



SUSANA A. MENDOZA
STATE OF ILLINOIS COMPTROLLER

2019

COUNTY TREASURER'S TRAINING PROGRAM

ILLINOISCOMPTROLLER.GOV



SUSANA A. MENDOZA
ILLINOIS STATE COMPTROLLER

April 10, 2019

Dear County Treasurer,

The Illinois Office of the Comptroller is pleased to welcome you to the 2019 County Treasurers Training Program.

Public service is a tremendous honor and responsibility. Like you, I serve as a steward of taxpayer dollars. As the State of Illinois' Chief Fiscal Officer, I believe we should collaborate on an ongoing basis to sharpen our skills. That means learning more about how we can improve the fiscal condition of our respective government bodies. My office aims to serve as a resource to you and your staff by providing information to assist you in your work on behalf of the public.

We are very happy to have you as our guests, and I hope these presentations help you improve the effectiveness of the services provided by your office. I want to thank my staff for developing this training program.

If you need any assistance or want to share any ideas for further collaboration, I would encourage you to reach out to us directly. Our Director of Local Government, Rosanna Barbaro-Flores can be reached at Rosanna.Barbaro-Flores@IllinoisComptroller.gov or 312-814-1070.

Best Wishes,

A handwritten signature in black ink that reads "Susana A. Mendoza". The signature is written in a cursive style.

Susana A. Mendoza
Illinois State Comptroller



CURTIS P. NEWPORT
BOONE COUNTY TREASURER
1212 Logan Avenue, Suite 104
Belvidere, IL 61008
Phone 815-544-2666 Fax 815-544-4796
<http://boonecountytreasurer.us>

Comptroller's County Treasurer Training Program
April 10-11, 2019
Wyndham Hotel
Springfield, Illinois

Fellow county treasurers,

As President of the Illinois County Treasurers' Association (ICTA), I welcome you to the the 2019 County Treasurer Training Program, presented by State of Illinois Comptroller Susan A. Mendoza! While our attendance here is compelled by state law, it is an important opportunity for us to get acquainted with our statutory duties. More importantly, it is an opportunity for all of us to meet and get to know our colleagues around the state. Our fellow treasurers know the challenges we face on a daily basis and are our best sources of wisdom and guidance.



For the thirty or more recently elected treasurers attending this program for the first time, I want to inform you that you have just joined the finest group of elected officials in the State of Illinois! It is essential that the veterans and rookies reach out to each other and make those personal connections that will be crucial to help the new treasurers get acclimated to their roles in public service.

I want to personally thank Rosanna Barbaro-Flores and her staff at the Office of the Comptroller, Local Government Division for their hard work in organizing this program. Additionally, I'm grateful for veteran treasurers Bobbi Rairden (Douglas County) and Kirby Ballard (Greene County) who have worked diligently to develop the training sessions and materials you are about to enjoy.

Each one of us was on the ballot last fall with an (R) or a (D) after our names. And while that may be important back in our home counties, when we come together as treasurers we leave those labels behind. We learn together, work together and help each other without any concern for party affiliation. That's how we roll!

The Illinois County Treasurers' Association participates in conferences each spring and fall as an affiliate of the Illinois Association of County Officials (IACO) and we also get together for a Summer Conference in July or August each year. Additionally, each of the four ICTA Zones meets regularly to discuss topics of interest. I strongly encourage you to attend as many of these conferences and meetings as possible! Continuous learning is essential if we want to run our offices efficiently, professionally and lawfully.

Listen, learn, ask questions and contribute to the discussions. More importantly, reach out, shake hands and learn the names and faces as best you can. None of us can do this job very well without the support network of the ICTA. Enjoy your time in Springfield, and I look forward to working with all of you in the future!

Sincerely,

A handwritten signature in black ink, appearing to read "Curtis P. Newport".

Curtis P. Newport, President
Illinois County Treasurers' Association

2019 COUNTY TREASURER TRAINING
SCHEDULE OF EVENTS
Wyndham Springfield City Centre
Wednesday, April 10 - Thursday, April 11

Wednesday, April 10

- | | |
|----------|--|
| 12:00 PM | Registration & Photos of New Treasurers |
| 12:30 PM | Welcome
<i>Illinois State Comptroller Susana A. Mendoza, video presentation</i> |
| 12:40 PM | Opening Remarks
<i>Curt Newport, Boone County Treasurer & President Illinois County Treasurers' Association</i> |
| 12:55 PM | Duties of a County Treasurer
<i>Donna Masterson, Wayne County Treasurer</i> |
| 1:15 PM | Tax Cycle Overview
<i>Kirby Ballard, Greene County Treasurer</i> |
| 1:30 PM | Duties of the Collector
<i>Bobbi Rairden, Douglas County Treasurer</i> |
| 2:00 PM | Illinois County Treasurers' Association Website
<i>Curt Newport, Boone County Treasurer & President Illinois County Treasurers' Association</i> |
| 2:25 PM | Break |
| 2:30 PM | Illinois State Treasurer's Office Overview/Mission
<i>Illinois State Treasurer Michael W. Frerichs</i> |
| 2:40 PM | Treasurer's Programs
<i>Robert Baren, Sr. Advisor, Illinois State Treasurer's Office</i> |
| 2:55 PM | ePay/Illinois Funds
<i>Johanna Perez, Director ePay/Illinois Funds, Illinois State Treasurer's Office & Jack Weisenborn, Director of IPTIP Investments, Illinois State Treasurer's Office</i> |
| 3:20 PM | Illinois State Treasurer's Website
<i>Jacob Stuckey, Deputy Director State Investments and Banking, Illinois State Treasurer's Office</i> |
| 3:30 PM | Illinois Office of the Comptroller Website
<i>Jamey Dunn, Deputy Director of Communications, Illinois Office of the Comptroller & Kathy Cutler, Research Executive, Illinois Office of the Comptroller</i> |
| 3:45 PM | HR 101
<i>Donna Rogers, Owner, Rogers HR Consulting</i> |
| 5:00 PM | Conclusion |

262-524-4323



2019 COUNTY TREASURER TRAINING
SCHEDULE OF EVENTS
Wyndham Springfield City Centre
Wednesday, April 10 - Thursday, April 11

Thursday, April 11

- | | |
|-----------------|---|
| 8:30 AM | Breakfast |
| 9:00 AM | Freedom of Information Act & Open Meetings Act
<i>Sarah Pratt, Public Access Counselor, Illinois Office of the Attorney General</i> |
| 10:15 AM | Prohibited Activities
<i>Michael Luke, Ethics Officer, Illinois Office of the Attorney General</i> |
| 11:00 AM | Fraud Detection & Prevention
<i>FBI Springfield</i> |
| 12:00 PM | State Government Budget & Payment Procedures
<i>Kevin Schoeben, Assistant Comptroller, Illinois Office of the Comptroller</i> |
| 12:30 PM | Lunch |
| 1:00 PM | Records Retention
<i>Robert Boots, Deputy Director, Illinois Secretary of State Office</i> |
| 1:30 PM | Comptroller's Local Debt Recovery Program
<i>Ross Breckenridge, Outreach Coordinator, Illinois Office of the Comptroller</i> |
| 1:45 PM | Comptroller's Smart Consumers & Smart Business Programs
<i>Bola Delano, Deputy Director, Illinois Office of the Comptroller</i> |
| 2:00 PM | Financial Reporting to the Illinois Office of the Comptroller
<i>Rosanna Barbaro-Flores, Director Local Government Division, Illinois Office of the Comptroller</i> |
| 2:15 PM | Ask the Experienced - Q & A Session |
| 2:30 PM | Conclusion |



**STATE OF ILLINOIS
COMPTROLLER**
SUSANA A. MENDOZA

Susana A. Mendoza

Susana A. Mendoza was sworn in as Illinois Comptroller on December 5, 2016, after running for office on a platform of prioritizing the most vulnerable residents at a time when the State had gone without a budget for more than two years.

In her first year in office, Mendoza brought together members of both parties to pass the Debt Transparency Act, which, for the first time, provides residents and legislators with a monthly accounting of the debts owed by every state agency. Though the Governor vetoed the legislation, Republican and Democratic members of the House of Representatives unanimously overrode the veto. A second bipartisan vote in favor in the Illinois Senate was nearly unanimous.

During a time of historic fiscal crisis, Mendoza has been an advocate for stability, comprehensive budget solutions, and open and transparent financial reporting.

The Office of the Illinois Comptroller is charged with maintaining the State's central fiscal accounts and ordering payments into and out of the funds. The Comptroller's Office maintains a website that gives residents detailed information about the State's fiscal health, employee salaries, outstanding bills, and vendor contracts. Mendoza recently oversaw a revamp of the website to make it user-friendly and easier to navigate.

Mendoza is a trailblazer when it comes to women in politics. She was the first Hispanic independently elected to statewide office in Illinois after her historic win as the first woman elected City Clerk in Chicago in 2011.

Mendoza was elected during a special election to fill out the remaining two years of the term won by her friend, the late Comptroller Judy Baar Topinka.

Following Topinka's example of offering candid assessments of State finances regardless of whether or not they ruffled feathers in either party, Mendoza quickly began delivering on a promise to be a truth-telling fiscal watchdog.

Born in Chicago's Little Village neighborhood to Mexican immigrants Joaquin and Susana Mendoza, Mendoza moved to the southwest suburbs as a child, driven from her neighborhood by gang violence. Mendoza made a name for herself early on as a soccer superstar. Growing up playing as the only girl on all-boys traveling teams, she was often the best player. Mendoza was a standout athlete in high school, earning All-State and All-Midwest Honors and becoming the first woman to make the Bolingbrook High School Wall of Fame.

Mendoza won a soccer and academic scholarship to Truman State University in Missouri, earning All-Midwest honors in soccer and graduating in 1994 with a B.A. in Business Administration. She moved back

to Little Village and worked in advertising/public relations, the hospitality industry and the City of Chicago's Department of Planning and Development.

Mendoza was elected to the Illinois House of Representatives in 2000 as the youngest member of the Illinois General Assembly and served six terms, representing communities in Chicago's southwest side including the neighborhood in which she was born. In the General Assembly, Mendoza was recognized for her leadership and legislation on social services, education, law enforcement, job creation, and animal welfare. She was a leading sponsor of HR 1650 which created the panel to impeach former Governor Rod Blagojevich, and she served as an active alternate member of the impeachment committee.

In 2011, Mendoza was elected Chicago City Clerk, taking charge of an office responsible for more than \$100 million in annual revenue. Working closely with animal rights groups, Mendoza took on the puppy mill industry and won, spearheading the Companion Animal and Consumer Protection Ordinance. This new law effectively banned Chicago pet stores from selling dogs, cats, or rabbits unless the animals are sourced from humane shelters or animal rescues.

She successfully transitioned 1.3 million Chicagoans away from an inefficient and archaic seasonal Chicago city vehicle sticker sales program to a streamlined year-round sales program. Her massive technology overhaul and forward-thinking policies led to reduced fraud, increased efficiency and new revenues for the City of Chicago at lower taxpayer cost.

Both then as Clerk, and now as Comptroller, Mendoza has worked to make government more open, accountable, and transparent.

Comptroller Mendoza is championing a package of transparency legislation advancing through the State legislature. Among those items is Mendoza's Truth in Hiring bill, which requires governors to report all their employees on the Governor's payroll instead of concealing them in other state agency payrolls. Both houses of the legislature passed the bill to overwhelming bipartisan veto-proof majorities. The legislation awaits the Governor's signature.

Mendoza lives in Chicago's Portage Park neighborhood with her husband, David Szostak, their 5-year-old son David Quinten Szostak, and her 82-year-old mother.

Michael W. Frerichs

Michael Frerichs was elected Illinois State Treasurer in November 2014 and re-elected in November 2018. In Illinois, the Treasurer's office predates the state's incorporation in 1818. Voters in 1848 chose to make it an elected office. Frerichs is the 74th person to serve in this role.

In Illinois, the Treasurer is the state's Chief Investment Officer and Frerichs is a Certified Public Finance Officer. The office invests money on behalf of the state and local units of government. Mike also believes in providing individuals with the tools so that they can invest in themselves.

He does this by encouraging savings plans for college and trade school, increasing financial education among all ages, removing barriers to a secure retirement, and protecting residents from predatory companies.

The Treasurer's Office actively manages approximately \$30 billion. The investment approach is cautious to ensure the preservation of principal. The investment returns are significant: For every \$1 spent to run the office, Mike nets \$28 for the state's residents.

Since taking office, Mike has made significant strides in the fight for consumers by making sure Illinois residents get what is owed to them through the Unclaimed Property Program. A record-breaking \$180 million in forgotten cash and stock was returned to individuals, employers, and non-profits in Fiscal Year 2018. By making changes to the Bright Start and Bright Directions College Savings Programs, Mike has lowered fees and provided more investment options, making college more affordable for families saving for their child's future.

Under Mike's leadership, Illinois now leads a multi-state alliance that allows parents of children with blindness or a disability to save for their child without jeopardizing their federal disability benefits. Achieving a Better Life Experience Program (ABLE) is the national standard, offering high-quality and low-cost investment options.

Mike was born in the Downstate farming community of Gifford, Illinois. He graduated from Yale University and spent two years in Taiwan where he taught English to young students and learned to speak Chinese. He returned to Champaign County and launched his own technology business. He was elected to the Champaign County Board and elected Champaign County Auditor. He also served as a volunteer firefighter.

In 2006, Mike was elected Illinois State Senator representing East Central Illinois. As chairman of the Higher Education Committee, Mike championed efforts to make college more affordable. He also served as chairman of the Agriculture and Conservation Committee.

Frerichs currently serves as Vice Chairman of National Association of State Treasurer's Legislative Committee as well as Trustee on the Illinois State Board of Investment.

Mike lives in Champaign with his young daughter, Ella.

2019 County Treasurer Training –

Presenter Biographies

Curtis P. Newport

Curt Newport was appointed Boone County Treasurer on July 1, 2008 and subsequently elected to the office.

Prior to that, Newport served for eight years as Treasurer of the Board of Directors of Rock Valley Credit Union, where he gained valuable knowledge and insights about the financial industry. Fifteen years of service on the Boone County Zoning Board of Appeals helped provide a sound working knowledge of county government.

Previous careers include nine years as a dairy farmer, five years in agricultural sales and management, and nine years as a buyer/estimator at a small manufacturing company.

Curt was elected to the officer team of the Illinois County Treasurers' Association (ICTA) in 2012 and sworn in as President in 2018. He was the 2016 recipient of the "Zone IV Treasurer of the Year" award for distinguished service to the Association. He served as ICTA Associate Membership Chairman for several years and also manages the association's web site.

Over the years, Newport has lent his financial expertise to a number of community organizations, including the First United Methodist Church Finance Committee, Treasurer of the Belvidere Jaycees, Treasurer of the Boone County Republican Central Committee, and Treasurer of the Boone County Photography Club. He is also a superintendent of the Boone County Fair, a member of the Belvidere Area Chamber of Commerce, Illinois Association of County Officials and the Illinois Government Finance Officers' Association.

Newport has a bachelor's degree in Agriculture from the University of Illinois. He resides in the Village of Timberlane with his wife, Becky, has one stepson and two grandsons.

Donna Masterson

Donna was born and raised in the small Wayne County community of Fairfield, Illinois where she continues to live with her husband Rodney, 4 grown children, 2 grandsons, and 3 granddaughters.

Donna was appointed as Wayne County Treasurer in April of 2002, then winning her first election later that year and has ran unopposed in her last four elections. She has also served as City of Fairfield Treasurer.

She has been a member of the officer team for the ICTA from 2011 to present, having served on various committees and hosting numerous conferences. Donna also served as ICTA president in 2012. She was named Zone I Treasurer of the Year in 2007 and 2017. She was also named ICTA Treasurer of the year in 2012.

Other activities include Fairfield Memorial Hospital Board of Directors, instructor and mentor at Merriam Community Church, Literacy Program tutor at Frontier Community College, past precinct committee person, Fast Swim Team volunteer. Volunteer for numerous school functions, and best activity of all, attending lots and lots of school activities and traveling with her grandchildren.

Kirby L. Ballard

Kirby grew up on a livestock and grain farm. He graduated from Lewis & Clark Jr. College with an Assoc. of Science degree in Agriculture, and Eastern Illinois University with a Bachelor of Science degree in Finance with post graduate work in Economics.

His government service began as a Greene County Board Member (1990 to 1994), where he served on the Finance, Judiciary & Ambulance, and the Liquor License Committees. He was Chairman of the Finance Committee from 1993 to 1994.

He has been the elected County Treasurer since 1994. He has been a member of the officer team for ICTA from 1999 to 2005, as well as, serving on various committees over his tenure as treasurer which included by-laws, legislative, and PAC Committees. He was Zone 2 Treasurer of the Year in 2002, County Treasurer of the Year in 2005, and Illinois County Official of the Year in 2005, and Illinois County Official of the Year in 2005. He currently represents ICTA on Illinois Assoc. of County Officials Board of Director. As part of the IACO board he serves on the Legislative and Education Committees.

Other activities include Boyd Hospital Foundation Board, Greenfield United Methodist Church administrative council, lay speaker within the United Methodist Church, Assistant leader under the Linder Pioneer 4H Club, leader of the Gospel Trekkers Community Youth Group, Asst. Superintendent of sheep barn for the Green County Fair, and a member of the Illinois Sheep and Wool Marketing Board representing District 5. He has served in the past as a precinct committeeman, served as both an alternate and a delegate to the State Convention, and was a 2008 delegate to the Republican National Convention.

Bobbi Rairden

Bobbi Rairden has served as Douglas County Treasurer since being appointed in August 1997. She has a BA from Eastern Illinois University and has done post-graduate work in Public Administration. She was the accounting coordinator at Cargill in Tuscola and served as Treasurer for the City of Tuscola before being appointed Douglas County Treasurer.

Bobbi is currently serving on the Illinois Association of County Officials Executive Board (IACO) as the 1st Vice President. She just finished her term as Secretary to that board and will be President in 2021. She is chair of the Awards Committee.

She was President of ICTA in 2013 and was awarded Treasurer of the Year for 2013. During her tenure, she has served on the Education Committee, Legislative Committee, Hospitality Committee, and PAC

Committee, serving as Treasurer of PAC for many years. She currently serves on the Nominating Committee. She has been the NACCTFO/NACO Delegate and served as Zone III President and Secretary/Treasurer. She was awarded Zone III Treasurer of the Year in 2006.

Bobbi is a past member of Tuscola Rotary Club and served as Secretary for many years. She also served as the Youth Exchange Officer in Rotary. She is a trained Domestic Violence Advocate and previously served on the board of a shelter. She is a past President of Douglas County Republican Women. Bobbi lives in Tuscola. She is married to John Rairden, a farmer, and they have four children and six grandchildren.

Robert Baren

Robert Baren joined the office of Illinois State Treasurer Michael W. Frerichs in 2015 and is currently a Senior Advisor. Among his duties, Robert acts as liaison to communities and organizations throughout central and southern Illinois on Treasurer's office programs, with a focus on economic development and intergovernmental relations. He has previously served in the Executive Office of the Illinois State Toll Highway Authority, and as District Director for Senate Assistant Majority Leader Don Harmon. Robert and his family live in rural Schuyler County.

Johanna Perez

Johanna Perez is a director of operations for the Illinois Funds and ePAY products offered by the Illinois State Treasurer. She oversees development and implementation of strategic plans inclusive of risk management, procurement, customer support, and sales processes. For this she leverages her strong communication and leadership skills acquired over 16 years of professional experience working with cross-functional teams. She earned her bachelor's in Marketing and MBA in Strategy from DePaul University and holds a project management certificate from Northwestern University.

Formerly Johanna was a senior strategic analyst at the Federal Reserve Bank of Chicago. She served as a project leader gathering and reporting performance data on key initiatives to senior management and key stakeholders in preparation for executive system and district meetings including the Board of Directors and Board of Governors. In this role she managed relationships with all levels of the organization on behalf of the department. In 2008 she led the execution of the external communications program for the System Cash Product Office's multi-year customer access conversion project.

Outside of work she enjoys volunteering to mentor college students. She also volunteers on weekends at the Oak Park River Forest Food Pantry a program of the Greater Chicago Food Depository. Additionally, she enjoys sports, having played beach volleyball for 6 years, and participated in the 2015 Chicago triathlon.

