

CHAPTER 22

MANDATED POLICIES

ARTICLE I – IDENTITY THEFT PREVENTION PROGRAM

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

22-1-2 **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 Municipality (sewer and water) by any and all personnel of the Municipality, 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:

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

(B) **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))**

(C) **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).**

(D) **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 POLICY.

(A) **Administration of the Program.** Issues to be addressed in the annual Identity Theft Prevention Report include:

- (1) 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.
- (2) Service provider arrangements.
- (3) Significant incidents involving Identity Theft and management's response.
- (4) Recommendations for material changes to the Program, if needed for improvement.

(B) **Identity Theft Prevention Elements.**

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

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

- (i) A fraud or active duty alert is included with a consumer report or an identity verification response from a credit reporting agency.
- (ii) A consumer reporting agency provides a notice of credit freeze in response to a request for a consumer report.
- (iii) A consumer reporting agency provides a notice of address discrepancy, as defined in §681.1(b) of the FTC's Identity Theft Rules.
- (iv) 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:

- a. A recent and significant increase in the volume of inquiries;
- b. An unusual number of recently established credit relationships;
- c. A material change in the use of credit, especially with respect to recently established credit relationships; or
- d. An account that was closed for cause or identified for abuse of account privileges by a financial institution or creditor.

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

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

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

- (i) Personal identifying information provided is inconsistent when compared against external information sources used by the Municipality. For example:
 - a. The address does not match any address in the consumer report or CRA ID Check response; or
 - b. The Social Security Number (SSN) has not been issued, or is listed on the Social Security Administration's Death Master File.

- (ii) 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.
- (iii) Personal identifying information provided is associated with known fraudulent activity as indicated by internal or third-party sources used by the Municipality. For example:
 - a. The address on an application is the same as the address provided on a fraudulent application; or
 - b. The phone number on an application is the same as the number provided on a fraudulent application.
- (iv) Personal identifying information provided is of a type commonly associated with fraudulent activity as indicated by internal or third-party sources used by the Municipality. For example:
 - a. The billing address on an application is fictitious, a mail drop, or a prison; or
 - b. The phone number is invalid, or is associated with a pager or answering service.
- (v) The SSN provided is the same as that submitted by other persons opening an account or other customers.
- (vi) 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.
- (vii) 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.
- (viii) Personal identifying information provided is not consistent with personal identifying information that is on file with the Municipality.
- (ix) If the Municipality 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.

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

- (i) Shortly following the notice of a change of address for a covered account, the Municipality receives a request for the addition of authorized users on the account.
- (ii) 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.
- (iii) A covered account with a stable history shows irregularities.
- (iv) 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).
- (v) 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.
- (vi) The Municipality is notified that the customer is not receiving paper account statements.
- (vii) The Municipality is notified of unauthorized usage of utility products or services in connection with a customer's covered account.

(e) **Notice of Possible Identity Theft.**

- (i) The Municipality is notified by a customer, a victim of identity theft, a law enforcement authority, or any other person that it has opened a fraudulent account for a person engaged in identity theft.

- (2) **Detection of Red Flags.** The employees of the Village that interact directly with customers on a day-to-day basis shall have the initial responsibility for monitoring the information and documentation provided by the customer and any third-party service provider in connection with the opening of new accounts and the modification of or access to existing accounts and the detection of any Red Flags that

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

The Chairman of Finance 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 to existing accounts.

- (3) **Response to Detected Red Flags.** If the responsible employees of the Village 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 Municipality 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 Municipality and shall be grounds for immediate dismissal.

The Finance Chairman 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:

- (a) Monitoring a Covered Account for evidence of Identity Theft.
- (b) Contacting the customer.
- (c) Changing any passwords, security codes, or other security devices that permit access to a Covered Account.
- (d) Reopening a Covered Account with a new account number.
- (e) Not opening a new Covered Account.
- (f) Closing an existing Covered Account.
- (g) Not attempting to collect on a Covered Account or not selling a Covered Account to a debt collector.
- (h) Notifying law enforcement.
- (i) Determining that no response is warranted under the particular circumstances.

