financial interest is limited in nature and magnitude such that it would not tend to influence a reasonable person; and
- (E) The harm caused to the public interest by removal of the City employee, officer, or agent from participation from the action or matter.

22-11-4 VIOLATION. If the Mayor, or the longest serving member of the City Council in the event the Mayor is the subject of the investigation, has reasonable cause to believe an employee, officer, or agent has failed to disclose a conflict of interest, he/she will inform the employee, officer, or agent of the basis for such believe and afford the person an opportunity to explain the alleged failure to disclose.

After hearing the response of the employee, officer, or agent and making further investigation as deemed warranted by the circumstances, the Mayor shall make a recommendation to the City Council as to what, if any, disciplinary and corrective action should be taken. The City Council shall determine what, if any, appropriate disciplinary and corrective action will be taken.

Employees, officers, or agents of the City in violation of this policy will be subject to discipline up to and including termination and/or removal from office.

Violation of this policy may result in termination of the contract and the offending contractor or supplier being prohibited from bidding upon and/or being eligible for future contract awards.

(Ord. No. 2021-04; 09-01-21)

Policy

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

Drug-Free Awareness

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

Employees with drug abuse problems should seek help. Employees desiring more information on the dangers of drug abuse in the workplace and those employees needing drug counseling, rehabilitation, or other employee assistance should contact the local municipal drug administrator.

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

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

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

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

Employee Certification

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

Employee Signature

Date

Employer Statement

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

Authorized Employer Signature

Date

City of _____, _____, Illinois
Name of Organization