Jack Weisenborn

Jack Weisenborn currently serves as Director of IPTIP (Illinois Public Treasurers Investment Pool) Investments, also known as the Illinois Funds. He began his career with the Illinois State Treasurer on June 1, 2007 as a Credit Analyst. Prior to his work with the Illinois State Treasurer, he served as a financial advisor with Edward Jones for twelve years in Monticello, IL. Jack is married and has four grown children and five grandchildren that are the joy of his life. He's also a sports enthusiast and follows the University of Illinois Fighting Illini. He is an avid hunter, primarily deer hunting, where he enjoys both disciplines of bow and shotgun hunting. He is a past President of the Piper Glen Homeowners Association in Springfield, IL.

Jacob Stuckey

Jacob Stuckey has worked for the State of Illinois for the past 8 years, with positions in the Department of Central Management Services, the Governor's Office of Management and Budget and has been with the Illinois State Treasurer's Office for the past 3 years. As the Deputy Director of State Investments & Banking, Jacob is an investment officer for the \$13 billion State Portfolio and oversees the banking operations which processes approximately \$140 billion in receipts and payments annually. After graduating High School, Jacob enlisted in the Army where he served for 3 years. While in the military, he served tours in both Afghanistan and Iraq as an Infantryman. After the military, Jacob came back to Illinois where he attended Illinois State University and received a degree in Politics and Government.

Jamey Dunn

Jamey Dunn has worked as Deputy Director of Communications at the Illinois office of the Comptroller for two years. Before that, she was Executive Editor of *Illinois Issues* magazine at NPR Illinois. She lives in Springfield with her husband and daughter.

Kathy Cutler

Kathy Cutler began working in the Illinois office of the Comptroller in April 1977. She has worked for nine of the ten Illinois Comptroller's. She is in charge of the Expenditure Analysis & Research Section which provides information as requested by FOIA, the General Assembly, other State agencies, Federal agencies (US Attorney, FBI and US Mail), banks and financial institutions and the general public. She was born and raised in Springfield. She is married and has one son.

Donna Rogers

As Donna Roger pursued her educational goals and worked toward her SPHR and SHRM certifications, friends who owned small, local businesses would come to her with questions about HR. She would lend an ear and give advice and over the years, she continually heard the statement "We wish there was a service out there to help us with these challenges."

"I teach what I do and do what I teach."

With the support of her husband and this encouraging group of business owners, Rogers HR Consulting opened its doors in 2001. Shortly thereafter, Donna completed her certifications and was professionally qualified to teach at the college level. She began working at the University of Illinois – Springfield (UIS) as an adjunct faculty member in 2002. As teaching became a natural fit for her, she continued teaching on an "as needed" basis at both UIS and Robert Morris College until 2008 when she joined the UIS College of Business and Management full-time. She now teaches human resources management, organizational behavior, strategic human resources management, and serves as the faculty co-advisor for the UIS SHRM Chapter. Teaching at the university level has been a highlight of her career and allows her to stay on top of the current best business practices that she continually shares with her clients.

Public speaking is another part of her job that brings her great joy.

She has had the great privilege of delivering numerous presentations among professional groups and has guest lectured at Benedictine University in Springfield. She humbly serves her peers in the Human Resources profession as a SHRM Student Chapter Advisor committee member and has previously served as the North Central Region – Membership Advisory Representative, Past Director for Illinois SHRM, and President of the Central Illinois Chapter of SHRM.

She served in the Illinois Air National Guard as a Ground Safety Inspector for eight years, and still proudly supports the men and women defending our great nation.

Sarah Pratt

Sarah Pratt presently serves as Public Access Counselor for Illinois Attorney General Kwame Raoul. Sarah began her career at the Attorney General's Office as an Assistant Attorney General in General Law and has worked as a litigator and supervisor in positions including Bureau Chief of Workers' Compensation and Bureau Chief of General Law in Springfield. In 2003, Sarah joined the private sector where she practiced workers' compensation and employment defense litigation. Sarah returned to the AG's Office in 2011 and has served as Bureau Chief of Public Access and Public Access Counselor. Among other duties, Sarah is a frequent speaker on the Open Meetings and Freedom of Information Acts. Sarah is a graduate of Illinois College with a B.A. in English and French, and earned her J.D. degree at the University of Illinois.

Michael Luke

Michael Luke currently serves on a part-time basis as Counsel to the Attorney General and Ethics Officer in the Office of the Attorney General. Michael is a graduate of the University of Illinois (A.B. History, 1974; J.D., 1978). Before joining the Attorney General's staff in 1980, he worked in both the Champaign County State's Attorney's Office and the Piatt County State's Attorney's Office, handling a variety of civil and criminal matters. He subsequently served five Attorneys General in a variety of capacities, including Chief of the Land Acquisition Division and Chief of the Public Access and Opinions Division, before retiring in 2014.

Kevin Schoeben

Kevin Schoeben is currently the Assistant Comptroller for Fiscal Policy of Comptroller's Mendoza's Office overseeing the cash management responsibilities and fiscal reporting. Kevin has over 28 years of state government experience with previous positions as legislative director for the Office of Comptroller, for 12 years, as well as with the House Appropriations staff, the Department of Transportation and the Board of Higher Education. Kevin and his wife, Mary have four children and reside in Springfield.

Robert Boots

Mr. Robert Boots, Deputy Director, currently manages the Records Unit of the Illinois State Archives, which is under the Illinois Secretary of State. The Records Unit is the implementation arm for the State, Local, and Cook County Records Commissions. This includes the Local Records Section, which has six field representatives and four administrative staff to support the records retention and disposal requirements of local government. These records management professionals support a highly individualized records management program intended to meet the specific business process requirements of each local governmental unit in the area of records retention and disposal, and to insure compliance with statutory requirements of the Local Records Act. Mr. Boots has an undergraduate degree from Indiana State University and a master's degree from the Pennsylvania State University. He received certification as a Certified Records Manager in December, 2012. His professional records management experience has included the U.S. Army Military History Institute, Indiana Commission on Public Records, ALCOA, and supporting John Deere's North American AG Division prior to coming to the Illinois State Archives in June, 2009.

Ross Breckenridge

Ross is an Outreach Coordinator that provides instrumental public information from the Illinois Comptroller, to the public.

Bola Delano

Bola Delano joined Illinois Office of the Comptroller in March 2017, as the Deputy Director of Constituent Affairs. She is responsible for developing collaborative relationships and proactively promoting the services and programs of the office. Before joining IOC, Bola Delano was the Village Manager for University Park, Illinois responsible for the day to day management of the Village. Prior to that she was Deputy Director at Illinois Dept of Transportation responsible for initiating and setting goals for programs and planning programs from start to finish. She was also Deputy Executive Director at the Chicago Metropolitan Agency for Planning responsible for developing public policy and providing technical assistance to municipalities. She is a qualified Public Policy specialist, visionary and a high performing management executive with proven leadership talent.

Rosanna Barbaro-Flores

Rosanna Barbaro-Flores has worked as the Director of the Local Government Division since January 2017. Her previous position was with the City of Chicago City Clerk's Office, as the Director of Verifications, their accounting division. Rosanna is a life-long resident of Chicago, where she and her husband keep busy with their three children and two dogs.

**2019 ICTA SPRING CONFERENCE
DUTIES OF COUNTY TREASURERS
PRESENTED BY DONNA MASTERSON**

Part I Introduction

Good Morning!

Name – Donna Masterson – Wayne County Treasurer since 2002

Topic – Duties of County Treasurers in the State of Illinois

We all can use a little refresher from time to time.

Part II Duties of County Treasurers in the State of Illinois

- A. 55 ILCS 5/3-10003 - Make certain you are bonded**
 - 1. Not less than \$1,500,000.00

- B. 55 ILCS 5/3-10005 - Functions, Powers and Duties**
 - 1. Receive and safely preserve the revenues and public monies
 - 2. Appoint deputies

- C. 55 ILCS 5/3-10005.1 - Internal Operations of Office**
 - 1. Control the internal operations of the office
 - 2. Prepare budget for office
 - 3. Payroll, IMRF, Insurance
 - 4. Signature cards
 - 5. Grant administrators
 - a. Supervisor of Assessments PTAX 450SA
(State reimburses 50% of salary)
 - b. Public defender PTAX 450
(State reimburses 66 2/3% of salary)
 - c. States attorney
(State reimburses 88.24% of salary)
 - d. Probation officer

- D. 55 ILCS 5/3-10005.2 - Monthly Report of Financial Status**
 - 1. Prepare monthly reports

- E. 55 ILCS 5/3-1000.3 - Special funds**
 - 1. Overpayments
 - 2. Office expenses, postage

3. Automation
 4. Funds authorized by the county board
- F. 55ILCS 5/3-10005.5 - Training Program**
1. Comptroller's county treasurer training program
- G. 55ILCS 5/3-10009 - Deposit of public funds**
- H. 55ILCS 5/3-10010 - Book of Account**
- I. 55ILCS 5/3-10011 - Inspection of Books of Account**
1. Books of account
- J. 55 ILCS 5/3-11004 - Deposits by County Treasurer**
1. Deposits shall be made daily
- K. 55 ILCS 5/3-11005 - Earnings from Investments and Deposits**
1. Interest earned
- L. 55 ILCS 5/3-11006 - Investment of County Monies**
1. Interest-bearing bank accounts
 2. Securities by savings and loan associations
 3. Bonds, notes, certificates treasury bills, guaranteed securities
- M. 30 ILCS 235/2.5 - Investment of Public Funds**
1. Written policy
- N. 30 ILCS 15/0.01 - Public Funds Statement Publication Act**
1. Annual statement of receipts and public disbursement
- O. 755 ILCS 5/24-20 - Unclaimed monies**
1. Receive, receipt and invest unknown heir funds

III. CONCLUSION

IV. DISCUSSION

ASSESSMENT ADMINISTRATION

COUNTY CLERK	Prepares two sets of real estate assessment books and delivers to Supervisor of Assessments by January 1st.
SUPERVISOR OF ASSESSMENTS	Meets with township assessors before January 1 and establishes guidelines: Delivers one set of books to township assessors.
TOWNSHIP ASSESSOR	Values real estate as of January 1st and returns books to Supervisor of Assessments by April 15th.
SUPERVISOR OF ASSESSMENTS	<ol style="list-style-type: none"> 1. Reviews assessments made by township assessors; and makes changes when deemed necessary. 2. Equalizes assessments within county by class and/or by township. 3. Mails Change of Assessment Notice to taxpayer. 4. Publishes changes in newspaper of general circulation. 5. Delivers books to Board of Review by 1st Monday in June. 6. Prepares tentative abstract of assessment books; mails to Department of Revenue.
DEPARTMENT	Develops tentative equalization factor; publishes factor in newspaper; holds public hearing.
BOARD OF REVIEW	<ol style="list-style-type: none"> 1. Assesses omitted property. 2. Acts on exemptions and mails to Department for approval. 3. Hears complaints and makes changes on any property when deemed necessary. 4. Mails Change of Assessment Notices to taxpayers. 5. Equalizes assessments within county if necessary. 6. Delivers books to County Clerk. 7. Mails Report on Equalization to Department. 8. Publishes changes in newspaper of general circulation.
COUNTY CLERK	Prepares Final Abstract of Assessments and mails to Department.
DEPARTMENT	Certifies final equalization factor and mails to County Clerk.
COUNTY CLERK	Applies equalization factor to all local assessments (except farmland and farm buildings).
DEPARTMENT	Certifies State assessments and mails to County Clerk.
COUNTY CLERK	Totals equalized assessed value for each taxing district.

PAYMENT UNDER PROTEST/FILING COMPLAINTS
(35 ILCS 200/23-5 through 23-40)

1. If a person desires to file a tax objection complaint he or she shall pay all the tax due within sixty (60) from the first penalty date of the installment of taxes. (35 ILCS 200/23-5)
2. The tax objection complaint itself is considered a protest of 100% of the taxes, (35 ILCS 200-23-5) without a separate letter of protest to the County Collector's office. It is important to note that the concept "payment under protest" is not abandoned and is still very much in existence although there is no longer a legal requirement to file a separate protest letter with the County Collector.
3. The tax objection complaint itself names the County Collector as defendant, but the Collector does not have to file an answer or appearance or other pleading. No complaint may be filed as a class action. (35 ILCS 200/23-15)
4. The complaint itself must be filed within 75 days of the first penalty date of the final installment of taxes. (35 ILCS 23-10)
5. Those complaints alleging the property to be exempt from taxation must be filed before judgement is taken against properties included on the delinquent list.
6. When any tax objection complaint is filed with the Court in a county of less than 3,000,000 inhabitants, the following procedures shall be followed: (35 ILCS 200/23-10)
 - a. The plaintiff shall file three copies of the complaint with the Clerk of the Circuit Court.
 - b. A list of the taxing districts against which the tax objection complaint or amendment is directed shall be contained on the first page.
 - c. Within ten days after the complaint is filed, the clerk of the circuit court shall deliver one copy to the State's Attorney and one copy to the County Clerk taking receipts.
 - d. The County Clerk shall, within 30 days from the last day of filing of objections, notify the duly elected or appointed custodian of funds for each taxing district that may be affected by the objection, stating that an objection has been filed.
 - e. If an amendment is filed to such complaint, it must be filed in triplicate and:
 - 1.) A copy will be delivered to the State's Attorney and the County Clerk by the Clerk of the Circuit Court.
 - 2.) The State's Attorney shall notify the taxing districts and custodian(s) with ten days of receipt of the amendment
 - f. The State Attorney's office shall also notify the taxing district custodian(s) and the County Clerk in writing of the date, time, and place of any hearing before the Court not less than four (4) days prior to the hearing.

PROTEST COMPLAINT PROCESS

The protest complaint process has changed beginning with the 1995 real estate tax year. Under the new law the tax protest complaint process requires two steps to occur:

- 1.) The tax bill must be paid in full
- 2.) File a tax objection complaint with the Greene County Circuit Clerk.

Once these two conditions are met, 100% of the tax bill will be considered paid under protest. These two conditions must occur within the time structure established by the law.

THE FOLLOWING INFORMATION IS PROVIDED TO ASSIST YOU IN DETERMINING IF A TAX OBJECTION COMPLAINT WITH THE CIRCUIT CLERK IS TO YOUR ADVANTAGE OR NECESSARY IN YOUR SITUATION.

Note, the tax bill is based on assessed valuation of the property as determined by your township assessor multiplied by the tax rates of the taxing bodies which provide services to the area in which your property lies. The tax objection complaint must be directed against either the assessed valuation and/or the tax rate of a particular taxing body. The following provides an explanation of each.

OBJECTION TO THE RATE

The tax rate is computed by the County Clerk based on the amount levied by each local governmental taxing body. To effectively protest a tax rate, you must prove that the rate or portion of rate is illegal or excessive. You may wish to consult an attorney in this regard.

OBJECTION TO THE ASSESSED VALUATION

In order to be able to file an objection complaint on the current assessed valuation, you must have filed an assessment complaint with the Greene County Board of Review at the appropriate time. All property reassessed last year, for the current year tax bill, had a notice of revised assessment mailed to each taxpayer by the County Assessor or the Board of Review as well as published in the local newspaper. *If you did not file an assessment complaint with the Board of Review at that time on the assessed valuation changes, it is too late to file a tax objection on the valuation at this time.*

In addition, if you have filed an appeal with the State Property Tax Appeal Board for this tax year, by law you are precluded from filing a tax objection complaint on the assessed valuation.

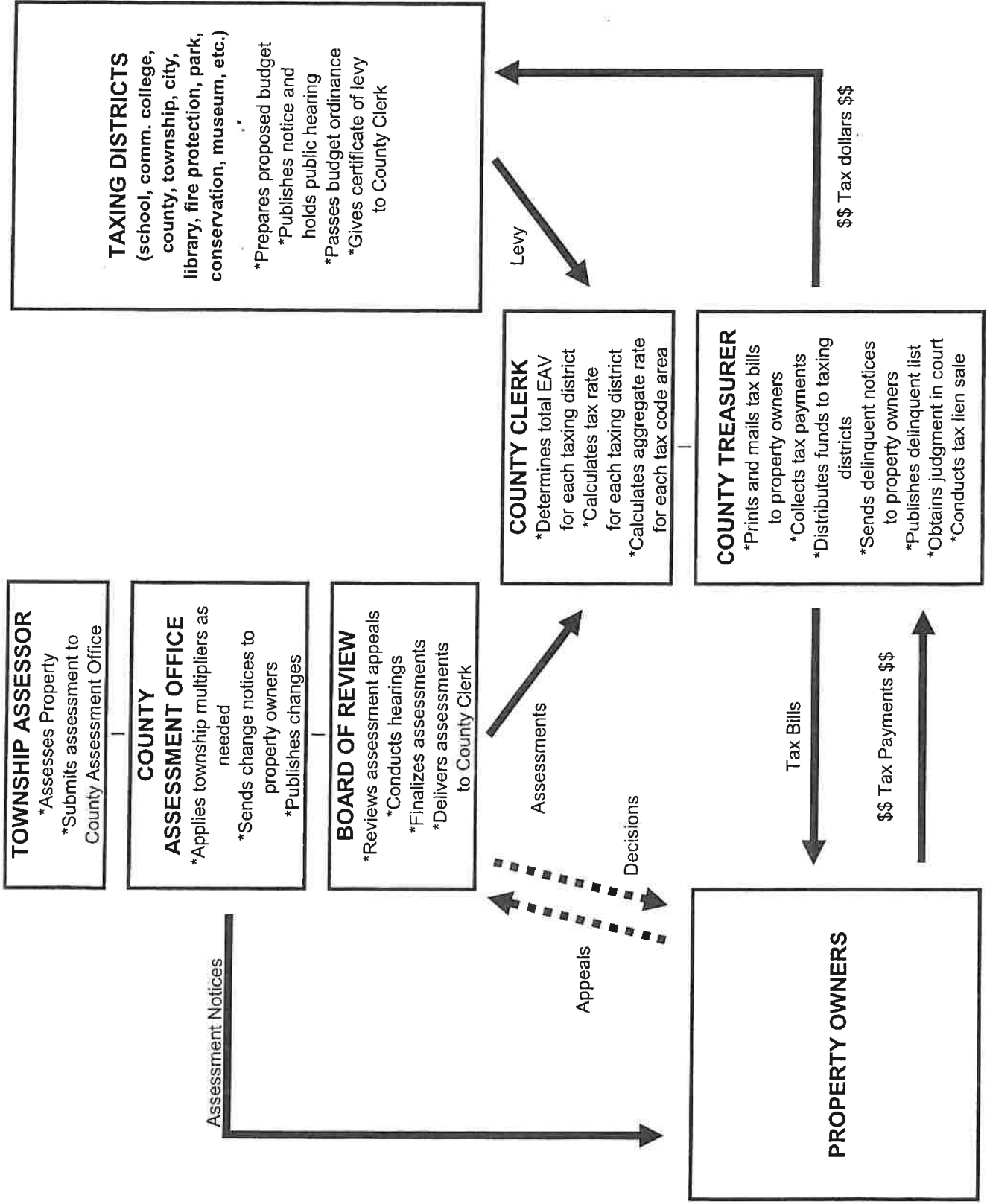
If you think that there may be an error in your assessment, it is suggested that you first contact your township assessor at their phone number as soon as possible. A review of this assessment may be able to be corrected by the assessor's issuance of a certificate of error which can result in a corrected tax bill. You can also check to see if you are receiving all of the exemptions for which you may qualify, such as: residential, senior citizens, senior assessment freeze, or the home improvement exemption.

SUMMARY

If after reviewing this information, you still wish to file a tax objection complaint, the law requires that you do the following:

- 1.) See that all the taxes have been paid within the appropriate time frame from the second installment date or prior to the tax sale which ever date arrives first. This means that both installments of the current tax bill must be paid in full (remember interest on late payments shall be at a rate of 1 1/2% per month, 18% per annum, and must be added if paid after the installment dates).
- 2.) Then, file a tax objection complaint with the GREENE COUNTY CIRCUIT CLERK within 75 days from the first penalty date of the final (second) installment. The Circuit Clerk's filing fee is payable at the time of filing the tax objection complaint.
- 3.) When both the current tax is paid in full by the appropriate date and the tax objection complaint is filed with the Circuit Clerk then the tax will be considered as 100% paid under protest. Please note that no protest form or letter of protest or any notation of protest on the tax bill is required at the time of payment.