22-1-5**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 Village determines that with respect to its residential utility accounts it offers and/or maintains covered accounts. The Municipality 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 Municipality 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.

(D) **Other Legal Requirements.** Awareness of the following related legal requirements should be maintained:

- (1) 31 U.S.C. 5318(g) - Reporting of Suspicious Activities.
- (2) 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.
- (3) 15 U.S.C. 1681 s-2 - Responsibilities of Furnishers of Information to Consumer Reporting Agencies.
- (4) 15 U.S.C. 1681 m - Requirements on Use of Consumer Reports.

22-1-6 RESPONSIBILITY. The initial adoption and approval of the Identity Theft Prevention Program shall be by Ordinance of the Village Board. 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 Chairman of Finance. Major changes or shifts of policy positions under the Program shall only be made by the Chairman of Finance with the Village Board's approval.

Development, implementation, administration and oversight of the Program will be the responsibility of the Chairman of Finance. The Chairman of Finance may, but shall not be required to, appoint a committee to administer the Program. The Finance Chairman shall be the head of any such committee. The Finance Chairman will report at least annually to the Mayor regarding compliance with this Program.

(Ord. No. 08-514; 10-01-08)

ARTICLE II**FREEDOM OF INFORMATION POLICY**

22-2-1 FREEDOM OF INFORMATION OFFICER DESIGNATED. The Village Clerk is hereby designated as the FOIA Officer to whom all initial requests for access to the records of the Village are to be referred. Such requests are to be made at the offices of the Village Clerk at 202 South Range Street, Oblong, Illinois, between the hours of **9:00 A.M.** and **4:00 P.M.**, Monday through Friday. In the event that the Village Clerk is not available during the times described above, the Deputy Village Clerk is designated as the Deputy FOIA Officer to whom such initial requests are to be made. Except in instances when records are furnished immediately, the FOIA Officer, or his/her designees, shall receive requests submitted to the Village under the Freedom of Information Act, ensure that the Village responds to requests in a timely fashion, and issue responses under the Act. The FOIA Officer shall develop a list of documents or categories of records that the Village shall immediately disclose upon request.

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

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

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

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

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

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

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

- (A) a Village Information Directory;
- (B) a block diagram of the functional Subdivisions of the Village;
- (C) a Village Records Directory; and
- (D) a Records Catalogue,

all of which shall be substantially in the same form as the documents attached hereto and made a part hereof as Exhibits "A", "B", "C" and "D". This information shall also be posted on the Village's website.

(Ord. No. 10-530; 05-05-10)

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 Village 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 village 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 **one hundred eighty (180) days** of the alleged incident(s) unless it is a continuing offense. A complaint with the EEOC must 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.

Revised Code

(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)**).

Revised Code

(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 – due within **one hundred eighty (180) days** (IDHR) or **three hundred (300) days** (EEOC) 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.

Oblong Village Code

ARTICLE IV – INVESTMENT POLICY

22-4-1 SCOPE OF INVESTMENT POLICY. This Investment Policy applies to the investment activities of all funds of the Village, and all funds under the control of the Treasurer. This Investment Policy would also apply for any new funds or temporary funds that are placed under the jurisdiction of the Treasurer or those mentioned above.

22-4-2 OBJECTIVES OF INVESTMENT POLICY. The purpose of the Investment Policy is to establish cash management and investment guidelines for the stewardship of public funds. Specific objectives include:

- (A) Safety of principal is the foremost objective of the Investment Policy.
- (B) The Treasurer and Finance Committee may diversify investments to avoid incurring unreasonable risks.
- (C) The Treasurer's investment portfolio shall remain sufficiently liquid to meet all operating requirements which may be reasonably anticipated.
- (D) The Treasurer shall maintain a policy of receiving the highest interest rate possible per investment on any given day.
- (E) In managing its interest investment portfolio the Treasurer shall avoid any transaction that might impair public confidence in the government; for the Village of Oblong.