THE PROPERTY TAX CYCLE



...the first of these is the fact that the ...

...the second of these is the fact that the ...

...the third of these is the fact that the ...

...the fourth of these is the fact that the ...

...the fifth of these is the fact that the ...

...the sixth of these is the fact that the ...

...the seventh of these is the fact that the ...

...the eighth of these is the fact that the ...

...the ninth of these is the fact that the ...

...the tenth of these is the fact that the ...

...the eleventh of these is the fact that the ...

...the twelfth of these is the fact that the ...

Duties of the Collector

Bobbi Rairden
Douglas County Treasurer
Treasurers' Training
04/10/2019

Getting Ready

- Stay in touch with Assessor & Clerk-Tax Cycle Committee
- Order supplies-envelopes, labels, toners, etc.
- Make necessary changes to bill
- Order bills/bill paper
- Check with mailer & other vendors on fees
- Schedule maintenance on equipment
- Check on collector accounts
- Check on drainage maintenance

When the Clerk Rolls

- Determine due dates
- Set tax calendar through sale
- Set sale date-automated vendor & reserve room for sale
- Contact tax vendor & follow their lead for balancing & producing tax bills
- Notify vendor/mailer of anticipated mailing
- Notify tax services & bill them for files/bills
- Notify credit/debit/e-check vendor
- Run exceptions report on ACH files
- Update information on website

Sending out Bills

- Mail date-at least 30 days before 1st due date
- Issue press release of mailing
- Send files/bills to tax services upon payment
- Returned mail
- Notify banks-due dates & instructions
- Notify CC vendor & upload files
- Notify vendor of tax website to update

Collecting Payments

- Collected through-mail, counter, banks, drop box, lock box, wires,ACH, tax services, and credit/debit card, e-check: online & at counter
- Methods of payment-check, cash, cashier's check, money order, bank draft,ACH, credit/debit card, e-check
- Count cash & balance daily
- Duplicate Bill Fee-goes to Automation Fund

Due Dates

- Notify banks of due dates and cut-off times in advance
- Postmark on or before due date is good
- The due date is the due date
- Late Penalty-1 1/2% per month or any part a month
- Consistency is KEY

Over/Under Payments

- Refund-duplicate payment, certificate of error, paid too much penalty (determine min or max)
- Refund-PTAB (Prop Tax Appeals Board)-CPI (Consumer Price Index)
- Refund-Sale in Error-must request costs & penalties-check if eligible
- Did not include penalties/wrong penalty-set a rule and stick with it-save envelope-postmark counts (min & max)
- Give checks time to clear before refunds

Distribution

- Move money to highest interest accounts
- Notify vendor of intended distribution
- Within 30 days of due date & each 30 days after
- You determine method of payment
- Do not fail to distribute

Delinquencies

- The due date is the due date
- Subsequent taxes-paid after second is late or immediately if filed for deed
- Friendly Reminder-after first &/or second
- Stop taking personal/business checks up to 45 days before the sale
- Verify stop dates for credit/debit/e-check
- Certified Notice-at least 15 days before applying for judgment
- Publication-at least 10 days before applying for judgment
- Apply for judgment
- You cannot sell bankruptcies-check with trustee

Tax Sale Fees

- Publication-\$10
- Automation-\$10
- Indemnity-\$20
- Sale in Error-\$10 to \$60 (board resolution)
- Clerk-(ours is \$4)
- Duplicate Bill-if applicable

Tax Sale

- Bidders register at least 10 business days before sale & pre-pay costs below
- Automated Sale or Live Auction Sale
- Registration fee-\$250-\$500-if automated
- Judgment Book fee-you set (you or vendor send out to registered bidders)
- Clerk attends-call to order, closes sale
- Notify bidders of past Sales in Error-Do Not Buy
- Bidding-starts at 18% and goes down
- Lowest % bid wins
- Bidders leave signed check with you, US dollars
- Clerk produces Tax Certificates

After the Sale

- Process bidder payments
- Auto-post Forfeitures
- Trustee Program or Scavenger Sale
- Final Distribution
- Interest Distribution
- Settlement sheets
- PTAX 255

Mobile Homes

- Make sure maintenance has been done
- Bill-March
- Due-May (at least 60 days from mailing)
- Penalties-\$25/month or any part of a month up to \$100
- Delinquent Timeline-same as RE
- Fees-Same as RE except \$10 Sale in Error fee (if automated)
- Sell at sale or file liens

Helpful Hints

- The due date is the due date
- You control YOUR Automation Fund
- Strongly suggest a Tax Cycle Committee
- Department Heads Meetings
- Learn the general overview of the other offices in the county, esp. Assessor & Clerk
- Use the ICTA Website
- Ask questions
- Go see a tax sale
- Participate in ICTA & IACO
- Participate in Zones & Conferences
- Don't give advice to would be tax buyers
- Change is good but not always necessary or lawful: CHECK FIRST

Additional Information

- Property Tax Code-35 ILCS 200
- Mobile Homes-35 ILCS 515
- Credit Cards-50 ILCS 345/1-99
- Housing Authority Taxes-310 ILCS
- Senior Citizens Tax Deferral-320 ILCS

Welcome to the official homepage of the Illinois County Treasurers' Association

Our organization is made up of county treasurers and deputy treasurers, along with industry partners such as financial institutions, software vendors, tax paying agencies and others. This site should make it easy for treasurers to connect with each other, and for industry partners to connect with us.

Click here to find your county.

Registration is now open!

IACO Spring Conference, April 8-10, 2019, Springfield

[Click here to register](#)

[Conference Agenda](#)

Web Site Sponsor

- GovTech Services

ICTA Associate

Members

- Associated Bank Solutions
- AutoAgent Data Solutions
- Bill2Pay, LLC
- Computer Information Concepts
- Concepte of Illinois
- Corelogic Tax Service
- Devnet, Inc.
- First Bankers' Banc Securities, Inc.
- Govtech Services
- Illinois Metropolitan Investment Fund
- Info-Pro Lender Services
- Joseph E. Meyer & Associates
- Mail Communications Group

**The ICTA Web Site
Resources at your disposal**

Curt Newport, Boone County Treasurer
County Treasurer Training Program
April 10, 2019

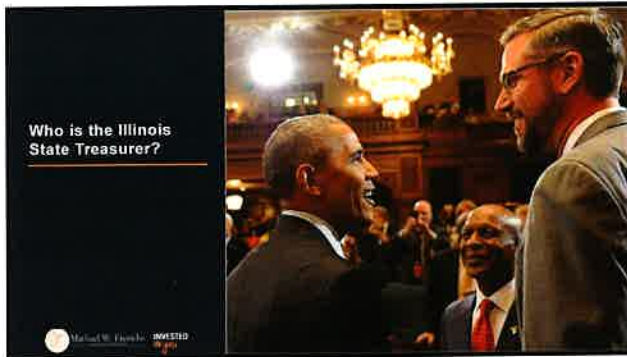
www.illinoistreasurers.org

- 1) Resources page, Statutes Cheat Sheet
- 2) Treasurers Directory
- 3) About Us – ICTA leadership
- 4) Login
 - a) Your county page
 - b) Mass email

Web site guidance

Zone I – Debbie Smith, Edwards County
Zone II – Betty Asmussen, Christian County
Zone III – George Edwards, Coles County
Zone IV – Bev Lower, Mercer County







State Investments

Michael W. Frerichs **INVESTED**
IN YOU


Treasurer Frerichs manages approx. \$30 billion in assets

- \$15 billion in state funds
- \$11 billion in college savings plans
- \$5 billion in local government funds

For every \$1 the Treasurer's office spends on operations we return \$42 to the State

Key Investment Objectives

- Safety of principal
- Liquidity
- Diversification
- Assets at Investment
- Consistently Outperform



529 College Savings






ILLINOIS 529 College Savings

Michael W. Frerichs **INVESTED**
IN YOU

529 College Savings

Michael W. Frerichs **INVESTED**
IN YOU





- Bright Start and Bright Directions are 529 college savings plans that allow families to invest money and save for college.
- Illinois taxpayers' contributions to Bright Start and Bright Directions are eligible for a state income tax deduction.
- Over 600,000 accounts and over \$11 billion in savings.
- Treasurer Frerichs reduced and eliminated fees for the Bright Start and Bright Directions allowing families to save more.

529 College Savings Michael W. Frutkin **HOWSTH**
Investment Advisors, LLC

- Easy enrollment process
- Choose from a variety of investment options
- Enjoy flexible contributions - that means no minimum or ongoing requirements, and no age restrictions
- Set up automatic monthly contributions from your bank account so you don't even have to think about your contributions
- Invite family and friends to contribute to the account
- You can change (whenever) to anyone in the family (at the way up to a first cousin)
- Two investment charges allowed per year
- Out-of-state plan roll-overs are easy


Explore the Benefits of a 529 Plan



529 College Savings Michael W. Frutkin **HOWSTH**
Investment Advisors, LLC

- Funds can be used to cover tuition and fees, books, supplies, and equipment, room and board expenses, computer or peripheral equipment, computer software, and internet access, and certain expenses for special needs services needed by a special needs beneficiary
- Use 529 funds at any accredited institution. This includes colleges, universities, vocational, trade, and technical schools eligible to participate in the Federal Student Aid programs administered by the U.S. Department of Education
- Students are not limited to schools in IL or the U.S. Some foreign schools also participate in the U.S. Department of Education's Federal Student Aid (FSA) programs

How You Can Use the Funds



ABLE Michael W. Frutkin **HOWSTH**
Investment Advisors, LLC

ILLINOIS

able



a member of
The National ABLE Alliance

Illinois ABLE




- An ABLE savings account allows a person with a disability or blindness to invest for their future
- These accounts are designed for individuals with disabilities and, in most cases, will not impact eligibility for Social Security and other disability benefits
- Money earned through ABLE can be spent tax-free on qualified disability-related expenses
- Eligible individuals include those with Autism, Down Syndrome, Blindness, or someone who suffered a debilitating injury before the age of 26

Illinois ABLE

ABLE Qualifying Expenses

- Education
- Housing
- Transportation
- Employment training and support
- Assistive technology and personal support services
- Health
- Prevention and wellness
- Financial management and administrative services
- Legal fees
- Expenses for oversight and monitoring
- Funeral and burial expenses

Secure Choice




**Illinois
Secure Choice**
Retirement Savings Program

What is Illinois Secure Choice? Michael W. Frerichs **INVEST**
BY YOU



- Retirement savings program for Illinois workers without access to an employer-sponsored plan
- Enables workers to save through regular payroll deductions without onerous employer administrative costs and responsibilities
- Not intended to replace or compete with employer-sponsored plans
- Required of Illinois employers with 25 or more employees, that have been in business for at least 2 years, and do not offer a qualifying plan
- Rollout started in the fall of 2018 and will continue through fall of 2019

Why do we need the Illinois Secure Choice Program? Michael W. Frerichs **INVEST**
BY YOU

47% of Illinois private sector employees work for businesses that do not offer a retirement plan.¹

Workers are **15X** more likely to save for retirement if they have access to a payroll deduction savings plan at work.²

29% of households 55 & older have no retirement savings (DB OR DC).³

10X more likely to have retirement accounts than those who do not.⁴


9X more likely to be retired at retirement (65) or to be 85+ with assets over \$100K at a given time.⁵

Median retirement savings for a workhousehold is only **\$5,000**.


1 AARP State Fair Play, N. 4/22, August 2016
2 Center for Retirement Studies, 2016
3 Center for Retirement Studies, 2016
4 Economic Policy Institute, The State of Retirement, 2016
5 U.S. Social Security Administration, Private Assets Outlook: How Close Do You Stand to a Secure Retirement?, 2016
6 Economic Policy Institute, The State of Retirement, 2016

Unclaimed Property Michael W. Frerichs **INVEST**
BY YOU

ILLINOIS TREASURER
MICHAEL W. FRERICHS




ICASH
DISCOVER WHAT'S YOURS

When Does Property Become Unclaimed? 

Currently property held by government entities is assumed inactive when unclaimed for 3 years and attempts to locate the owner by the holder have been unsuccessful.


After 3 years, unclaimed property shall be reported to the Illinois State Treasurer's Office. Our office holds the property until the rightful owner can be identified.

Effective 1/1/18 the abandonment period for government entities went down from 5 years to 3 years.

Recent Changes to Unclaimed Property Act 

In 2017, the Treasurer's office worked with the General Assembly to update the state's unclaimed property laws. There are several key changes reflected in the new act, including but not limited to:

- \$50 threshold instead of \$10 for due diligence letters
- Reporting property after 3 years instead of 5 years
- Closing the business-to-business loophole
- Data sharing with the IL Dept. of Revenue to find owners
- Clear standards for life insurance properties

When Are You Required to Report? 

Revised Uniform Unclaimed Property Act: 765 ILCS 1026 15-401

<p>Holders required to report before May 1st:</p> <ul style="list-style-type: none"> • Business Associations (including RPOs) • Utilities • Life Insurance Corporations 	<p>Holders required to report before November 1st:</p> <ul style="list-style-type: none"> • Governmental entities • All banking and financial organizations • Insurance companies (excluding life insurance)
--	--

Reporting Requirements

Online reporting is required using NAUPA standard format (templates available on website).

For any amount \$5 or greater, we require detailed information on the property owner such as:

Name, Last known address including zip code, and SSN or FEIN, if known.

All unclaimed property, regardless of amount, is required to be reported to the Treasurer's Office.

Aggregate reporting allowable for properties under \$5.00.

10 year retention of records by holder required after filing report or date report was due.

Reporting Software Requirements

Special Reporting Requirements When Uploading Files

Annual holder reports are to be completed and submitted entirely online at: <https://icash.illinoistreasurer.gov>

Reporting is *required* using NAUPA standard format for all reports.

Links to available and downloadable reporting software that provide output files in the NAUPA Standard format can be found on our Web site at: [HTTPS://ICASH.ILLINOISTREASURER.GOV/APP/FAQ-LINKS](https://icash.illinoistreasurer.gov/app/faq-links)

Reporting software is provided by outside companies and may require a paid subscription depending on the size of reports being submitted.

<https://icash.illinoistreasurer.gov?appSubmitted=1>







ePAY Participants

100

Participating Organizations*

47 State Agencies	22 Universities/Colleges
36 County Agencies	42 Libraries & Library Districts
294 Cities & Towns	25 Political Organizations
39 Water & Sewer Treatment Districts	4 Public Transportation
9 Healthcare Entities	7 Public Health & Services
117 Schools and Boards of Education (K-12)	11 Municipalities

* as of January 2018






Michael W. Farnabaugh
AVANTAGE
ePAY

Payment Types

100

Electronic Checks / ACH Payments

ePAY allows participants to accept credit card, debit card and electronic check (ACH) payments from their merchants.






Link, Mastercard, American Express, Discover

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ePAY

All Payment Solutions

100



Online
Create a fully customizable payments page.



Third Party Integrations
Integrate your third party software solution with ePAY payments solution.



Telephone (IVR)
Take customers step-by-step through the payment process.



Mobile
Experience the freedom of payments that move with you.




Point of Sale (POS)
Spend all your processing, so you have more funds for more transactions.

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ePAY

Online Payment Solutions

- Option 1: Participate in ePAY Hosted Website**
 - Consent payment information to extend on their website and server.
 - Allows participants to create a new account for their past payment methods.
- Option 2: Participate in ePAY Hosted Website**
 - Consent to extend to hosted servers and server to create a hosted environment.
 - Allows real time payment going to your software systems.



Michael W. Jansche | WESTED | ePAY

ePAY Fully Hosted Solutions



Michael W. Jansche | WESTED | ePAY

Dispute Resolution

WESTED's assistance is free, all fight charges are on your behalf.

- Step One:**
 - Dispute is received from the card issuer and all the parties are notified to the Participant (you) then login a chargeback to your account. Participant account is not affected at this time.
- Step Two:**
 - Document the dispute to fight the chargeback is submitted by Participant (you) WESTED will handle the rest. Participant will report the chargeback.
- Step Three:**
 - Dispute is opened. Participant receives full refund (including any fees) and Participant is debited for transaction amount.
 - If dispute is denied, no further action. Participant account was not previously affected. Disputed payments will be.

*All the amount of dispute (including any fees) is charged back to the Participant and not to WESTED.

Michael W. Jansche | WESTED | ePAY

Settlement Options

Direct Funding to Biotech Funds

Outside Settlement Bank

Continued Biotech Funds Benefits:

- Earn interest on cash money
- Free purchases, transfers, re-investing, and other accounts at eSATA
- Works with eSATA Relationship Management Team

New Benefits:

- Faster reconciliation
- Single source reporting

When Outside Bank Fund is the customer for eSATA settlement, a check to full account number may apply, and you may get letters if you have a check number in a bank of 15 or 40 digits. Letters in your account for the "100% Bank Fund" may have a check.

Passing Pricing Options

Credit Card Processing Fee

Use eSATA Settlement Bank 2.25% minimum of \$1.00* Use Participant's own Settlement Bank 2.30% minimum of \$1.00*

*Transaction fee includes the cost of any supported device selected by the Participant, which shall be provided based upon Participant volume. If a Participant Device and any additional supported device per \$100,000 of processing volume. Responsibility for keeping the card alive remains the right to other. This is not a fee. Participant Device, regardless of processing volume.

E-Check Processing Fee

E-Check \$0.50/transaction E-Check with Verification \$0.75/transaction

Chargeback and Disputes Fee

Chargeback fee when EMV device utilized \$5/chargeback, fee paid by Participant

Chargeback fee when non-EMV device utilized \$15/chargeback, fee paid by Participant

E-Check return fee \$30 charged to End User

Absorb Pricing Options

Credit Card Processing Fee

	From eSATA Settlement Bank (Participant pays/absorbs fee)	From eSATA Settlement Bank (Participant pays/absorbs fee)
Use eSATA Settlement Bank*	Cost plus 3 basis points and \$0.05/transaction	Cost plus 8 basis points and \$0.05/transaction
Use Participant's own Settlement Bank**	Cost plus 3 basis points and \$0.05/transaction, \$1.50/mo	Cost plus 8 basis points and \$0.05/transaction, \$1.50/mo

*Cost plus 3 basis points means 3% of the amount of the transaction plus \$0.05 per transaction. **Cost plus 8 basis points means 8% of the amount of the transaction plus \$0.05 per transaction. Participant will absorb the chargeback fee when using eSATA Settlement Bank. Participant will absorb the chargeback fee when using Participant's own Settlement Bank. Participant will absorb the chargeback fee when using Participant's own Settlement Bank. Participant will absorb the chargeback fee when using Participant's own Settlement Bank.

E-Check Processing Fee

E-Check \$0.08 per transaction E-Check with Verification \$0.13 per transaction

Chargeback and Disputes Fee

Chargeback fee when EMV device utilized \$5/chargeback, fee paid by Participant

Chargeback fee when non-EMV device utilized \$15/chargeback, fee paid by Participant

E-Check return fee \$30 charged to End User

Supported Devices

Card Device	Part Name	Monthly Rental Fee	Setup Fee	Cost Per Transaction
Pay U200	8300	\$15	\$15	%.8
Pay U200	8300	\$75	\$15	%.8
Pay U200/1000 Contact	8000	\$75	NA	%.8
Pay U200	8300	\$75	\$25	\$.19 fee
Point Terminal	8700	\$75	\$30	%.8
Point Terminal Terminal	8700	\$75	\$30	\$.19 fee

Key Details:

- Each merchant has the option to change their ECR verification
- Card reader terms are at participants agreement
- Each device comes with a 30-day warranty

Device Name	Part Name	NA	NA	NA
Pay U200 Contact	8300	NA	NA	NA
Pay U200 Contact Stand	8300	NA	NA	NA
Pay U200 Contact Stand	8300	NA	NA	NA
Check Station	8400	NA	NA	NA
POS Home	8200	NA	NA	NA
Point Terminal Cash Drawer	8700	NA	NA	NA

NA = Not Available. All prices are subject to change without notice. Device pricing is in USD. Standard pricing. If applicable, see the link to participants.

What is PCI?

Payment Card Industry (PCI) Security Standards Council was created and publicly funded as a joint effort between American Express, Discover, JCB, MasterCard, and Visa.

Establishes industry-wide, enforceable requirements to ensure credit card transactions are processed securely.

PCI applies to all entities involved in payment card processing - including merchants, processors, acquirers, issuers, and service providers.

PCI - Merchant Responsibility

If you are a merchant that accepts credit card payments, you must update your PCI compliance annually or after any major change to your processing environment.

By implementing APM's fully hosted payment solutions, Participants can significantly reduce their PCI scope.

Each processing environment can be evaluated separately.
Complete one validation for your internet payments and another for your point of sale.

PCI - How Can ePAY Help?

- PCI compliance legislation passed in October 2014
- Focus on assessing your payment environment
 - Track the compliance of your services
- PCI assistance and support
- Additional PCI assessment and training services can be purchased at lower rates when contract separately provided by ePAY

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Customer Service

- Customer Service available 24/7, 365 days a year
- Dedicated help desk available via toll free number
- 24/7 after hours service desk for members within 1 city
- 24/7 support by Service Investigations
- Online ticket management system for all service requests
- PCI consultation and support
- Ongoing training and assistance



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Enrollment Process

- Benefits Consultation
- Online Enrollment
- Integration Consultation
- Development
- Testing
- Training
- Go Live
- Post Enrollment Check In

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Next Steps

Established in 1997, iPAY has since received the following:



- Private Information**
In default compliance to the public agency, iPAY will not to ensure conduct of transactions on behalf of the public agency. Dates, routing address, phone number, bank, and address.
- Primary Contact Information**
Individuals involved in the public agency to ensure that the agency is properly informed of the public agency. Name, routing address, phone number, and e-mail address.
- Funding Details**
Money National Bank / Money Funds in Ontario Settlement Bank.

  www.mw.com



Legal Disclaimer

All information contained herein is for general informational purposes only and should not be construed as an offer of insurance. To help you determine if you will benefit or discontinue coverage, you should consult with a licensed professional. This financial information should be used for informational purposes only and should not be construed as an offer of insurance. All information is not an indication of future performance. Any financial or investment decision you make based on this information can be found at www.mw.com.

  www.mw.com



Contact Us

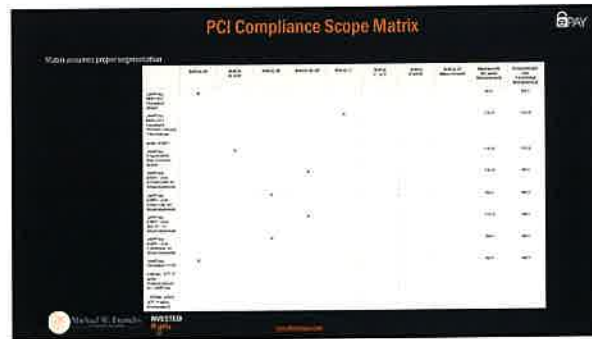
For Customer Support call : (855) 226-7337

For more information visit our website at : www.illinoisepay.com


  www.mw.com








PCI Compliance Scope Matrix




This chart is for reference purposes only

SAG	Description	Details
A	Card not present merchants (e-commerce or mail/telephone orders) that have the responsibility of cardholder data liability to PCI DSS, including third party service providers. No electronic card exp. processing or transmission of any cardholder data on the merchant's systems or premises. <small>Not applicable to face-to-face payments</small>	• 22 Questions
A-EP	E-commerce merchants not relying on a third party vendor for payment processing, no electronic cardholder data exp.	• 121 Questions • Network Scans • Penetration Testing
B	Merchants with only remote merchants or any standalone point-of-sale payment processing. No e-commerce or electronic cardholder data exp.	• 14 Questions
B-EP	Merchants using only standalone, PPE, approved payment terminals with an IP connection to the payment processor with no electronic cardholder data storage. <small>Not applicable to e-commerce channels</small>	• 84 Questions • Network Scans




REGISTERED

PCI Compliance Scope Matrix

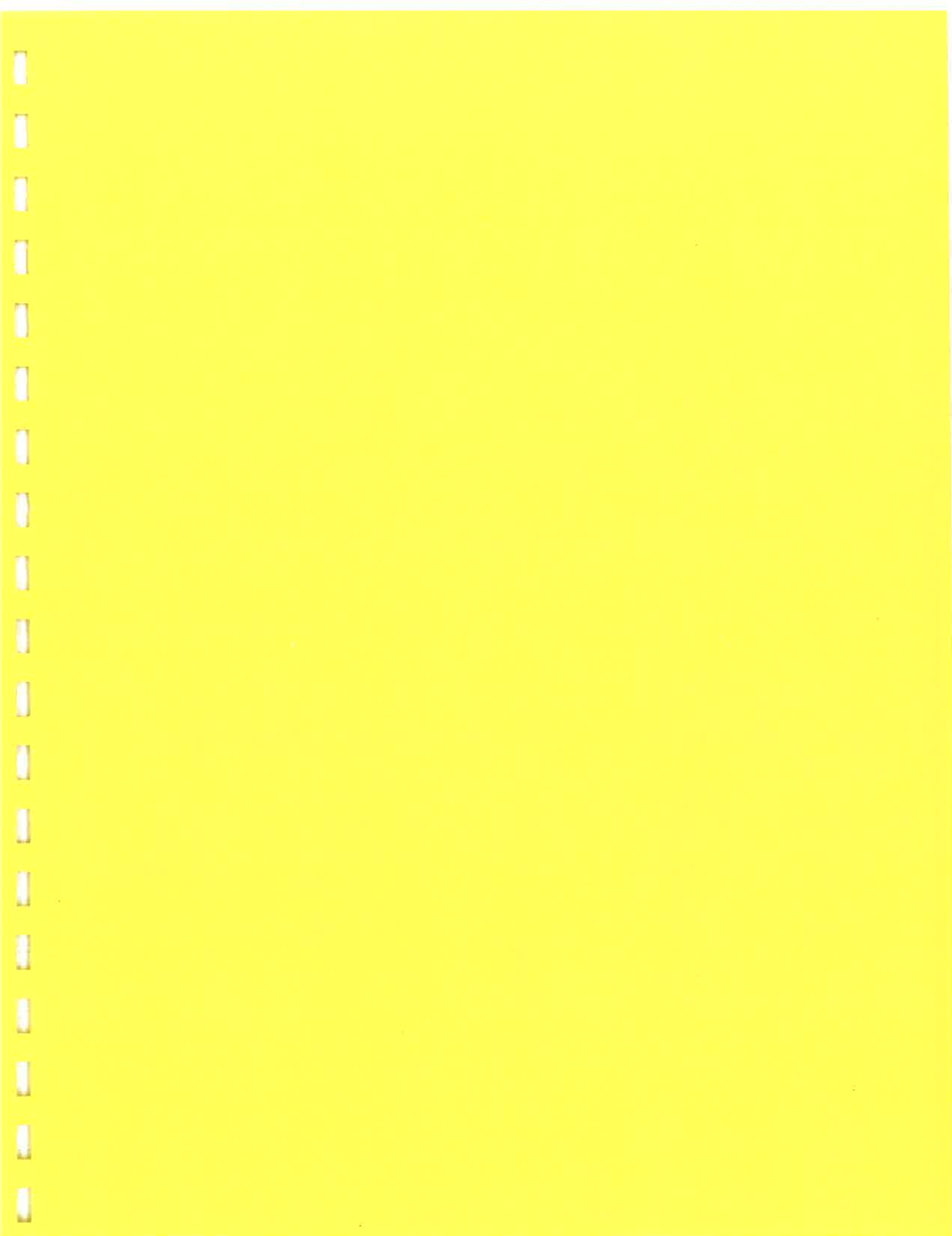


Card A...

SAG	Description	Details
C-VT	Merchants with web-based virtual payment terminals. No e-commerce or electronic cardholder data storage	• 40 Questions
C	Merchants with payment application systems connected to the Internet. No e-commerce or electronic cardholder data storage	• 162 Questions • Network Scans • Penetration Testing
PIPE only	SAG eligible server providers: • Validated PCI P2PE hardware payment terminal solution only • Merchant excludes from scope for P2PE, questionnaires	• 33 Questions
D	SAG D for All-includes. All merchants not included in merchants for the above SAG types	• 211 Questions



REGISTERED





About The Illinois Funds

- The Illinois Funds is a Local Government Investment Pool operated by the Illinois State Treasurer's Office. Over 2,200 local and state agencies have voluntarily participated in the pool since it was created in 1975 to provide public agencies with a safe, liquid, competitive investment option.
- Today, participants benefit from economies of scale of a \$4-6 billion investment pool.
- The Fund, has been in existence for over 40 years, maintains a **AAAm rating** by S&P Global Rating, the highest rating possible for a money market fund.

Who Participates
(As of 12/31/18)

- 51 County Governments
- 486 Municipalities
- 93 Townships
- 506 Education Agencies (i.e. School Districts, Libraries, etc.)
- 47 Colleges and Universities
- 273 Special Taxing Districts
- 18 State Agencies
- 53 Public Utilities
- 35 Public Pensions
- 27 Miscellaneous

The graphic features a list of participants on an orange background. To the right of the list are three small, square images. The top image shows the dome of the Illinois State Capitol. The middle image shows a university campus with a prominent clock tower. The bottom image shows the interior of a modern library with bookshelves and study tables.

Investment Policy Highlights



The Illinois Funds' investment objectives are, in priority order:

- Safety of **principal**,
- Maintaining sufficient **liquidity** to ensure immediate access to funds, and
- Providing a **competitive rate of return**, relative to comparable investment options.

Complete investment policy is available at: www.illinoisfunds.com

Investments



- Repurchase Agreements
- U S Treasury and Agency bonds, notes and bills, certificates of indebtedness, or other securities
- Commercial Paper
- Complete Schedule of Investment is available at: www.illinoisfunds.com

Portfolio as of 3/31/19

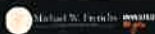


Portfolio Diversification



Balance: \$5.452 Billion
Annualized yield: 2.472%
WAM: 60.30 days
WAL: 86.56 days

Key Benefits



- No fees for purchases, transfers, redemptions, and online account access
- Monthly account statements available online as of June 2017
- Same Day processing of Comptroller distribution payments
- Confirmations sent when changes are made to banking information on your investment account
- No minimum balance requirements
- Ability to fund credit card payments from ePAY services into your account

FAQs



- **How are earnings distributed/calculated?**
 - As part of a pooled investment fund, participants own the **assets** of the fund in proportion to their participation. U.S. Bancorp Fund Services, is the fund's accounting and independent valuation agent that calculates participant earnings on each day the fund is open.
 - *Methodology: The Net of Income and Expenses / Outstanding Shares = Daily Factor. The Daily Factor is then multiplied by the ending share balance in each shareholder's account to come up with their daily accrual amount. This amount is rounded each day to the nearest penny.*
- **Is an Illinois Funds account FDIC insured?**
 - The Illinois Funds account is not FDIC insured. The Illinois Funds is not a bank, it is an investment pool and does not qualify for FDIC insurance

FAQs cont'd



How is my money protected from financial losses?

- The portfolio management team adheres to a strict investment policy that excludes weekly ratings agency overweight investments are submitted to Standard & Poor's GSP on a weekly basis for compliance and risk review. The Illinois Funds holds a AAAm rating by S&P Global Ratings and has never been downgraded in its entire history.
- As part of SEC Rule 204-7 requirements, The Illinois Funds undergoes monthly stress testing to ensure its net asset value (NAV) remains at a constant \$1.00 per share. The portfolio is run through a series of tests mimicking extreme economic conditions to assess the stability of its NAV during periods of market stress. To date, these stress tests have never resulted in possible losses to principal investors.
- Each account in the Illinois Funds is collateralized by the other accounts in the fund as the investment risks are shared on a percentage-of-contribution basis. As such, the State of Illinois is the largest investor in The Illinois Funds, therefore, the State bears the largest risk. The fiduciary responsibility of The Illinois Funds team is to preserve principal for the State and its taxpayers, in addition to providing safe, liquid investments for all participants within the Fund.

FAQs cont'd



- **Who can participate in the Illinois Funds?**
 - Custodians of Public Funds for Public Agencies
 - Local governments including, cities and towns, counties, special taxing districts, municipal corporations, housing authorities, community and technical colleges, and four-year universities
- **Are there any limitations?**
 - If a purchase was processed through Automatic Clearing House (ACH) there is a 5 day business day hold before funds are available for redemption
 - ACH redemptions (debit) are considered next day settlements and may take 2 to 3 business days to settle into the receiving bank account

FAQs con't



- **Can I close my account at any time without a penalty?**
 - Yes, you may close your account at any time with no penalty
- **Where is my money being held?**
 - The Illinois Funds custodian is U.S. Bancorp Fund Services

Thank You!



- A representative would be glad to assist you:
 - 1-800-947-8479
 - www.Illinoisfunds.com

Legal Disclosure



All information contained herein is for general informational purposes only and should not be construed as investment advice. It does not constitute an offer, solicitation or recommendation to purchase any security. Any financial or investment decision should be made only after considerable research, consideration and involvement with an experienced professional engaged for the specific purpose. Past performance is not an indication of future performance. Any financial or investment decision may incur losses. Additional disclosures can be found at www.illinoisfunds.com.

HR 101
HUMAN RESOURCES

For County Treasurers

1

About Me

Donna Rogers Skowronski, *MEd., SPHR, SHRM-SCP*
 Career HR Pro since 1991

2174141297 - hr@uis.edu - www.uis.edu/~hr

2

REMINDER

Compliance Issues

First!
 I am not an attorney!

Nothing I provide/say today is intended to be legal advice.

3

Agenda

- What's New?
- Auditing HR Processes
- Hiring & Firing
- FMLA Tidbits

4

Recent Changes

1. TWO NEW POSTERS REQUIRED: IDHR Poster & ILSERRA Poster
2. IDHR Change from 180 to 300 Day Complaint
3. New FMLA Forms – 8/31/21
4. IRS – Snacks not Meals
5. IL Biometric

5

More Changes Coming...

<p>IL Minimum Wage</p> <ul style="list-style-type: none"> Specifically, the minimum wage will change from 8.25 to 9.25 on 1/1/2020 (less than 10 months from now) \$10 an hour on 7/1/2020 Increases incrementally by \$1 each year starting 1/1/21 until it reaches \$15 an hour on 1/1/25 	<p>Proposed DOL Overtime Rule</p> <ul style="list-style-type: none"> Minimum Threshold: 23,660 to 35,308 (\$455 to \$679 per week) Maximum Threshold: \$100k to \$147,414 No Duties Test Change No Change to Police Officers, Paramedics & Nurses
--	---

6

Option 1

Position remains exempt. Salary is increased to \$679 per week or above.

Pros:

- This method is efficient when current salary is near \$679 per week.
- Likely no morale issues will arise with affected employee.
- There will be no loss of employee benefits eligibility.

Cons:

- There are budget constraints, including increased benefits costs to employer, such as life insurance premiums, long-term disability, etc.
- This method may cause salary-compression issues.
- There may be morale issues with employees who do not receive an increase.

7

3 Strategic Options

Option 1: Convert to exempt, and increase to paid Federal and State minimum wage rates that in effect...

Option 2: Convert to exempt, and increase to paid Federal and State minimum wage rates that in effect...

Option 3: Pay a salary rate...

8

More Potential Changes

4/4/19 House passed amended Senate Bill 1474 – A bill that would bar municipalities in Illinois from enacting local “right-to-work” laws - i.e. Barring Union Security Agreements between employers and unions that spell out the extent to which workers can be compelled to belong to a union, as well as whether the employer will collect dues and fees on behalf of the union.

9

Why Modern Workplace Policy Matters

Transforming the Workplace in 2019

68% of employers find it difficult to recruit qualified candidates.

1/3 of American firms still require their new hires to have a annual background check.

42% of employees have no clear responsibilities.

74% of employees say establishing roles in a timely, predictable and flexible way is critical to their business growth.

HR professionals sit at the intersection of work, the worker and the workplace.

The 300,000+ SHRM members, who represent more than 115 million employees, are calling on policymakers to work with us on policy solutions that will create better workplaces and a better world.

Cost a question about workplace policy? www.shrm.org/policy

10

Better Workplaces. Better World.

Workforce Development

With more jobs available than qualified applicants to fill them, workforce development policies must be a priority. SHRM is calling on policymakers to support initiatives that promote the hiring of the formerly incarcerated and other underserved talent pools, such as partnerships with education and workforce development agencies to provide vocational assistance.

Workplace Flexibility and Leave

SHRM champions modern proposals that incentivize employers to offer paid leave and flexibility. Paid leave and flexible work options help lift and sustain the underserved workforce, build a more resilient, productive, and able and better team responsible for building a competitive, sustainable, and resilient workforce.

Workplace Equity

From harassment-free workplaces to pay equity, SHRM is leading the way on changing workplace cultures. Productive workplaces have diverse cultures that promote pay equity, harassment-free workplaces, and diversity, equity and inclusion. SHRM advocates for policies that promote pay equity, harassment-free workplaces, and diversity, equity and inclusion.

Workplace Immigration

Talent, like business, is global. At this time of our country's economic growth, it is important to ensure that all workers have equal access to our global labor market. SHRM advocates for a modern immigration system, including a fully automatic and integrated E-Verify system that accurately authenticates the identity of new hires to ensure identity fraud and theft.

11


Auditing the HR Function

Process involves 5 questioning steps:

1. **Define**
What should our HR functions be?
2. **Rate**
How important is each function?
3. **Grade**
How well are functions performed?
4. **Improve**
What needs improvement?
5. **Feedback**
How effectively does each use resources?


12

What do we want to avoid?



Management the creates liability for the county

Employees who have complaints about management who go to the authorities or an attorney




13

Scare Tactics


DOL-Timesheet
An app to download & install from the App Store and Google Play to help you manage your time.

Posters
Wage & Hour Division of DOL (WHD) App



DOL-Horans
Una aplicación que permite a los empleados consultar las leyes laborales y obtener información sobre sus derechos.

Labor Law Poster Scare Tactics Blog Post
http://www.businessknowhow.com/blog/2006/02/abor_law_poster_1.php



14



YOUR RIGHTS UNDER USERRA
THE NATIONAL SERVICE EMPLOYMENT RELATIONSHIP ACT

Your Rights Under the Family and Medical Leave Act of 1993

IT'S THE LAW!
Updated in 2006 but previous versions acceptable

1-800-321-OSHA
OSHA




15

Why? Total Out of pocket could be up to \$17K per employer per building


?

\$210-\$10k per doctor

Employee Polygraph Protection Act of 1988




\$7k just from OSHA per violation



16


The Employment Process

- Recruitment process
- Interviewing
- Sourcing
- Screening
- Onboarding



OSHA Inspectors and Fines
Federal OSHA inspectors are responsible for enforcing the law. The following table lists the fines for various OSHA violations.