22-4-3 RESPONSIBILITY FOR THE INVESTMENT PROGRAM. All investment of funds under the control of the Treasurer is the direct responsibility of the Treasurer. She shall be responsible for all transactions taken and she shall establish a system of controls of the activities of any subordinates who are directly involved in the assistance of such investment activities.

22-4-4 CASH MANAGEMENT. The Treasurer realizes there is a time value to money, therefore, idle cash may be invested for a period on **one (1) day** or in excess of a year, depending on when the money is needed. The main objective of the Treasurer's cash management procedure is to comply with **Illinois Compiled Statutes**. When deposits of monies become collected funds and are not needed for immediate disbursement, they shall be invested at prevailing rates or better in accordance with State law.

22-4-5 ACCOUNTING. All investment transactions shall be recorded by the Treasurer. A report will be generated, at least monthly, listing all active investments, location of investment, duration of investment, interest rate, and other deemed necessary by the Treasurer. This report will be made available to all members of the Board and a copy will be put on permanent file in the offices of the Treasurer and the Village's Auditor. A copy of the investment report will also be mailed to all financial institutions who are currently a part of the Treasurer's investment portfolio.

Any or all of these reports will be available for inspection upon request by any individual in accordance with the Freedom of Information Act.

Oblong Village Code

22-4-6 FINANCIAL INSTITUTIONS. It will be the sole responsibility of the Board of Trustees to select which financial institutions will receive funds under their jurisdiction. The Board will take into consideration size, location, state of condition, and service fees when making the choice of financial institutions when investing funds.

22-4-7 COLLATERAL. The Treasurer for the Village will see that all investments are pledged with sufficient securities.

At all times the County Treasurer will comply with Illinois law regarding which institution in which she may or may not invest and at no time will she invest without requirement of **one hundred (100) or one hundred ten percent (110%)** collateralizations.

22-4-8 INVESTMENT SELECTION. Investments may be made in any type of security allowed under Illinois law and listed in the **Illinois Compiled Statutes**.

All investments shall be selected on the basis of competitive bids whenever practice. Investments made outside the geographical boundaries of the Village will always be made at a higher interest rate than could be received within those boundaries. All investments will be made within the boundaries of the State of Illinois with the exception of investing in U.S. Treasuries and Government Agencies or mutual funds consisting of U.S. Treasury Bills, Notes and Bonds; if that is the Board's desire.

22-4-9 INTERNAL CONTROLS. The Treasurer and Board of Trustees shall establish any Internal Controls deemed necessary to prevent losses of public funds arising from fraud, employee error, misrepresentation by third parties, unanticipated changes in financial markets, or imprudent actions. One requirement of internal control is timely reconciliation of all investment and accounts under the jurisdiction of the Treasurer's Office. Reconciliation shall be performed on a monthly basis and shall be completed no later than **thirty (30) days** after the end of the monthly cycle.

22-4-10 INDEMNIFICATION. The standard of prudence to be used by the Village Treasurer shall be the "prudent person" standard which states:

"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 possible income derived."

The above standard is established as the standard for professional responsibility and shall be applied in the context of managing the Village's overall portfolio.

22-4-11 AMENDMENT. This policy shall be reviewed from time to time and any changes deemed necessary shall be made by the Treasurer in accordance with the Village's Finance Committee.

(Ord. No. 99-408; 02-03-99)

Oblong Village Code**ARTICLE V – ETHICS CODE****22-5-1 STATE OFFICIALS AND EMPLOYEES ETHICS ACT.**

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

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

(C) The offering or making of gifts prohibited under the Act, by any officer or employee of the Village under the Act is hereby prohibited.

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

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

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

(G) This Section does not repeal or otherwise amend or modify any existing ordinances or policies which regulate the conduct of Village officers and employees. To the extent that any such existing ordinance or policies are less restrictive than this Section, however, the provisions of this Section shall prevail in accordance with 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 prohibit political activities. However, any amendment that makes its provisions optional for adoption by municipalities shall not be incorporated into this Section by reference without formal action by the corporate authorities of the Village.