OSHA Violation	Maximum Fine
1910.101	\$1,000
1910.102	\$1,000
1910.103	\$1,000
1910.104	\$1,000
1910.105	\$1,000
1910.106	\$1,000
1910.107	\$1,000
1910.108	\$1,000
1910.109	\$1,000
1910.110	\$1,000
1910.111	\$1,000
1910.112	\$1,000
1910.113	\$1,000
1910.114	\$1,000
1910.115	\$1,000
1910.116	\$1,000
1910.117	\$1,000
1910.118	\$1,000
1910.119	\$1,000
1910.120	\$1,000
1910.121	\$1,000
1910.122	\$1,000
1910.123	\$1,000
1910.124	\$1,000
1910.125	\$1,000
1910.126	\$1,000
1910.127	\$1,000
1910.128	\$1,000
1910.129	\$1,000
1910.130	\$1,000
1910.131	\$1,000
1910.132	\$1,000
1910.133	\$1,000
1910.134	\$1,000
1910.135	\$1,000
1910.136	\$1,000
1910.137	\$1,000
1910.138	\$1,000
1910.139	\$1,000
1910.140	\$1,000
1910.141	\$1,000
1910.142	\$1,000
1910.143	\$1,000
1910.144	\$1,000
1910.145	\$1,000
1910.146	\$1,000
1910.147	\$1,000
1910.148	\$1,000
1910.149	\$1,000
1910.150	\$1,000
1910.151	\$1,000
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1910.188	\$1,000
1910.189	\$1,000
1910.190	\$1,000
1910.191	\$1,000
1910.192	\$1,000
1910.193	\$1,000
1910.194	\$1,000
1910.195	\$1,000
1910.196	\$1,000
1910.197	\$1,000
1910.198	\$1,000
1910.199	\$1,000
1910.200	\$1,000



17

Independent Contractor

Unemployment Tax & IRS Issue





Employer's Supplemental Tax Guide
(Supplement to Publication 15-A (Employer's Tax Guide))



18

FLSA: Common Errors to Avoid

- Assuming that all employees paid a salary are not due overtime
- Improperly applying an exemption
- Failing to pay for all hours an employee is "suffered or permitted" to work
- Limiting the number of hours employees are allowed to record
- Failing to include all pay required to be included in calculating the regular rate for overtime





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Common Errors to Avoid contd.

Failing	Failing to add all hours worked in separate establishments for the same employer when calculating overtime due
Making	Making improper deductions from wages that cut into the required minimum wage or overtime. Examples: shortages, drive-offs, damage, tools, and uniforms
Treating	Treating an employee as an Independent contractor
Confusing	Confusing Federal law and State law



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Regulatory Compliance

- ADA policy
- FMLA policy
- COBRA
- HIPAA
- FLSA
- EEO-1
- State & Federal notices posted
- Litigation and complaints




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Importance of Federal and State Law Compliance



275 DAYS	Average duration of an employee matter
19%	Percentage of matters that resulted in a defense and settlement payment
\$125,000	Average time cost of claims that resulted in a defense and settlement payment
81%	Percentage of claims that resulted in a cost paid by the individual company, but that were not covered by a third-party provider (e.g., workers' compensation, disability, or medical and/or dental benefits coverage)




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States with High EEOC Claims

For 2014, 148 companies had at least an 11.7% chance of having an employment charge filed against them. However, some states have far higher instances of charge activity than the national average.


STATES WITH THE HIGHEST EMPLOYEE CHARGE RATES AS A %



Top 10 states for EEOC claims
10 states accounted for 46.5% of all EEOC charges filed in fiscal year 2012.

Texas	9.0%
California	7.4%
Georgia	5.7%
Illinois	5.5%
North Carolina	4.8%
Pennsylvania	4.6%
New York	3.9%
Alabama	3.3%
Ohio	3.3%
Tennessee	3.3%

Source: 2015 Hiscox Employee Lawsuit Handbook



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Safety

- Signs
- Training
- HAZCOM
- Exposure Control
- Emergency Evac
- EMOD
- SDS




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Compliance



- [Department Of Labor](#)
- [Occupational Safety & Health Association](#)
- [US Department Of Transportation](#)
- [National Labor Relations Board](#)
- [O*NET](#)
- [Equal Employment Occupational Commission](#)
- [Office of Federal Contract Compliance & Programs](#)



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Hiring & Firing



- Uniform Guidelines on Employee Selection
- Federal Contractor Hiring Requirements
- Documentation & Retention Rules
- Termination Checklists
- And so much more!




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Recruitment Sources

Advantages of Using Internal Sources

1. It generates applicants who are well known to the organization.
2. These applicants are relatively knowledgeable about the organization's vacancies, which minimizes the possibility of unrealistic job expectations.
3. Filling vacancies through internal recruiting is generally cheaper and faster than looking outside the organization.



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Recruitment Sources

Job Posting

- Process of communicating information about a job vacancy:
 - On company bulletin boards
 - In employee publications
 - On corporate intranets
 - Anywhere else organization communicates with employees




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External Recruiting Sources

External Sources	Percentage of Employees Hired
Company website	25%
Direct applicants and referrals	20%
Electronic recruiting	15%
Advertisements in newspapers and magazines	10%
Private employment agencies	5%
Colleges and universities	5%
Job agencies	5%
Recruitment consultants	5%
Job boards	5%
Company website and intranet	5%
College recruiting	5%
Referrals from employees	5%
Company and search agencies	5%
Career fairs	5%
State, community and broadcast	5%
Print ads	5%
Walk-ins	5%
Recruitment fairs	5%

Source: Bureau of Economic Analysis, "Sources of New Hires," Bureau of Economic Analysis, 2014. <http://www.bls.gov/bceah/hires/>



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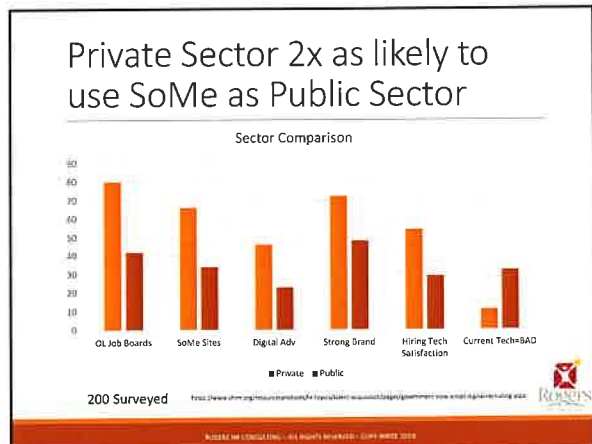
Question?

What do you think the top four Social Media (SoMe) sites are?




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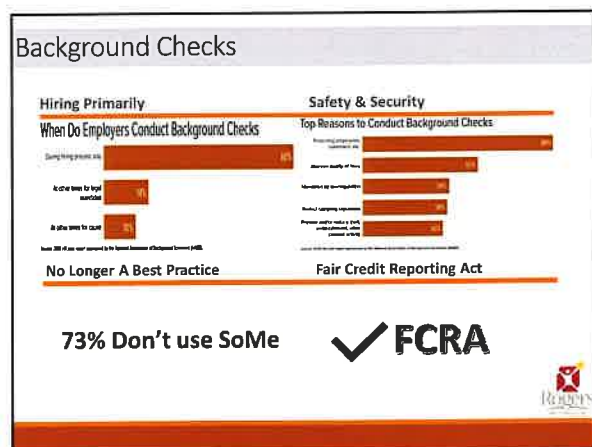
30



31



32



33

Background Checks

Checking SoMe sites as part of hiring process

Concern - Access to information about protected status of applicant

Google searches - Do It consistently for all applicants

Review only after interview candidate and only if interest in candidate
Document what is considered (and by implication what is not)
Verify information as necessary
HR should perform the function
*Prohibit hiring managers from performing function independently!

Facebook pages that display in Google are not PRIVATE and can be used in as part of the background process

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Avoid TMI & Litigation

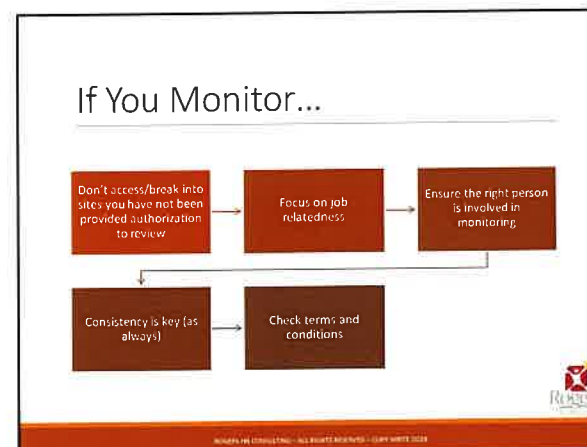
Create a social media screening policy.

- Who will conduct the screening?
- When during the application process will the screening be conducted?
- Which positions will be screened?
- How will the search be conducted?
- How will the results be presented and to whom?

- Prepare screening questions for the position.
- Conduct the screening.
- Prepare and provide a report to the hiring manager.
- Retain the documentation


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Train. Train. Train.



It isn't enough to have a policy if your employees do NOT know anything about it and are NOT trained in it!


- Signed release acknowledging training
- Coincide with your other policies:
 - Harassment
 - Workplace Etiquette
 - Computer Use (downloading)

Train your supervisors
 Train your IT department – no hacking!
 Monitor your policy and change it according to societal trends

37

Investigations


Do not ask	Ask	Do not try	Investigate
<p>Do not ask employees for password</p> <ul style="list-style-type: none"> Voluntary nature of consent may be tested 	<p>Ask employees to forward to you what is of concern to them, or ask them to print the screen</p>	<p>Do not try to access employee chat rooms</p>	<p>Investigate like you would other reports of grievances or complaints etc.</p>



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Managing Voluntary and Involuntary Turnover


INVOLUNTARY TURNOVER	VOLUNTARY TURNOVER
<ul style="list-style-type: none"> Turnover initiated by an employer. Often with employees who would prefer to stay. 	<ul style="list-style-type: none"> Turnover initiated by employees. Often when the organization would prefer to keep them.



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Employee Separation

Outcome Fairness	Interactional Justice	Procedural Justice
A judgment that the consequences given to employees are just.	A judgment that the organization carried out its actions in a way that took the employee's feelings into account.	A judgment that fair methods were used to determine the consequences an employee receives.




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Employee Separation

Legal Requirements


WRONGFUL DISCHARGE	DISCRIMINATION
<p>Discharge may not violate an <i>implied agreement</i>.</p> <ul style="list-style-type: none"> e.g., employer had promised job security e.g. action inconsistent with company rules. <p>Discharge may not violate <i>public policy</i>.</p> <ul style="list-style-type: none"> e.g., terminating employee for refusing to do something illegal or unsafe. 	<p>Employers must make discipline decisions without regard to a person's age, sex, race, or other protected status.</p> <p>Evenhanded, carefully documented discipline can avoid such claims.</p>



41

FMLA/ADA/WC

WITH AN EMPHASIS ON FMLA





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It is important to recognize and analyze the interaction of these laws because:

1. The majority of unscheduled and scheduled absences are related to the **illness of employees or their family members**. One, both, or all three of these laws may be involved.
2. Legal **violations** of these laws may result in lost wages, back pay, reinstatement, retroactive benefits, compensatory damages, and punitive damages.
3. Other than the legal responsibilities, employers have **moral and ethical responsibilities** to assure that employees receive the benefits and protections these laws provide.

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EEOC  The ADA prohibits discrimination against applicants and employees who are "qualified individuals with a disability".

DOL  The FMLA sets **minimum leave standards** for employers for the birth and newborn care of a child, placement of a child for adoption or foster care, to care for an immediate family member with a serious health condition, and for the employee's serious health condition.

State WC Comm  **Workers' Compensation laws provide for payment of compensation and rehabilitation for workplace injuries and minimize employer liability.**


Purpose of the ADA, FMLA, and Workers' Compensation Laws

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8 Elements to Consider...when managing employee absenteeism

1. Employer Coverage	5. Restricted or Light Duty
2. Employee Eligibility	6. Fitness to Work Certification
3. Length of Leave	7. Benefits While on Leave
4. Medical Documentation	8. Reinstatement

NOTE: State laws may provide broader protections than federal requirements.



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1. Employer Coverage

ADA – 15 or more employees for 20 weeks during current or preceding calendar year

↓

FMLA – 50 or more employees within a 75-mile radius for at least 20 weeks during current or preceding calendar year

↓

Workers' Compensation – Applies to most, even small employers. State laws govern. Generally after first 30 days of employment.

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ADA – an employee (or applicant) who is disabled as defined by the ADA, is qualified for the position and can perform the essential functions of the position with or without a reasonable accommodation.

FMLA – an employee who has worked at least 12 months and 1250 hours prior to the start of the leave and who works at a worksite where there are 50 or more employees within a 75-mile radius.

Workers Compensation – an employee who has an injury arising out of or in the course of employment with state law exceptions possible for willful misconduct or intentional self-inflicted injuries, willful disregard of safety rules, or intoxication from alcohol or illegal drugs.

2. Employee Eligibility

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3. Length of Leave

 <p>ADA – NO SPECIFIC LIMIT FOR THE AMOUNT OF LEAVE THAT WOULD BE PROVIDED AS A REASONABLE ACCOMMODATION THAT DOES NOT CREATE AN UNDUE HARDSHIP ON THE EMPLOYER.</p>	 <p>FMLA – 12 WEEKS IN THE 12 MONTH PERIOD AS DEFINED BY THE EMPLOYER</p>	 <p>WORKERS' COMPENSATION – NO SPECIFIC LIMIT FOR THE AMOUNT OF LEAVE AN INJURED WORKER MAY HAVE.</p>
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Substitution of Paid Leave – Limitations § 825.207

Workers' compensation leave

- may count against FMLA entitlement
- "topping off" allowed if state law permits

Disability leave

- may count against FMLA entitlement
- "topping off" allowed if state law permits

Compensatory time off (public sector only)

- may count against FMLA entitlement
- subject to FLSA requirements




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4. Medical Documentation

ADA – Only medical examinations or inquiries regarding an employee's disability that are job-related and limited to determining ability to perform the job and whether an accommodation is needed and would be effective.

FMLA – Medical certification of the need for the leave not to exceed what is requested in the Department of Labor (DOL) Medical Certification Form.

Workers' Compensation – Medical information that pertains to the employee's on-the-job injury.



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5. Restricted or Light Duty



ADA – REQUIRED TO BE OFFERED IF IT IS A REASONABLE ACCOMMODATION THAT DOES NOT CREATE AN UNDUE HARDSHIP ON THE EMPLOYER.



FMLA – CANNOT BE REQUIRED.



WORKERS' COMPENSATION – OUGHT TO BE OFFERED IF AVAILABLE AS IT MAY ELIMINATE THE EMPLOYEE'S ENTITLEMENT TO THE WAGE REPLACEMENT BENEFIT.



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6. Fitness-to-Return-to-Work Certification

ADA – Permitted as long as the medical examination and inquiry is job-related and necessary to determine whether the employee can perform the essential functions of the job.

FMLA – Can only be required under a policy or practice that requires employees who have been on a similar type of leave of absence

Workers' Compensation – May be and is typically required.

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7. Benefits While on Leave

ADA – No specific requirements but cannot discriminate and must provide same benefits as those provided to employees on non-ADA leave of absence.

FMLA – Health coverage must be continued at same level as prior to the leave. Benefits other than health benefits are determined by the employer's established policy for providing such benefits when the employee is on other forms of leave (paid or unpaid, as appropriate).

Workers' Compensation – Not required to be continued unless run concurrently with FMLA leave.



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ADA – Required reinstatement to previous job unless doing so would create an undue hardship on the employer.



FMLA – Required reinstatement to the same or an equivalent job. NO undue hardship exception.



Workers' Compensation – No reinstatement rights under most state laws, except for retaliatory discharges.



8. Reinstatement

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The six FMLA circumstances are:

1. Birth of a son or daughter and to care for the newborn child.
2. Placement with the employee of a son or daughter for adoption or foster care.
3. Care of a spouse, son, daughter or parent with a serious health condition.
4. A serious health condition of the employee that makes him/her unable to work.
5. *A qualifying exigency for families of members of the National Guard and Reserves when the covered military member is on active duty or called to active duty in support of a contingency operation.*
6. *Care of a spouse, son, daughter, parent or next-of-kin covered service member with a serious illness or injury incurred in the line of duty on active duty.*

Note: For circumstances 1-5 above the employee may use up to **12 weeks** of FMLA leave in a 12 month period. For circumstance 6 above, the employee may use up to **26 weeks** in a single 12 month period.





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Examples of serious health conditions under FMLA







Childbirth and recovering from childbirth	Heart Attack
Allergies	Cancer
Stress	Migraines
Clinical depression	Emphysema
Asthma	Stroke
Diabetes	Pneumonia
Epilepsy	Severe Arthritis
Long-term untreatable condition (such as terminal illness or Alzheimer's disease)	Back problems that need ongoing treatment or surgery
Drug or alcohol addiction (if treatment is from a healthcare provider)	Serious injuries
	Pregnancy, including pre-natal care, morning sickness, and complications
	Miscarriages




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Conditions which usually don't qualify for FMLA leave:

 COMMON COLD OR FLU	 OUT-PATIENT SURGICAL PROCEDURES	 VOLUNTARY OR COSMETIC PROCEDURES (WITHOUT IN-PATIENT CARE)	 ROUTINE DENTAL AND ORTHODONTIA WORK
 NON-MIGRAINE HEADACHES	 EAR INFECTIONS		



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"But I Don't Want to Take FMLA"

FMLA regulations are clear. At [29 C.F.R. 825.301\(a\)](#), the DOL tells us,

"Once the employer has acquired knowledge that the leave is being taken for an FMLA-qualifying reason, the employer must [designate the absence as FMLA leave]."




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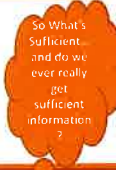

It's Our Problem...or theirs...

An employee shall provide sufficient information for an employer to reasonably determine whether the FMLA may apply to the leave request. [29 CFR 825.303\(b\)](#)

When we don't decipher exactly when we have been put on notice and document accordingly we lose!

...So it is ours*!

*3/14/19 DOL Opinion Letter

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Employee Responsibilities - Provide Periodic Status Reports [§ 825.311](#)

Employee must respond to employer's request for information about status and intent to return to work

TEXT




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**Illinois Comptroller
2019 County Treasurer Training**

Illinois Sunshine Laws
**Freedom of Information and
Open Meetings Acts**

April 11, 2018
Sarah Pratt, Public Access Counselor
Illinois Attorney General's Office

Public Access Counselor

Position within the Attorney General's Office.

- To provide advice and education with respect to FOIA and OMA;
- To resolve complaints concerning compliance with FOIA and OMA without litigation.
- Public Access Bureau Attorneys are in Chicago and Springfield Offices
- Public Access Hotline, Informal Inquiries
15 ILCS 205(7)

Public Access Bureau

- Public Access Counselor (PAC) has received over 38,000 complaints concerning FOIA and OMA since 2010
- Many are resolved informally or with just one letter to a public body
- Over 125 Binding Opinions Issued
- Thousands of determination letters issued

FOIA/OMA Training Requirements

PAC's Online Training:

- **FOIA Training:** Yearly, for FOIA Officers
- **OMA Training:** One time, for each elected or appointed member of a public body (with some exceptions listed in statute)
- **OMA Training:** Yearly, for OMA Designee

Must file a copy of the certificate of completion with the public body!

The Purpose of FOIA

"The General Assembly hereby declares that it is the public policy of the State of Illinois that access by all persons to public records promotes the transparency and accountability of public bodies at all levels of government. It is a **fundamental obligation of government** to operate openly and provide public records as expediently and efficiently as possible in compliance with this Act." (Emphasis added.)
5 ILCS 140/1

FOIA Applies to "Public Bodies"

- All legislative, executive, administrative, or advisory bodies of the State
 - State Universities and Colleges
 - Counties
 - Townships, Cities, Villages, Incorporated Towns
 - School Districts
 - All other Municipal Corporations, Boards, Bureaus, Committees, or Commissions of this State,
 - Plus any subsidiary bodies/committees of the above
- 5 ILCS 140/2(a)
Over 8,500 in Illinois!

Presumption of Openness

"All **records** in the custody or possession of a public body are **presumed to be open** to inspection or copying. Any public body that asserts that a record is exempt from disclosure has the burden of proving by **clear and convincing evidence** that it is exempt."

5 ILCS 140/1.2



This is the most important point of the day!

Definition of "Public Records"

The definition of "public records" includes:
"[A]ll * * * 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, possessed or under the control of any public body."

5 ILCS 140/2(c)

What is a Public Record?

A public record must *pertain to the transaction of public business*. Therefore, any communications relating to strictly personal matters are not "public records" subject to disclosure under FOIA, regardless of how or where they are maintained.

Content controls, not the medium.

What is a Public Record? E-mails and Texts

- Electronic correspondence is subject to FOIA if it ***pertains to the transaction of public business***.
- Even if sent on personal devices (texts on cell phones paid for by employee) or to/from personal email accounts.

E-mails and Texts Pertaining to Public Business are Subject to FOIA

City of Champaign v. Madigan, 2013 IL App (4th) 120662 (2013): Elected official's communications sent or received on a personal electronic device during a public meeting

Ill. Att'y Gen. Pub. Acc. Op. No. 16-006 (August 9, 2016) (aff'd by Circuit Court of Cook County): Public employees' e-mails sent or received via personal accounts

City of San Jose v. Superior Court of Santa Clara County, 2017 WL 818506 (Cal. 2017): City employee's emails sent or received using a personal account

Locating Records

With respect to locating emails or texts on personal devices or emails in personal accounts, the public body may be able to fulfill its obligations under FOIA by asking personnel to search their e-mail accounts in good faith.

Ill. Att'y Gen. Pub. Acc. Op. No. 16-006, issued August 9, 2016.

Explanations and Questions

- FOIA is not intended to compel public bodies to interpret or advise requesters as to the meaning or significance of the public records. 5 ILCS 140/3.3
- A public body is not required to answer questions or generate new records in response to a FOIA request. *Kenyon v. Garrels*, 184 Ill. App. 3d 28 (4th Dist. 1989)

Need Not Create Public Records

FOIA does not require a public body to create records in order to respond to a FOIA request; rather a public body is required to make records within its possession or control available for inspection and copying. *Workmann v. Illinois State Bd. of Educ.*, 229 Ill. App. 3d 459, 464 (2d Dist. 1992).

Compiling Information Is Not Creating New Records

Compiling and re-organizing information that a public body maintains in the ordinary course of business is not creating a new record.

Hamer v. Lentz, 132 Ill. 2d 49, 57 (1989).
Hites v. Waubonsee Community College, 2016 IL App (2d) 150836 (2016).

Hites case

- Data in college's databases are "public records" under FOIA.
- A request for an entire database is simply a request for all the data.
- Request for report of data from database (zip codes of students in particular classes) does not require creation of new records.



Records of Funds

"All records relating to the obligation, receipt, and use of public funds of the State, units of local government, and school districts are public records subject to inspection and copying by the public."
5 ILCS 140/2.5



Settlement and Severance Agreements

"All settlement and severance agreements entered into by or on behalf of a public body are public records subject to inspection and copying by the public, provided that information exempt from disclosure under Section 7 of this Act may be redacted."

➔ Presence of confidentiality clause does not supersede FOIA

5 ILCS 140/2.20

FOIA Requests

- In writing, directed to the public body.
- Oral requests *may* be honored.
- Standard form *may not* be required.
- Public body *may not require* requester to specify a purpose, *except* to determine whether the request is for a commercial purpose.
- Forward immediately to FOIA officer.

5 ILCS 140/3(c)

Time for Responding

A public body must generally respond to a FOIA request within **5** business days after receipt of a written request. The time for response may be extended **by the public body** for an additional 5 business days for one of seven reasons specified in the Act.

5 ILCS 140/3(d),(e)

Failure to Respond

Failure to respond to a request within the time permitted is considered a **denial** of the request.

- A public body that fails to respond to a request within the time permitted, but then provides copies of the requested public records *may not impose a fee* for those copies.
- A public body that fails to respond to a request received *may not treat the request as unduly burdensome* under section 3(g).

5 ILCS 140/3(d)

FOIA Response

A FOIA request may be granted, denied, or granted in part and denied in part. **If denying** a request for public records the public body shall **notify the requester in writing of:**

1. The decision to deny the request,
2. The **reasons** for the denial, including a detailed factual basis for the application of any exemption claimed, and
3. The names and titles or positions of each person responsible for the denial.

FOIA Response, cont.

In addition, each notice of denial by a public body shall:

1. Inform the requester of his or her right to seek review by the Public Access Counselor,
2. Provide the address and phone number of the Public Access Counselor,
3. Inform the requester of his right to judicial review under section 11 of FOIA.

5 ILCS 140/9(a)

Requests for Electronic Copies

- A public body must produce **records that are maintained in an electronic format** in the electronic format specified by the requester, if feasible.
- If not feasible, must disclose in the electronic format in which the records are maintained or in paper, at the option of the requester.

Records Maintained Online

A public body is not required to copy a public record that is published on the public body's website.

- Public body must **notify** the requester that the public record is available online and **direct** the requester to the website.
- Persons unable to reasonably access the record online may **re-submit the request**, public body must then respond as provided in section 3.

5 ILCS 140/8.5

Unduly Burdensome Requests

Section 3(g) permits a public body to deny a request if the burden of compliance on public body outweighs public interest in the information.

- Before invoking this section, public bodies must extend to requester an opportunity to **confer with it to reduce the request to manageable proportions**.
- Repeated requests by same person for same records identical to records previously provided or properly denied are unduly burdensome.

5 ILCS 140/3(g)

Unduly Burdensome - Examples

- ... manually locating and compiling large numbers of records from 93 separate facilities or systems over a 23-year time span.
- ... compiling all records, including financial records, school policies, and correspondence for a 12-year period.
- ... only two employees to gather, review, and redact thousands of records from several sources over a six-year span.

EXEMPTIONS

Exemptions allow public bodies to maintain certain types of sensitive public records or information confidentially. FOIA provides a number of exceptions to the requirement that public records are available for public inspection.

The exemptions do not, however, prohibit the dissemination of information; rather, they merely authorize the withholding of information. *Roehrborn v. Lambert*, 277 Ill. App. 3d 181, 186 (1st Dist. 1995), *appeal denied*, 166 Ill. 2d 554.

Exemptions are Narrowly Construed

The exemptions to disclosure under FOIA are to be narrowly construed.

Lieber v. Board of Trustees of Southern Illinois University, 176 Ill. 2d 401, 408 (1997).

FOIA – Section 7(1)

When a record contains information that is exempt under section 7 or 7.5, but also contains information that is not exempt, the public body **may elect** to redact exempt information; remaining information shall be made available for inspection and copying. 5 ILCS 140/7(1)

Example: Redaction of social security number and home address before furnishing copy of record to requester.

Section 7(1)(a)

Exempts from disclosure:

“Information specifically prohibited from disclosure by federal or State law or rules and regulations implementing federal or State law.”

5 ILCS 140/7(1)(a)

Section 7(1)(a) – Information Exempt Under Other Laws

Section 7(1)(a) applies only when a law or rule implementing a law **specifically** prohibits the public body from releasing the information in question. *Better Government Ass'n v. Blagojevich*, 386 Ill. App. 3d 808, 814 (4th Dist. 2008).

7(1)(b) – Private Information

- Allows withholding of **private information**, unless required by another provision of FOIA, a State or federal law or a court order.
- Private information is defined in section 2(c-5) of FOIA.

Private Information

5 ILCS 140/2(c-5) **Unique identifiers**, including:

- Social Security Numbers
- Driver's License Numbers
- Employee Identification Numbers
- Biometric Identifiers (DNA, retina/iris scan, fingerprint, voiceprint, scan of hand)
- Personal Financial Information
- Passwords or Other Access Codes
- Medical Records
- Home or Personal Telephone Numbers
- Personal Email Addresses

7(1)(c) – Personal Information

Exempts “[p]ersonal 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[.]”

5 ILCS 140/7(1)(c)

Personal Information, cont.

“Clearly 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.

7(1)(c) involves a fact-specific, case-by-case inquiry, balancing right to privacy with public interest.

Personal 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."

5 ILCS 140/7(1)(c)

Exempt Personal Information

- Dates of birth
- Race
- Family information about employees (i.e., emergency contacts)
- Specific medical information (i.e. descriptions of specific injuries, illnesses, and treatments)
- Information related to unsuccessful candidates for employment

7(1)(f) – Deliberative Process

- Allows withholding of "records in which opinions are expressed, or policies or actions are formulated"
- Except when record is publicly cited by head of public body
- The purpose of the deliberative process exemption is to protect the predecisional communications process and encourage frank and open discussion **among agency employees.**

7(1)(m) – Privileged Information

Communications between a public body and an attorney or auditor representing the public body that would not be subject to discovery in litigation, or are prepared in anticipation of litigation, are exempt from disclosure under section 7(1)(m) of FOIA.

7(1)(m) cont.

Not all attorney/client communications are privileged.

- Invoices for legal services not exempt.

Ill. Att'y Gen. Pub. Acc. Op. No. 14-002, issued April 15, 2014.

- Lists containing names and pay rate of outside counsel for State agencies not exempt.

Ill. Att'y Gen. Pub. Acc. Op. No. 15-010, issued October 21, 2015.

7(1)(n) – Disciplinary Cases

- Allows a public body to withhold "records relating to a public body'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."
- Investigative records (police reports, citations, etc.) that do not relate to an actual adjudication are not exempt.

Peoria Journal Star v. City of Peoria, 2016 IL App (3d) 140838, 52 N.E.3d 711 (2016) (police department improperly withheld report of investigation of grievance that was created before any adjudication).

How Can Treasurer Improve FOIA Compliance?

- Remember all records presumed to be open
- Post information online where possible
- Forward requests to FOIA officer ASAP
- Good communication with FOIA officer and requesters

THE OPEN MEETINGS ACT

OMA Public Policy


"The General Assembly * * * declares it to be the public policy of this State that its citizens shall be given **advance notice of and the right to attend** all meetings at which any business of a public body is discussed or acted upon in any way."

"[T]he people have a right to be informed as to the conduct of their business."


5 ILCS 120/1.

What is a Public Body?


See Section 1.02




State Boards and Commissions




Municipalities



Counties



School Districts



All subsidiary bodies of the foregoing bodies

What Is Not Covered?

General Assembly and its Committees or Commissions, also...



Condominium Associations



Individual Officers



Private Companies and Their Boards




Not-For-Profit Organizations

What is a Public Body?

Some factors considered:

- How was entity created? By statute?
- Who appoints the members?
- What are the entity's assigned duties?
- Is it accountable to any larger public body?
- Does the entity have a budget?



See 5 ILCS 120/1.02

The Meeting

OMA defines a meeting as “[a]ny ***gathering*** of a ***majority of a quorum*** for the purpose of ***discussing public business.***”

5 ILCS 120/1.02

- Requirements of OMA apply.

Gathering

May be in person OR electronically – people may “gather” from remote locations through the use of telephones, audio- and video-conferencing, and the Internet, or other means of “contemporaneous interactive communication.”

5 ILCS 120/1.02

Majority of a Quorum

Member Number	Quorum	Majority of Quorum
13	7	4
11	6	4
9	5	3*
7	4	3
5	3	3**
3	2	2

*A quorum cannot include half-a-person.

**Special rule for 5-member public body.

Purpose "Discussing Public Business"

A social gathering of public body members is not prohibited, but it could turn into a meeting if a majority of a quorum discusses public business in a deliberative fashion.



Be mindful of the appearance of impropriety.

Meeting Locations

OMA requires that all meetings of public bodies be held at specified times and places which are "convenient and open to the public."

5 ILCS 120/2.01

- Questions of time, date, location, capacity
- Meeting at private residence not open. Ill. Att'y Gen. Pub. Acc. Op. No.12-008
- Special meeting 26 miles from usual location not convenient. Ill. Att'y Gen Pub. Acc. Op. No. 13-014

Meeting Locations

- "A meeting can be open in the sense that no one is prohibited from attending it, but it can be held in such an ill-suited, unaccommodating, unadvantageous place that members of the public, as a practical matter, would be deterred from attending it."

Gerwin v. Livingston Co. Bd., 345 Ill.App.3d 352 (4th Dist. 2003).

- However, rule of reasonableness, not absolute accessibility.

Attendance by Other Means

If a public body has adopted rules allowing for electronic attendance, a member may attend a meeting electronically if the absence is because of:

- Personal illness or disability;
- Employment purposes or business of the public body; or
- Family or other emergency.

5 ILCS 120/7(a)

Notice – Timing

- Regular meetings = 48 hours notice.
- Special meetings = 48 hours notice.
- Emergency meetings = as soon as possible. Must be *bona fide* emergency, not of public body's making.

5 ILCS 120/2.02(a)

Notice – Location

- Posted at the principal office of the body holding the meeting and meeting location
- Notice on website if the public body has a full-time staff that maintains the website.

5 ILCS 120/2.02(b)

- Agenda must be **continuously available** for public review (i.e. visible) during entire 48-hour period preceding the meeting – website posting satisfies this continuous posting requirement. 5 ILCS 120/2.02(c).

Agenda Requirements

- Must state "general subject matter" of any resolution or ordinance that will be subject of final action. 5 ILCS 120/2.02(c).
- No addition of final action items < 48 hours.
- A public body may discuss matters not on the agenda. In re *Foxfield Subdivision*, 396 Ill.App.3d 989 (2d Dist. 2009). However, it may not take final action on any matter not on the agenda.

Meeting Minutes

Public bodies must keep written minutes of all meetings, whether open or closed, and a verbatim recording of all closed sessions in the form of audio or video recording.

5 ILCS 120/2.06(a)

Meeting Minutes

Minutes must include:

- Date, time, and place;
- Names of all members present and absent;
- Summary of discussion of all matters proposed, deliberated, or decided; and
- A record of any votes taken.

5 ILCS 120/2.06(a)

Closed Session Exceptions

Section 2(c) of OMA authorizes 35 exceptions for a public body to close a meeting to the public.

Exceptions authorize but do not require the holding of a closed session.

5 ILCS 120/2(c)

Closed Session Exceptions

The section 2(c) exceptions relate to, among other things, employment, litigation, land acquisition, collective bargaining and student disciplinary cases.

These exceptions are to be *narrowly construed*—topics discussed must fit squarely within the cited exception.

Entering Closed Session

- Start in open session.
- Vote to close.
- Cite to the specific statutory exception under section 2(c).
- Exclude the public and enter the closed session.

Closed Session

- Verbatim recording (must record by audio or video means).
- Must generate closed session minutes.



"No final action may be taken in a closed meeting." 5 ILCS 120/2(e)

Employment Exception

A closed session may be held to consider the "appointment, employment, compensation, discipline, performance, or dismissal" of **specific employees** of or legal counsel for the public body, including hearing testimony on a complaint. 5 ILCS 120/2(c)(1).

Must relate to **specific employee or employees**, not general budgetary matters. See, e.g., Ill. Att'y Gen. Pub. Acc. Op. No. 15-007, issued September 16, 2015.

Scope of Employment Exception

Ill. Att'y Gen Pub. Acc. Op No. 12-011, issued July 11, 2012:

- "The use of the phrase 'specific employees of the public body' significantly limits the scope of this exception."
- "Decisions to reduce funding to certain departments ... may ultimately result in a public body having to determine which specific employees to retain or which to layoff or terminate."
- "The underlying budgetary discussions leading to those decisions, however, may not be closed to the public."

Exception to the Employment Exception

“However, a meeting to consider an increase in compensation to a specific employee of a public body that is subject to the Local Government Wage Increase Transparency Act **may not be closed** and shall be open to the public and posted and held in accordance with this Act.” 5 ILCS 120/2(c)(1)

Exception to the Employment Exception

Local Government Wage Increase Transparency Act (50 ILCS 155):

- Must publicly discuss **Disclosable Payment** and \$\$ implications for PB
 - **Disclosable Payment** is wage increase or lump-sum payment:
 - (1) made after employee announces retirement
 - (2) would increase monthly earnings by more than 6%, and
 - (3) would be made between 12 months and 90 days prior to expected retirement date,
- Applies to employees not covered by CBA and participating in IMRF.

Litigation Exception

A closed meeting may be held to consider the “litigation, when an action against, affecting or on behalf of the particular public body has been filed and is pending before a court or administrative tribunal[.]”

5 ILCS 120/2(c)(11)

→ Discussion must be limited to the strategies, postures, theories, and possible consequences of the litigation itself.

Special Requirement for Probable Litigation

“... or when the public body finds that an action is probable or imminent, in which case ***the basis for the finding shall be recorded and entered into the minutes of the closed meeting.***

5 ILCS 120/2(c)(11).

See Ill. Att’y Gen. Pub. Acc. Op. No. 13-008, issued May 28, 2013.

→ Same limits on scope of discussion

Ending Closed Session

When returning to open session, a public body must:

- Vote to adjourn closed session and return to open session.
- Call meeting back to order.
- If final action is to be taken, **must** be preceded by a public recital of (1) the nature of the matter and (2) other information informing the public of the business being conducted.
- (Any final action items must have been already listed on agenda.)

5 ILCS 120/2(e)

Closed Session Minutes

- Minutes of closed session are exempt from disclosure under section 7(1)(l) of FOIA (5 ILCS 140/7(1)(l)) unless the public body votes to make them available.
- Closed session minutes must be reviewed at least twice a year to determine whether the need for confidentiality still exists. 5 ILCS 120/2.06(d)
- New rules specifically allow access to closed session minutes to duly elected or appointed officials of the public body. 5 ILCS 120/2.06(f)

Right to Record Meeting

Section 2.05 of OMA provides **any person** the right to record a meeting, subject only to reasonable rules of the authority holding the meeting. Because OMA specifically provides that meetings may be recorded, a public body would have a steep burden to overcome to show that *any* rule or policy requiring advance notice is reasonable.

See Ill. Att'y Gen. Pub. Acc. Op. No. 16-014, issued December 28, 2016.

Public Comment

"Any person shall be permitted an opportunity to address public officials under the rules established and recorded by the public body."

5 ILCS 120/2.06(g)

Public Comment

Public body must establish rules governing that right. Those rules may generally include:

- Total time for public comment period.
- The amount of time a citizen may speak.
- Prohibition on disruptive behavior.

PAC Review of Rules Governing Public Comment

- May not require speakers to state their home addresses prior to speaking. Ill. Att'y Gen. Pub. Acc. Op. No. 14-009, issued September 4, 2014, at 7.
- May not require intended speakers to provide five days advance written notice to address county board. Ill. Att'y Gen. Pub. Acc. Op. No. 14-012, issued September 30, 2014, at 6.

Frequent OMA Issues

- Late agenda posting
- Final action items not on agenda, or not sufficiently described on agenda.
- Final action taken in closed session.
- Final action taken in open meeting, but public body fails to adequately inform the public of the business being conducted.
- Restrictions on public comment



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MODEL ETHICS ORDINANCE

PREAMBLE

WHEREAS, the Illinois General Assembly has enacted the State Officials and Employees Ethics Act (Public Act 93-615, effective November 19, 2003, as amended by Public Act 93-617, effective December 9, 2003), which is a comprehensive revision of State statutes regulating ethical conduct, political activities and the solicitation and acceptance of gifts by State officials and employees; and

WHEREAS, the Act requires all units of local government and school districts, within six months after the effective date of Public Act 93-615, to adopt ordinances or resolutions regulating the political activities of, and the solicitation and acceptance of gifts by, the officers and employees of such units "in a manner no less restrictive" than the provisions of the Act; and

WHEREAS, it is the clear intention of the Act to require units of local government and school districts to implement regulations that are at least as restrictive as those contained in the Act, and to impose penalties for violations of those regulations that are equivalent to those imposed by the Act, notwithstanding that such penalties may exceed the general authority granted to units of local government to penalize ordinance violations; and

WHEREAS, it is the clear intention of the Act to provide units of local government with all authority necessary to implement its requirements on the local level regardless of any general limitations on the power to define and punish ordinance violations that might otherwise be applicable; and

WHEREAS, because the Act provides for the imposition of significant penalties for violations of said local regulations, it is necessary to adopt the required regulations by Ordinance rather than by Resolution;

NOW, THEREFORE, BE IT ORDAINED BY THE [CORPORATE AUTHORITIES] OF THE [INSERT NAME OF ENTITY], AS FOLLOWS:

SECTION 1: The Code of Ordinances of [*name of entity*] is hereby amended by the addition of the following provisions:

ARTICLE 1

DEFINITIONS

Section 1-1. For purposes of this ordinance, the following terms shall be given these definitions:

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

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

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

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

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

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

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

"Employer" means the [*name of entity*].

"Gift" means any gratuity, discount, entertainment, hospitality, loan, forbearance,

or other tangible or intangible item having monetary value including, but not limited to, cash, food and drink, and honoraria for speaking engagements related to or attributable to government employment or the official position of an officer or employee.

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

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

"Political activity" means any activity in support of or in connection with any campaign for elective office or any political organization, but does not include activities (i) relating to the support or opposition of any executive, legislative, or administrative action, (ii) relating to collective bargaining, or (iii) that are otherwise in furtherance of the person's official duties.