(I) If the Illinois Supreme Court declares the Act unconstitutional in its entirety, then this Section shall be repealed as of the date that the Illinois Supreme Court's decision becomes final and not subject to any further appeals or rehearings. The Section shall be deemed repealed within further action by the corporate authorities of the Village if the Act is found unconstitutional by the Illinois Supreme Court.

(J) If the Illinois Supreme Court declares part of the Act unconstitutional but upholds the constitutionality of the remainder of the Act 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 and without further action by the corporate authorities of the Village.

(Ord. No. 04-467; 05-05-04)

Oblong Village Code

ARTICLE VI – WHISTLEBLOWER PROTECTION POLICY

22-6-1 PURPOSE. The Village provides whistleblower protections in two important areas: confidentiality and against retaliation. The confidentiality of a whistleblower will be maintained to the extent allowable by law, however, an identity may have to be disclosed to conduct a thorough investigation, to comply with the law and to provide accused individuals their legal rights of defense. A whistleblower may also waive confidentiality in writing. The Village will not retaliate against a whistleblower. This includes, but is not limited to, protection from retaliation in the form of an adverse employment action such as termination, compensation decreases, or poor work assignments and threats of physical harm. Any whistleblower who believes they are being retaliated against must submit a written report to the Auditing Official within **sixty (60) days** of gaining knowledge of the retaliatory action. The right of a whistleblower for protection against retaliation does not include immunity for any personal wrongdoing that is alleged and investigated.

22-6-2 DEFINITIONS.
(A) **Whistleblower** means an employee, as defined in this Section, of the Village who:

- (1) reports an improper governmental action as defined under **50 ILCS 105/4.1** (hereinafter Section 4.1);
- (2) cooperates with an investigation by an Auditing Official related to a report of improper governmental action; or,
- (3) testifies in a proceeding or prosecution arising out of an improper governmental action.

(B) **Auditing Official** means any elected, appointed or employed individual, by whatever name, in the Village whose duties may include receiving, registering, and investigating complaints and information concerning misconduct, inefficiency and waste within the Village; investigating the performance of officers, employees, functions and programs; and promoting economy, efficiency, effectiveness and integrity in the administration of the programs and operations of the Village.

The Auditing Official shall be the Mayor until replaced by the Village.

(C) **Employee** means anyone employed by the Village, whether in a permanent or temporary position, including full-time, part-time, and intermittent workers. Employee also includes members of appointed boards or commissions, whether paid or unpaid. Employee also includes persons who have been terminated because of any report or complaint submitted under Section 4.1.

(D) **Improper governmental action** means any action by an employee of the Village; an appointed member of a board, commission, or committee; or an elected official of the Village that is undertaken in violation of a federal or state law or local ordinance; is an abuse of authority; violates the public's trust or expectation of their conduct; is of substantial and specific danger to the public's health or safety; or is a gross waste of public funds. The action need not be within the scope of the employee's, elected official's, board member's, commission member's or committee member's official duties to be subject to claim of "improper governmental action."

- (1) Improper governmental action does not include the Village's personnel actions, including, but not limited to employee grievances, complaints, appointments, promotions, transfers, assignments, reassignments, reinstatements, restorations, reemployment, performance evaluations, reductions in pay, dismissals, suspensions, demotions, reprimands, or violations of collective bargaining agreements, except to the extent that the action amounts to retaliation.

(E) **Retaliate, retaliation or retaliatory action** means any adverse change in an employee's employment status or the terms and conditions of employment that results from an employee's protected activity under Section 4.1. Retaliatory action includes, but is not limited to, denial of adequate staff to perform duties; frequent staff changes; frequent and undesirable office changes; refusal to assign meaningful work; unsubstantial letters of reprimand or unsatisfactory performance

Oblong Village Code

evaluations; demotion; reduction in pay; denial of promotion; transfer or reassignment; suspension or dismissal; or other disciplinary action made because of an employee's protected activity under Section 4.1.

22-6-3 DUTIES OF AN AUDITING OFFICIAL. Each Auditing Official shall establish written processes and procedures consistent with the terms of this policy and best practices for investigations for managing complaints filed under Section 4.1. Each Auditing Official shall investigate and dispose of reports of improper governmental action in accordance with these processes and procedures, and all other provisions of Section 4.1.

The Auditing Official must provide each employee a written summary or a complete copy of Section 4.1 upon commencement of employment and at least once each year of employment. At the same time, the employee shall also receive a copy of the written processes and procedures for reporting improper governmental actions from the applicable Auditing Official.

Auditing Officials may reinstate, reimburse for lost wages or expenses incurred, promote, or provide some other form of restitution.

In instances where an Auditing Official determines that restitution will not suffice, the Auditing Official may make their investigation findings available for the purposes of aiding in that employee's, or the employee's attorney's, effort to make the employee whole.

Auditing Officials are responsible for reading the full context of Section 4.1 and complying with all requirements.

22-6-4 DUTIES OF AN EMPLOYEE. All reports of illegal and dishonest activities will be promptly submitted to the Auditing Official who is responsible for investigating and coordinating corrective action.

If an employee has knowledge of, or a concern of, improper governmental action, the employee shall make a written report of the activity to the Auditing Official. The employee must exercise sound judgment to avoid baseless allegations. An employee who intentionally files a false report of wrongdoing will be subject to discipline up to and including termination.

The whistleblower is not responsible for investigating the activity or for determining fault or corrective measures; a designated Auditing Official is charged with these responsibilities.

22-6-5 DEFEND TRADE SECRETS ACT (18 U.S.C. § 1836) COMPLIANCE. Section 7(b): "Immunity from Liability for Confidential Disclosure of a Trade Secret to the Government or in a Court Filing:

(A) **Immunity.** An individual shall not be held criminally or civilly liable under any federal or state trade secret law for the disclosure of a trade secret that (1) is made (a) in confidence to a federal, state or local government official, either directly or indirectly, or to an attorney; and, (b) solely for the purpose of reporting or investigating a suspected violation of law; or, (2) is made in a complaint or other document filed in a lawsuit or other proceeding, if such filing is made under seal.

(B) **Use of Trade Secret Information in Anti-Retaliation Lawsuit.** An individual who files a lawsuit for retaliation by an employer for reporting a suspected violation of law may disclose the trade secret to the attorney of the individual and use the trade secret information in the court proceeding, if the individual (1) files any document containing the trade secret under seal; and (2) does not disclose the trade secret, except pursuant to court order."

22-6-6 EMPLOYEE ACKNOWLEDGEMENT. Employees are required to sign a written acknowledgement that they have received, read, and understand this Policy, and to submit that acknowledgement to the Auditing Official or other designated official of the Village. The form that follows on **Addendum "A"** will satisfy this requirement upon receipt.

(Ord. No. 2021-623; 09-01-21)

Oblong Village Code

ADDENDUM "A"**EMPLOYEE ACKNOWLEDGEMENT OF WHISTLEBLOWER PROTECTION POLICY**

I confirm that I have received, read, and understand the "Whistleblower Protection Policy" for employees of the Village.

I understand that as an employee, it is my responsibility to abide by this Policy. If I have questions about this Policy, I understand it is my responsibility to seek clarification from the proper supervisory department, the Auditing Official.

Print Name: _____

Employee Signature: _____

Date: _____

VILLAGE OF OBLONG

The Village of Oblong is a non-home rule unit which operates under a Mayor/Trustee form of government. The Village Board is comprised of six (6) Trustees. The Trustees are elected for four-year term. The Mayor is elected for four-year term. The Village Clerk and Village Treasurer are appointed by the Mayor, with consent of the Village Board, their four-year term is concurrent with the Mayor's term.

The Village Board meets on the 1st Wednesday of each month at 5 pm. Each Trustee is chairperson of at least one committee. The eight (7) committees are: Finance, Police, Building/Park, Water/Sewer, Street/Alley, Sidewalks/Lights, Park Meadows Subdivision. There are currently 9 permanent employees and 4 part-time employees. The population of the Village is 1349.