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

"Prohibited political activity" means:

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

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

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

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

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

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

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

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

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

(10) Preparing or reviewing responses to candidate questionnaires.

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

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

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

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

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

"Prohibited source" means any person or entity who:

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

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

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

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

ARTICLE 5

PROHIBITED POLITICAL ACTIVITIES

Section 5-1. Prohibited political activities. (a) No officer or employee shall intentionally perform any prohibited political activity during any compensated time, as defined herein. No officer or employee shall intentionally use any property or resources of the [name of entity] in connection with any prohibited political activity.

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

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

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

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

ARTICLE 10

GIFT BAN

Section 10-1. Gift ban. Except as permitted by this Article, no officer or employee, and no spouse of or immediate family member living with any officer or employee (collectively referred to herein as "recipients"), shall intentionally solicit or accept any gift from any

prohibited source, as defined herein, or which is otherwise prohibited by law or ordinance. No prohibited source shall intentionally offer or make a gift that violates this Section.

Section 10-2. Exceptions. Section 10-1 is not applicable to the following:

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

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

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

(4) Educational materials and missions.

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

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

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

(8) Food or refreshments not exceeding \$75 per person in value on a single calendar day; provided that the food or refreshments are (i) consumed on the premises from which they were purchased or prepared or (ii) catered. For the purposes of this Section, "catered" means food or refreshments that are purchased ready to consume which are delivered by any means.

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

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

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

(12) Any item or items from any one prohibited source during any calendar year having a cumulative total value of less than \$100.

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

Section 10-3. Disposition of gifts. An officer or employee, his or her spouse or an immediate family member living with the officer or employee, does not violate this Ordinance if the recipient promptly takes reasonable action to return a gift from a prohibited source to its source or gives the gift or an amount equal to its value to an appropriate charity that is exempt from income taxation under Section 501 (c)(3) of the Internal Revenue Code of 1986, as now or hereafter amended, renumbered, or succeeded.

ARTICLE 15

ETHICS ADVISOR

Section 15-1. The [*chief executive officer*], with the advice and consent of the [*corporate authorities*] shall designate an Ethics Advisor for the [*name of entity*]. The duties of the Ethics Advisor may be delegated to an officer or employee of the [*name of entity*] unless the position has been created as an office by the [*name of entity*].

Section 15-2. The Ethics Advisor shall provide guidance to the officers and employees of the [*name of entity*] concerning the interpretation of and compliance with the provisions of this Ordinance and State ethics laws. The Ethics Advisor shall perform such other duties as may be delegated by the [*corporate authorities*].

ARTICLE 20

ETHICS COMMISSION

Section 20-1. There is hereby created a commission to be known as the Ethics Commission of [*name of entity*]. The Commission shall be comprised of three members appointed by the [*chief executive officer*] with the advice and consent of the [*corporate authorities*]. No person shall be appointed as a member of the Commission who is related, either by blood or by marriage up to the degree of first cousin, to any elected officer of [*name of entity*]. [*For entities in which officers are elected on a partisan basis, insert the following: No more than two members of the Commission shall belong to the same political party at the time such appointments are made. Party affiliation shall be determined by affidavit of the person appointed.*]

Section 20-2. At the first meeting of the Commission, the initial appointees shall draw lots to determine their initial terms. Two commissioners shall serve 2-year terms, and the third commissioner shall serve a one-year term. Thereafter, all commissioners shall be appointed to 2-year terms. Commissioners may be reappointed to serve subsequent terms.

At the first meeting of the Commission, the commissioners shall choose a chairperson from their number. Meetings shall be held at the call of the chairperson or any 2 commissioners. A quorum shall consist two commissioners, and official action by the commission shall require the affirmative vote of two members.

Section 20-3. The [*chief executive officer*], with the advice and consent of the [*corporate authorities*], may remove a commissioner in case of incompetency, neglect of duty or malfeasance in office after service on the commissioner by certified mail, return receipt requested, of a copy of the written charges against the commissioner and after providing an opportunity to be heard in person or by counsel upon not less than 10 days' notice. Vacancies shall be filled in the same manner as original appointments.

Section 20-4. The Commission shall have the following powers and duties:

(1) To promulgate procedures and rules governing the performance of its duties and the exercise of its powers.

(2) Upon receipt of a signed, notarized, written complaint, to investigate, conduct hearings and deliberations, issue recommendations for disciplinary actions, impose fines in accordance with Section 25-1(c) of this Ordinance and refer violations of Article 5 or Article 10 of this Ordinance to the appropriate attorney for prosecution. The Commission shall, however, act only upon the receipt of a written complaint alleging a violation of this Ordinance and not upon its own prerogative.

(3) To receive information from the public pertaining to its investigations and to require additional information and documents from persons who may have violated the provisions of this Ordinance.

(4) To compel the attendance of witnesses and to compel the production of books and papers pertinent to an investigation. It is the obligation of all officers and employees of the [name of entity] to cooperate with the Commission during the course of its investigations. Failure or refusal to cooperate with requests by the Commission shall constitute grounds for discipline or discharge.

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

Section 20-5. (a) Complaints alleging a violation of this Ordinance shall be filed with the Ethics Commission.

(b) Within 3 business days after the receipt of a complaint, the Commission shall send by certified mail, return receipt requested, a notice to the respondent that a complaint has been filed against him or her and a copy of the complaint. The Commission shall send by certified mail, return receipt requested, a confirmation of the receipt of the complaint to the complainant within 3 business days after receipt by the commission. The notices to the respondent and the complainant shall also advise them of the date, time, and place of the meeting to determine the sufficiency of the complaint and to establish whether probable cause exists to proceed.

(c) Upon not less than 48 hours' public notice, the Commission shall meet to review the sufficiency of the complaint and, if the complaint is deemed sufficient to allege a violation of this Ordinance, to determine whether there is probable cause, based on the evidence presented by the complainant, to proceed. The meeting may be closed to the public to the extent authorized by the Open Meetings Act. The Commission shall issue notice to the complainant and the respondent of the Commission's ruling on the sufficiency of the complaint and, if necessary, on probable cause to proceed within 7 business days after receiving the complaint.

If the complaint is deemed sufficient to allege a violation of Article 10 of this Ordinance and there is a determination of probable cause, then the Commission's notice to the parties shall include a hearing date scheduled within 4 weeks after the complaint's receipt. Alternatively, the Commission may elect to notify in writing the attorney designated by the corporate authorities to prosecute such actions and request that the complaint be adjudicated judicially. If the complaint is deemed not sufficient to allege a violation or if there is no determination of probable cause, then the Commission shall send by certified mail, return receipt requested, a notice to the parties of the decision to dismiss the complaint, and that notice shall be made public.

If the complaint is deemed sufficient to allege a violation of Article 5 of this Ordinance, then the Commission shall notify in writing the attorney designated by the corporate authorities to prosecute such actions and shall transmit to the attorney the complaint and all additional documents in the custody of the Commission concerning the alleged violation.

(d) On the scheduled date and upon at least 48 hours' public notice of the meeting, the Commission shall conduct a hearing on the complaint and shall allow both parties the

opportunity to present testimony and evidence. The hearing may be closed to the public only if authorized by the Open Meetings Act.

(e) Within 30 days after the date the hearing or any recessed hearing is concluded, the Commission shall either (i) dismiss the complaint or (ii) issue a recommendation for discipline to the alleged violator and to the [*chief executive officer or other officer having authority to discipline the officer or employee*], or impose a fine upon the violator, or both. The particular findings in the case, any recommendation for discipline, and any fine imposed shall be a matter of public information.

(f) If the hearing was closed to the public, the respondent may file a written demand for a public hearing on the complaint within 7 business days after the issuance of the recommendation for discipline or imposition of a fine, or both. The filing of the demand shall stay the enforcement of the recommendation or fine. Within 14 days after receiving the demand, the Commission shall conduct a public hearing on the complaint upon at least 48 hours' public notice of the hearing and allow both parties the opportunity to present testimony and evidence. Within 7 days thereafter, the Commission shall publicly issue a final recommendation to the alleged violator and to the [*chief executive officer or other officer having authority to discipline the officer or employee*] or impose a fine upon the violator, or both.

(g) If a complaint is filed during the 60 days preceding the date of any election at which the respondent is a candidate, the Commission shall render its decision as required under subsection (e) within 7 days after the complaint is filed, and during the 7 days preceding that election, the Commission shall render such decision before the date of that election, if possible.

(h) The Commission may fine any person who intentionally violates any provision of Article 10 of this Ordinance in an amount of not less than \$1,001 and not more than \$5,000. The Commission may fine any person who knowingly files a frivolous complaint alleging a violation of this Ordinance in an amount of not less than \$1,001 and not more than \$5,000. The Commission may recommend any appropriate discipline up to and including discharge.

(i) A complaint alleging the violation of this Act must be filed within one year after the alleged violation.

ARTICLE 25

PENALTIES

Section 25-1. Penalties. (a) A person who intentionally violates any provision of Article 5 of this Ordinance may be punished by a term of incarceration in a penal institution other than a penitentiary for a period of not more than 364 days, and may be fined in an amount not to exceed \$2,500.

(b) A person who intentionally violates any provision of Article 10 of this Ordinance is

subject to a fine in an amount of not less than \$1,001 and not more than \$5,000.

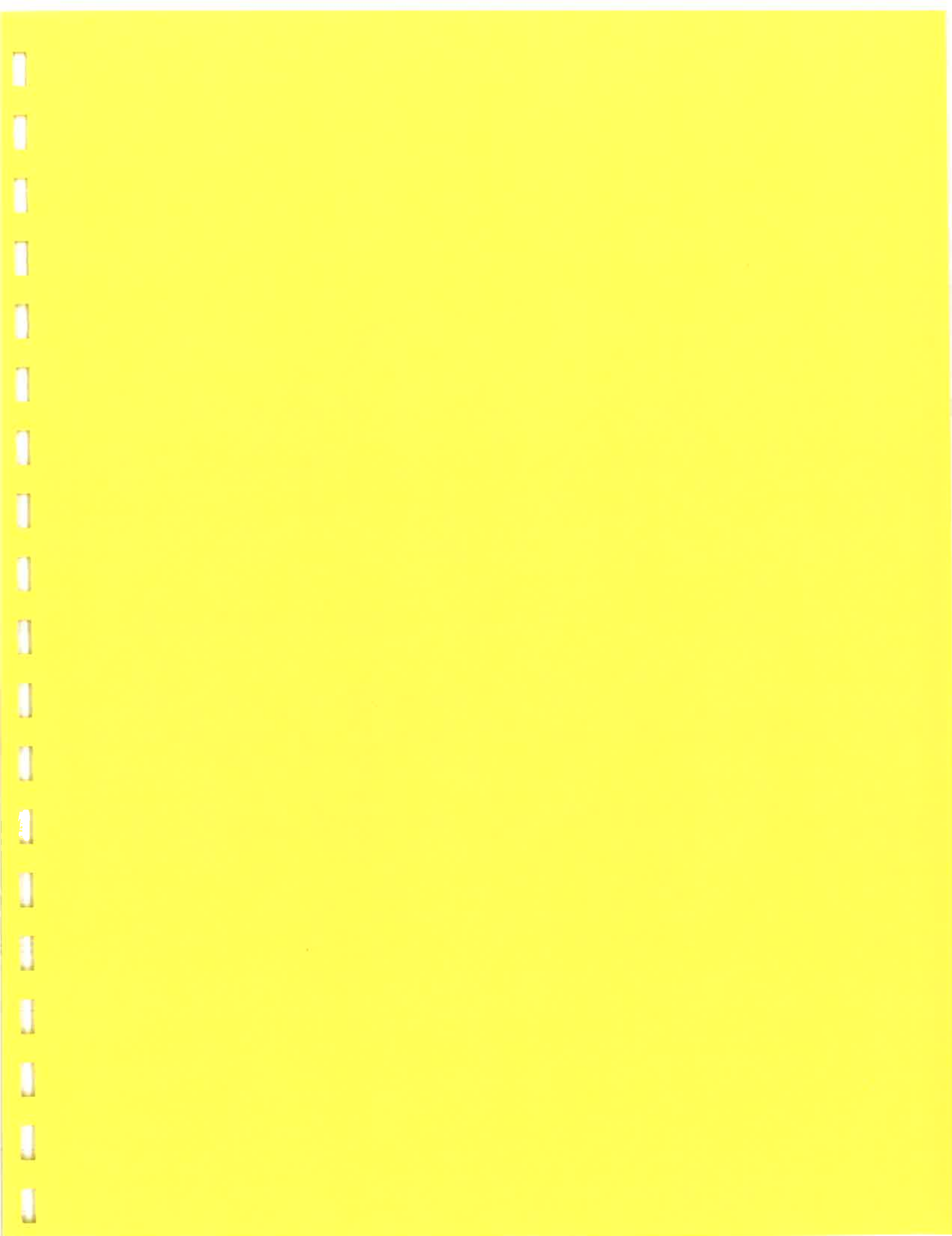
(c) Any person who intentionally makes a false report alleging a violation of any provision of this Ordinance to the local enforcement authorities, the State's Attorney or any other law enforcement official may be punished by a term of incarceration in a penal institution other than a penitentiary for a period of not more than 364 days, and may be fined in an amount not to exceed \$2,500.

(d) A violation of Article 5 of this Ordinance shall be prosecuted as a criminal offense by an attorney for the [*name of entity*] by filing in the circuit court an information, or sworn complaint, charging such offense. The prosecution shall be under and conform to the rules of criminal procedure. Conviction shall require the establishment of the guilt of the defendant beyond a reasonable doubt.

A violation of Article 10 of this Ordinance may be prosecuted as a quasi-criminal offense by an attorney for the [*name of entity*], or, if an Ethics Commission has been created, by the Commission through the designated administrative procedure.

(e) In addition to any other penalty that may be applicable, whether criminal or civil, an officer or employee who intentionally violates any provision of Article 5 or Article 10 of this Ordinance is subject to discipline or discharge.

SECTION 2: This Ordinance shall be in effect upon its passage, approval and publication [*if required*] as provided by law.





A GUIDE TO THE IMPLEMENTATION OF THE MODEL ETHICS ORDINANCE

Introduction:

In late 2003, the Illinois General Assembly passed sweeping ethics reform legislation. The **State Officials and Employees Ethics Act** was enacted by Public Act 93-615, effective November 19, 2003. Significant amendments were made to the Act by Public Act 93-617, effective December 9, 2003. The Act, as amended, is a comprehensive revision of State statutes regulating ethical conduct, political activities and the making and acceptance of gifts. The Act also creates an enforcement structure to ensure compliance with the ethics laws. The provisions of the Act are applicable only to officers and employees of the Executive and Legislative branches of State government; however, the Act requires all units of local government and school districts (collectively referred to as "Governmental Entities" in the Act) to adopt ordinances or resolutions regulating political activities and the making and accepting of gifts "in a manner no less restrictive" than the provisions of the Act. Such ordinances or resolutions are to be adopted within six months of the effective date of Public Act 93-615, or by May 19, 2004. The Act also provides that the Attorney General shall develop model ordinances and resolutions to assist Governmental Entities in complying with the requirements of the new law. This Model Ordinance, drafted with significant input from local governmental organizations, is designed to assist these entities in providing clear, comprehensive and enforceable ethics regulations.

The process of drafting a universal ordinance in Illinois is complicated by the significant differences in the powers delegated to Governmental Entities. General purpose units of local government, such as counties and municipalities (and particularly home rule units), exercise relatively extensive powers with respect to their government and affairs, while the powers of single purpose special districts are much more limited. With respect to the implementation of the provisions of the State Officials and Employees Ethics Act, however, no distinction has been made between general and special purpose units. The Act clearly requires all units of local government and school districts to adopt and enforce equivalent restrictions on the ethical conduct of their officers and employees. The differences in the extent of the powers delegated to Governmental Entities is particularly significant with respect to enforcement issues, which will be discussed below.

Overview of the Act as it relates to local government and school districts:

Although the Act covers a wide variety of conduct relative to State officers and employees, the affirmative requirements of the Act are more limited with respect to Governmental Entities. Specifically, section 70-5 of the Act (to be codified at 5 ILCS 430/70-5) provides that:

Within 6 months after the effective date of this Act, each governmental entity shall adopt an ordinance or resolution that regulates, in a manner no less restrictive than Section 5-15 [entitled "prohibited political activities"] and Article 10 [entitled "gift ban"] of this Act, (i) the political activities of officers and employees of the governmental entity and (ii) the soliciting and accepting of gifts by and the offering and making of gifts to officers and employees of the governmental entity.

The scope of the ordinance or resolution implementing these provisions, therefore, is specifically required to address these aspects of the Act. As a result, this Model Ordinance is drafted to assist Governmental Entities in meeting the requirements mandated by the Act. Any Governmental Entity, may, of course, adopt additional ethics regulations suitable to its purposes that are otherwise within the power of the entity to enact. We recommend that all governing bodies review the entire text of the Act to determine whether any of its other provisions may be suitable for adoption by the entity.

Although section 70-5 of the Act refers to adoption by ordinance or resolution, it appears that an ordinance is the only appropriate means to implement these regulations. Ordinarily, an ordinance prescribes a permanent rule of conduct or government, while a resolution is of a special or temporary nature. *People v. Kapp*, 355 Ill. 596, 600 (1934). Because the Act requires adoption of permanent regulations governing conduct, they should be embodied in an ordinance.

Article 1 of the Model Ordinance contains definitions applicable to its provisions. These definitions are essentially those contained in the Act, with modifications, as necessary, to reflect local governmental structure.

Article 5 of the Model Ordinance, which is adapted from section 5-15 of the Act (to be codified at 5 ILCS 430/15-5), sets out prohibitions upon political activities by officers and employees of Governmental Entities.

Article 10 of the Model Ordinance implements article 10 of the Act (to be codified at 5 ILCS 430/10-10 *et seq.*) and regulates the offering, soliciting, making or accepting of gifts by officers and employees of, and persons whose interests are or may be affected by, Governmental Entities.

Article 15 of the Model Ordinance provides for the designation of an Ethics Advisor for each Governmental Entity. The designation of an Ethics Advisor is not required by the Act, but is strongly recommended for the effective administration of the Ordinance's provisions.

Article 20 of the Model Ordinance provides for the creation of an Ethics Commission to aid in enforcing the Ordinance. Although the creation of an Ethics Commission is not expressly required by the Act, it is strongly recommended to provide an efficient and effective procedure for addressing certain ethics complaints without the need for judicial proceedings. Although the Ordinance provides for a three-person commission, the size of the commission may

be increased to meet the needs of the entity.

Article 25 of the Model Ordinance sets out the penalties for violations of the provisions of the Ordinance. It may be noted that the severity of these penalties exceeds that which units of local government are ordinarily authorized to impose for ordinance violations. The Act, however, expressly requires that a Governmental Entity's regulations be "no less restrictive" than those of the Act. To provide a lesser penalty for comparable conduct would clearly result in the provisions of the Ordinance being less restrictive than those of the Act.

Who is included?

The provisions of the Model Ordinance are applicable to all officers and employees of the Governmental Entity, including the members of the governing body. It is not applicable to independent contractors, who are a class distinct from employees. Whether the Model Ordinance will be applicable to members of advisory bodies of the Governmental Entity will depend upon whether their positions are public offices. *See* Ill. Att'y Gen. Op. No. 03-006, issued August 18, 2003.

With respect to counties, neither the State's Attorney nor the Circuit Clerk will be subject to the provisions of the Model Ordinance. These officers are State, not county, officers. The exemption of those officers will generally extend to their staffs, as well.

Application to officers and employees without defined hours:

In general, both the Act and the Model Ordinance prohibit officers and employees from engaging in political activities on "compensated time." It is fairly simple to determine what constitutes compensated time for an employee with fixed working hours. It is more problematic for an officer or employee who is salaried and does not have obligatory hours of attendance. For such officers and employees, the Model Ordinance defines "compensated time" to include both time when he or she is physically present on premises under the control of the Governmental Entity and any other time and place when engaged in his or her official duties.