MAYOR & TRUSTEES

Mayor Teresa K. Fielder
Chairperson of Finance Dave Hasty
Chairperson of Police Earl Deckard
Chairperson of Building/Park Byron Sanders

Chairperson of Water/Sewer Jay Haines
Chairperson of Street/Alley Terry "Toad" Ochs

Chairperson of Sidewalks/Lights Justin Yager
Chairperson of Park Meadows Subdivision Terry "Toad" Ochs

CONTACT NUMBERS

Contact List

Activity Center 618-592-3321
Mayor's Office
Clerk/Treasurer's Office 618-592-3431
Village Clerk – Stacey Brock
Village Treasurer – Ladora Boyd

Police Office 618-592-4715
Police Chief – Colton Williamson

Public Works Office 618-592-3122
Public Works Superintendent – Terry Manhart
Public Works Office Manager – Sessaly Miller

Township Office 618-592-4333
Township Supervisor – Carol S. Tracy
Township Secretary – Heather Buechsenschuetz

Village Web Page

www.villageofoblong.com

Cemetery is located on the east edge of the Village. Oblong Township is in charge of the cemetery.

Village Hall is located at 202 South Range Street (two blocks south of Illinois Route 33). Offices in the hall are Mayor ♦ Village Clerk ♦ Village Treasurer ♦ Public Works Office ♦

Public Works Superintendent's Office ♦ Police Department ♦ Township Office.

Fire Station is located at 111 West Main Street.

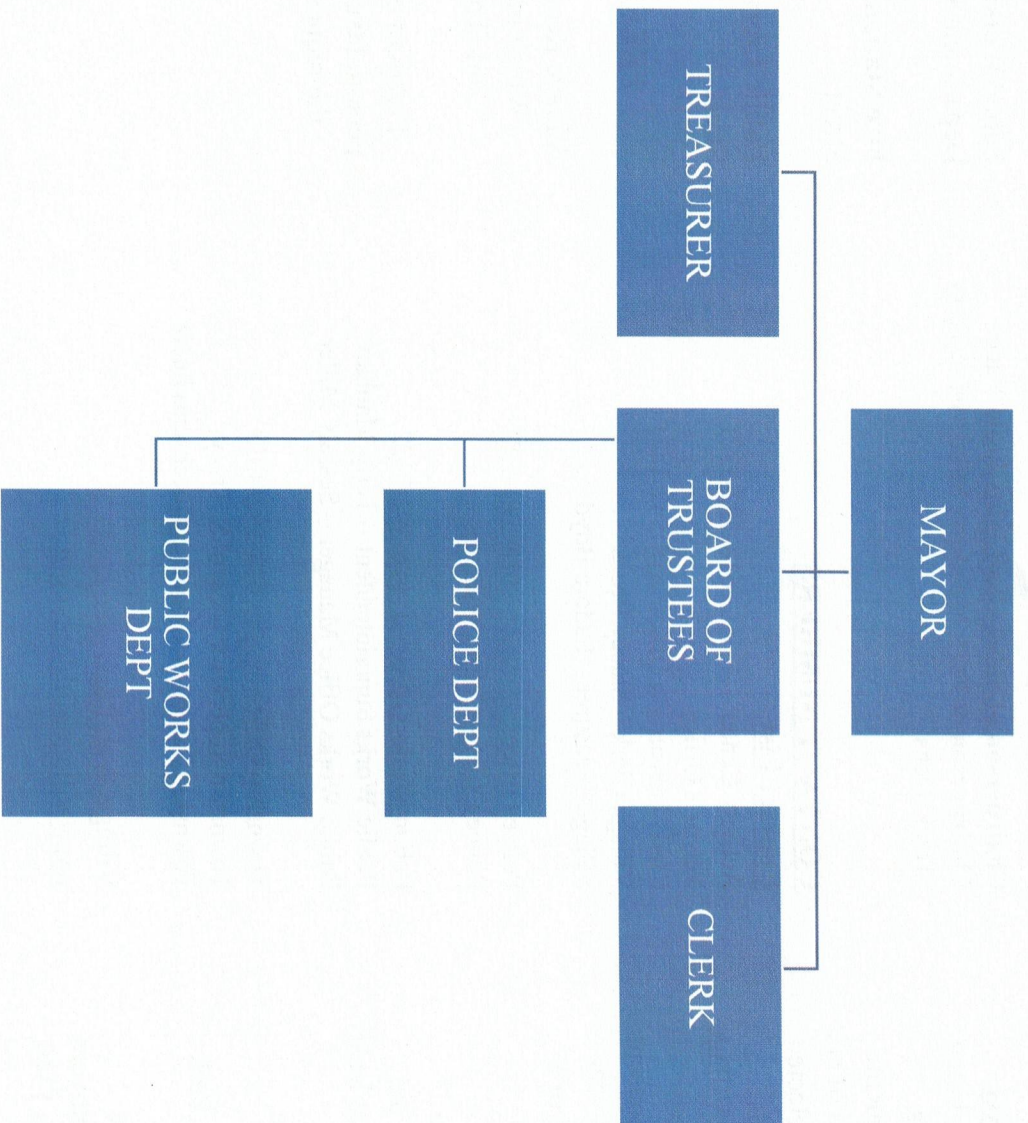
Public Library is located at 110 East Main Street.

FREEDOM OF INFORMATION

REQUESTS

Village Records are housed in the Village Hall Which includes the offices of the Mayor, Clerk/Treasurer, Public Works & Police Department.

Freedom of Information Request can be in-person, faxed to 618-592-3922 or by e-mailing the request to info@villageofoblong.com.



The Freedom of Information Officers for the Village are:

Name:

Stacey Brock, Village Clerk

Contact Location:

202 South Range Street

Oblong, Illinois 62449-1225

Ladora Boyd, Deputy Village Clerk

202 South Range Street

Oblong, Illinois 62449-1225

EXHIBIT C.

MUNICIPAL RECORDS DIRECTORY

Village of Oblong

Any person requesting records of the Village of Oblong may make such a request either in person, orally or in writing at the Village Clerk's office located at 202 South Range Street. Such request should be made to Miss Ladora Boyd, FOIA Officer at such address and if she is not present in person, you should see Mrs. Jan Miller, Deputy FOIA Officer. Another method would be by mailing, faxing or emailing a written request to either Miss Boyd or Mrs. Miller specifying in particular the records requested to be disclosed and copied. All written requests should be addressed to the FOIA Officer at the address of the Clerk's office. If you desire that any records be certified, you must indicate that in your request and specify which records must be certified.

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

Black and white, letter or legal, actual cost to \$0.25/per page.

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

Costs of certifying a record will be \$2.00.

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

EXHIBIT D.

CATALOGING AND INDEXING OF PUBLIC RECORDS

FINANCIAL RECORDS

- A. Budget
- B. Appropriation Ordinance
- C. Audit
- D. Bills
- E. Receipts of Revenue
- F. Warranty List
- G. Cancelled Checks Statements
- H. Water/Sewer Bills
- I. Receipts of Fines
- J. Liquor License Fees
- K. Other License Fees
- L. Salary Schedule
- M. Utility Bills (electric, telephone & etc)
- N. Tax Levy Ordinance

OTHER RECORDS

- 1. Mobile/Modular Home Permits
- 2. Board Minutes
- 3. Board Ordinances
- 4. Board Resolutions
- 5. Correspondence (Received & sent [2 yrs.])
- 6. Bidding Specifications
- 7. Board Handbook
- 8. Village Maps
- 9. Comprehensive (Strategy) Plan
- 10. Contracts for Maintenance Repairs
- 11. Pension Fund Files
- 12. Training Records
- 13. Worker's Compensation Records
- 14. Insurance
- 15. Real Estate
- 16. Official Bonds
- 17. Village Liens
- 18. Police Department Records
- 19. Public Works Record