Suggestions for implementation of the Ordinance:

A Governmental Entity can comply with the basic requirements of the Act by adopting Articles 1, 5, 10 and 25 of the Model Ordinance. These include the substantive provisions of the Act that are specifically required to be incorporated, together with necessary definitions and penalties. The Act does not, however, specify how the provisions of local ordinances are to be enforced. It is strongly recommended, therefore, that Governmental Entities also adopt Articles 15 and 20 of the Model Ordinance, which, although not expressly required by the Act, provide an enforcement mechanism that will otherwise be lacking. The enforcement procedures specified by the Act for State officers and employees are not required to be incorporated into local ordinances, but they are critical to ensuring compliance with the ethics laws. may not be

particularly well suited for the operations of many smaller units of local government. The alternative to creating an administrative procedure for handling at least some complaints will be to litigate all complaints through judicial proceedings, a costly and time consuming process.

Because it is vital that officers and employees understand the ethics laws, Article 15 of the Model Ordinance provides for the designation of an Ethics Advisor to whom officers and employees can address questions or concerns regarding compliance with its provisions, as well as other ethics matters, such as filing Statements of Economic Interest, where required. The duties of the Ethics Advisor may be assigned to an existing officer or employee, or a position may be created for that purpose. Article 15 specifically provides, however, that the Ethics Advisor is not an officer of the Governmental Entity unless the position is created as an office. Although the designation of an Ethics Advisor is not required by the Act, it is critical that officers and employees have a resource to whom they can turn when ethics questions arise.

Article 20 of the Model Ordinance provides for the creation of an Ethics Commission with the power to review and adjudicate, or refer for adjudication, complaints that allege violations of the Ordinance. Many units of local government created such a commission in conjunction with the implementation of the now-repealed State Gift Ban Act. But a common concern expressed by units of local government was that such commissions were too large and unwieldy for most Governmental Entities. Accordingly, Article 20 provides for a relatively small (3 person) commission with the authority to review and act upon complaints arising under Article 10 of the Model Ordinance [Gift Ban], and also to review and forward for prosecution complaints arising under Article 5 of the Ordinance [Prohibited Political Activities]. The Commission may impose fines and recommend discipline for violations of Article 10, or may refer complaints to the designated attorney for judicial proceedings. Because violations of Article 5 of the Model Ordinance carry the possibility of incarceration, they must be adjudicated judicially, although the Commission may review complaints alleging violations of Article 5 to determine whether probable cause exists to warrant prosecution.

In the absence of an Ethics Commission, all complaints for violations of Articles 5 and 10 of the Model Ordinance must be referred to an attorney representing the entity for review and prosecution. Under the Act, a violation of the Prohibited Political Activities sections is defined as a Class A misdemeanor, which carries a jail sentence of up to one year in a penal institution other than a penitentiary, and a fine of up to \$2,500. A violation of the Gift Ban provisions is classified as a business offense for which a fine of not less than \$1,001 and not more than \$5,000 may be imposed. Significantly, the Act does not provide that a violation of a local ethics ordinance is a misdemeanor; rather, the Act provides only that the local regulations must be "no less restrictive" than the provisions of the Act. Thus, the local ordinance must impose equivalent penalties for violations of equivalent prohibitions; a lesser penalty would clearly be "less restrictive" than the provisions of the Act.

The power to adopt penal ordinances and the penalties that may be imposed are generally dependent upon a grant of authority from the General Assembly. (Home rule units do have power under the Constitution to adopt penal ordinances, but the maximum punishment that may

be imposed is six months imprisonment, except to the extent that the General Assembly may otherwise authorize.) Although the Act does not specifically state that its provisions constitute a grant of authority from the General Assembly to units of local government and school districts to impose penalties in the amounts set out by law, it must necessarily be interpreted as just that. A Governmental Entity which does not have the power to enact penal ordinances or to impose fines consistent with those of the Act could not adopt regulations "no less restrictive" than those of the Act. Consequently, it is clear that the Act is intended to provide Governmental Entities with all of the power necessary to effectuate the General Assembly's purposes. *See* Opinion No. 99-007, issued June 30, 1999, at pp. 15-18, which interpreted similar provisions of the former State Gift Ban Act.

Because the Act does not provide that a violation of a local ethics ordinance is a misdemeanor or business offense, violations must be treated as ordinance violations and handled accordingly. It will be the responsibility of the Ethics Commission (if established) or the attorney designated by the Governmental Entity to represent it in such matters to prosecute the matter administratively or judicially, as may be appropriate. Except with respect to county ordinances, the State's Attorney will not be obligated to prosecute local ordinance violations unless pursuant to an agreement between the entity and the State's Attorney. *See* Opinion No. 99-007, at p. 23.

Enforcement Issues:

Ordinance violations are generally prosecuted as quasi-criminal proceedings, which means that many of the protections of the criminal justice system are not applicable. Where no jail sentence may be imposed, an administrative or quasi-criminal procedure that affords due process will ordinarily be acceptable. In the case of a violation that carries a sentence of incarceration, however, the safeguards of the criminal justice system must be observed. Accordingly, the Model Ordinance provides that a violation of Article 10 may be adjudicated either by the Ethics Commission (if established) or by a quasi-criminal prosecution in the circuit court. Because a jail sentence may be imposed, a violation of Article 5 of the Model Ordinance must be prosecuted in the circuit court under the rules of criminal procedure.

The Model Ordinance also provides that discipline up to discharge may be imposed upon a person who violates its provisions, and that discipline is in addition to any other penalty imposed. With respect to employees, procedures will usually be in place which will govern disciplinary matters. With respect to officers, however, there may be no person or entity with authority to impose discipline. For example, elected county officers, such as the sheriff or county clerk, are not subordinate to any other officer. The same is true of many other elected officers of various Governmental Entities. The Act does not set out procedures for discipline; it only provides that discipline may be imposed. Therefore, each Governmental Entity must look to its own structure and internal procedures to determine whether and when the imposition of discipline is authorized. The Act does not constitute a grant of authority to impose discipline except where discipline is otherwise authorized.

Conclusion:

Comprehensive and clear ethics laws are vital to protecting public funds and ensuring public confidence in government. The State Officials and Employees Ethics Act sets forth definitive ethics rules for State officers and employees and requires that local governments and school districts also enact strong regulations. The manner in which each unit of local government and school district elects to implement the requirements of the State Officials and Employees Ethics Act is ultimately a matter for its governing body to determine. This Model Ordinance has been developed to assist local governments in implementing effective ethics regulations and enforcement provisions suitable to their needs, while incorporating those aspects of the Act that are clearly mandatory.

Acknowledgments:

The assistance of the following representatives and the members of their organizations who have contributed to the drafting of the Model Ordinance is gratefully acknowledged: John Dunn and Bill Luking, City of Chicago; Jim Donelan, Township Officials of Illinois; Don Hays, State's Attorneys Appellate Prosecutor's Office; Roger Huebner, Illinois Municipal League; Mike McCreery, United Counties Council of Illinois; Peter Murphy, Illinois Association of Park Districts; and Melinda Selbee, Illinois Association of School Districts.

For further information:

If you have questions with respect to the provisions of the Model Ordinance or their implementation, you may contact:

Michael J. Luke
Chief, Public Access and Opinions Division
Office of the Attorney General
500 South Second Street
Springfield, Illinois 62706
(217) 782-9070
E-mail: MEO@atg.state.il.us



Jesse White
Illinois Secretary of State
Illinois State Archives
Records Management Division

**Managing Your Records
& the Local Records Act:
A Quick Guide for
Disposing of Local Records**

2019

The Local Records Act (50 ILCS 205) regulates the preservation or disposal of the public records of all units of local government in Illinois. The law's purpose is to provide a mechanism for the retention of those records that are necessary for the proper functioning of government, the destruction of obsolete and valueless records, and the archival preservation of those records that have long-term research values but are not necessary for the routine operations of local government. By disposing of obsolete records and by preserving archival materials, valuable storage space can be freed for the ever-increasing quantities of current records, which are vital for the daily business of local officials.

Records management legislation is designed to promote efficiency and economy in the recordkeeping practices of local government. In Illinois, no public record may be disposed of without the approval of the appropriate records commission. The Records Management Section of the Illinois State Archives is responsible for assisting state and local government agencies with the disposal of records.

What is a public record under the "Local Records Act"?

"Public record" means any book, paper, map, photograph, digitized electronic material or other official documentary material, regardless of physical form or characteristics, made, produced, executed or received by any agency or officer pursuant to law or in connection with the transaction of public business and preserved or appropriate for preservation by such agency or officer, or any successor thereof, as evidence of the organization, function, policies, decisions, procedures, or other activities thereof, or because of the informational data contained therein.

Library and museum material made or acquired and preserved solely for reference or exhibition purposes, extra copies of documents preserved only for convenience of reference, and stocks of publications and of processed documents are not included within the definition of public record.
(Source: P.A. 89-272, eff. 8-10-95.)

Are faxes, videos, emails and instant messages, etc. records?

When the information contained in the fax, email or instant message or the information recorded on the DVD, CD, video or cassette tape fits the definition above, it is a public record subject to the provisions of the "Local Records Act" regardless of the media the data is maintained in.

Records are no longer maintained just on paper or microfilm. Data can be stored on many types of media including cassette tapes, magnetic tapes, floppy disks, hard-drives, CDs, DVDs, etc.

Effective Jan. 1, 2001, the Local Records Act (50 ILCS 205) was amended to allow Local Government agencies to reproduce existing public records in a digitized electronic format with the intent to dispose of the original records. This practice is only allowable if the electronic records are reproduced on a "durable medium that accurately and legibly reproduces the original record in all details," and "that does not permit additions, deletions, or changes to the original document images."

The digital records must be stored in an electronic records management system (ERIM) that is in compliance with Illinois Administrative Code Title 44 Part 4000.80 i. This is to ensure that the digital records are "retained in a trustworthy manner so that the records, and the information contained in the records, are accessible and usable for subsequent reference at all times while the information must be retained [life-cycle]."

Each agency is also under the obligation to file a Records Disposal Certificate with the appropriate Local Records Commission before any original record may be disposed of and before the reproduced digital record is disposed of.

How to legally dispose of records:

1. Each agency must have an Application for Authority to Dispose of Local Records (APP) approved by the appropriate Local Records Commission before submitting a Disposal Certificate for any record. Please contact your Local Records Field Representative if you do not have an APP. They will prepare an APP for your agency and there is no charge for this assistance. (See sample application in this document.)
2. After the APP has been approved by the Local Records Commission, it will become your agency's Records Retention Schedule and determines the lifecycle of your records.
3. You are now able to dispose of records after the minimum retention period listed for each record series is met, provided no litigation is pending or anticipated and providing all audit requirements (local, state, and federal) have been met and after you have submitted and received an approved Local Records Disposal Certificate from the appropriate Local Records Commission. Please contact your Local Records Field Representative if you need assistance preparing a Disposal Certificate.
4. Disposal Certificates must be submitted to the Local Records Commission authorizing the destruction at least 60 days before the date the agency wishes to dispose of the records. Wait until the Disposal Certificate is in hand before scheduling the destruction of records.
5. REMEMBER: Tampering with public records is covered under 720 ILCS 5/32-8. A person who knowingly and without lawful authority alters, destroys, defaces, removes or conceals any public record commits a Class 4 felony. (Source: Public Act 77-2638.)
6. If you intend to microfilm or digitize any records, the Local Records Commission has established standards/rules for microfilming, digitizing and digital storage. Copies of the standards may be printed out from our webpage. If you do not have access to the internet and need copies of the regulations, please call our office at 217-782-7075 and ask to have copies mailed to your office.
7. If you need assistance with any of these processes please call our office at 217-782-1080 and ask to have an appointment scheduled with a Local Records Field Representative.

Sample Application for Authority to Dispose of Local Records Retention Schedule

Inquiries and Applications to:

Local Records Unit
 Illinois State Archives
 Margaret Cross Norton Building
 Springfield, IL 62756
 (217)782-7075

APPLICATION FOR AUTHORITY TO DISPOSE OF LOCAL RECORDS

Application No. 15:008

Page 1 of 3

COUNTY Will	CITY Shorewood	ZIP 60404	LOCAL RECORDS COMMISSION APPROVAL
AGENCY Troy Township			<hr/> <i>Paul C. Schmitz</i> CHAIRMAN
ADDRESS 25448 Seil Road			
PHONE (815) 744-1968			
I hereby request authority to dispose of local government records according to the schedule below. I certify that any microfilm or digitized copies will be made in accordance with standards of the Local Records Commission and will be adequate substitutes for the original records.			
<hr/> <i>Kristin Dawn Cross</i> Signature of Agency Head		<hr/> <i>December 9, 2014</i> Date	<hr/> <i>David Joens</i> DIRECTOR, STATE ARCHIVES
<hr/> Kristin Dawn Cross			<hr/> <i>January 6, 2015</i> DATE

RECORDS LISTED ON THIS APPLICATION MAY BE DISPOSED OF:

- AFTER THEIR INDIVIDUAL RETENTION PERIOD IS COMPLETE,
- IF THEY ARE CORRECTLY LISTED ON A RECORDS DISPOSAL CERTIFICATE SUBMITTED TO AND APPROVED BY THE LOCAL RECORDS COMMISSION SIXTY (60) DAYS PRIOR TO DISPOSAL,
- PROVIDING ANY LOCAL, STATE, AND FEDERAL AUDIT REQUIREMENTS HAVE BEEN MET,
- AS LONG AS THEY ARE NOT NEEDED FOR ANY LITIGATION EITHER PENDING OR ANTICIPATED.

THIS RECORDS RETENTION SCHEDULE DOES NOT RELIEVE LOCAL GOVERNMENTS OF RETENTION REQUIREMENTS MANDATED BY OTHER STATE AND FEDERAL STATUTES AND/OR REGULATIONS. WHEN SUCH AN OBLIGATION DOES EXIST, THEN THE LONGER RETENTION PERIOD TAKES PRECEDENCE.

DISPOSAL OF RECORDS AFTER MICROFILMING OR DIGITIZING MUST BE NOTED ON THE RECORDS DISPOSAL CERTIFICATE.

THIS APPLICATION AND ANY RELATED RECORDS DISPOSAL CERTIFICATES
 ARE TO BE RETAINED PERMANENTLY.

This application supersedes application 94:168.

**Sample Application for Authority to Dispose of Local Records
Retention Schedule**

**APPLICATION FOR AUTHORITY TO
DISPOSE OF LOCAL RECORDS**

Application No. 15:008

Page 2 of 3

(CONTINUATION SHEET)

CLERK, SUPERVISOR, ADMINISTRATION, SENIORS AND AGENCY WIDE RECORDS

100. APPLICATIONS FOR AUTHORITY TO DISPOSE OF LOCAL RECORDS AND
LOCAL RECORDS DISPOSAL CERTIFICATES
- Dates: 1994-
Volume: Negligible
Annual Accumulation: Negligible
Arrangement: Chronological
- Recommendation: Retain permanently.
101. ACCIDENT, INCIDENT AND INJURY REPORTS
- Dates: 1994-
Volume: Negligible
Annual Accumulation: Negligible
Arrangement: Chronological
- Recommendation: Retain for seven (7) years, then dispose
of.
102. ADMINISTRATIVE CORRESPONDENCE AND MISCELLANEOUS CORRESPONDENCE
INCLUDING EMAIL CLASSIFIED AS GENERAL CORRESPONDENCE AND NOT
RELATED TO ANOTHER RECORDS SERIES
- Dates: 1867-
Volume: 65 Cu. Ft.
Annual Accumulation: 5 Cu. Ft.
Arrangement: Chronological/Alphabetical
- Recommendation: Retain for one (1) year then dispose of
records no longer possessing any further
administrative, fiscal, legal, and/or
historical value.
103. ACCOUNTS PAYABLE AND RECEIVABLE RECORDS
- Dates: 1876-
Volume: 125 Cu. Ft.
Annual Accumulation: 4 Cu. Ft.
Arrangement: Chronological
- Recommendation: Retain daily, weekly and monthly reports
for two (2) years, then dispose of.
Retain annual reports for seven (7) years,
then dispose of.

**Sample Application for Authority to Dispose of Local Records
Retention Schedule**

**APPLICATION FOR AUTHORITY TO
DISPOSE OF LOCAL RECORDS**

Application No. 15:008

Page 3 of 3

(CONTINUATION SHEET)

104. ANNEXATIONS, DEDICATIONS, VACATION, EASEMENT, RIGHT OF WAY, SUBDIVISIONS, COVENANTS, QUIT CLAIM DEEDS, LAND ACQUISITION RECORDS
- Dates: 1850-
Volume: 8 Cu. Ft.
Annual Accumulation: Negligible
Arrangement: Chronological
- Recommendation: Retain permanently.
105. ANNUAL BUDGET AND APPROPRIATION ORDINANCES
- Dates: 1945-
Volume: ¼ Cu. Ft.
Annual Accumulation: Negligible
Arrangement: Chronological
- Recommendation: Retain for seven (7) years, then dispose of.
106. ANNUAL TOWNSHIP REPORTS
- Dates: 1959-
Volume: 1 Cu. Ft.
Annual Accumulation: Negligible
Arrangement: Chronological
- Recommendation: Retain for seven (7) years, then dispose of.

Local Records Disposal Certificate

A *Disposal Certificate* and *Continuation Sheet* must be filed with and approved by the Local Records Commission before any records may be destroyed. This form is available at the Archives website, under State and Local Records Management: (https://www.cyberdriveillinois.com/departments/archives/records_management/lrmdisp.html). Both forms can be downloaded from this site to fill out online, or be printed and then typed.

Instructions for Completing a *Disposal Certificate* for Local Records:

- **Application Number**
On the line in the upper right-hand corner of the form, enter the record application number from the *Application for Authority to Dispose of Local Records*, which lists the records to be disposed of.
- **County**
Enter the name of county.
- **From**
Enter the agency and division.
- **Address**
Enter the address of the agency.
- **Telephone Number and Email Address**
Enter the telephone number or email address of the agency's contact person.
- **Item Number from Application**
Enter the item number from the *Application for Authority to Dispose of Local Records* for each individual item to be disposed of.
- **Record Series Title**
Enter the title of each record series to be disposed of.
- **Inclusive Dates**
List the beginning and ending date span for each record series to be disposed of.
- **Volume of Records to be Destroyed**
If the records are paper, list the volume to be disposed of in cubic feet; if the records are digital, list the volume in kilobytes, megabytes, gigabytes and so on.
 - **Total Volume of Records Destroyed** Enter
the total volume of records for the entire Disposal Certificate.
- **Disposal Date**
Enter the date on or after which the records will be disposed of.

At the bottom of the form, the person requesting disposal will sign and date the Disposal Certificate. Make sure to indicate the title of the person requesting disposal and print the person's name below the signature. Agencies planning to microfilm/digitize and dispose of paper records must also sign the microfilm certification statement on the bottom left portion of the *Disposal Certificate*.

Send the *Disposal Certificate* to the Local Records Commission, Illinois State Archives, 60 days prior to the disposal date to ensure enough time for processing. Retain a copy for your file until an approved copy is returned to your agency. Completed Disposal Certificates can also be scanned and emailed to recordsmgt@ilsos.net. Put "Local Disposal Certificate" in the email subject line.

Do not dispose of materials until the approved copy of the *Disposal Certificate* is returned to your agency in compliance with Title 44 Illinois Administrative Code Section 4000.40(b) of the rules of the Downstate Local Records Commission and Title 44 Illinois Administrative Code Section 4500.40(b) of the rules of the Cook County Local Records Commission.

Sample Disposal Certificate

RECORDS DISPOSAL CERTIFICATE

TO: Local Records Commission
Margaret Cross Norton Building
Springfield, IL 62756
217-782-7075

Directions:

1. Fill in all blanks and columns.
2. Application item numbers must be listed in numerical order.
3. Record series titles must be listed as they appear on application.
4. Sign and send certificate to above address sixty (60) days prior to disposal date.
5. Retain records until approved copy is returned.
6. This form can be found online at <http://www.cyberdriveillinois.com/>.

APPLICATION #: 15.008

COUNTY: WILL

FROM: Troy Township

ADDRESS: 25448 Seil Road
(Street, P.O. Box)
Shorewood, IL 60404
(City, ZIP Code)

CONTACT TELEPHONE: (815) 744-1968

CONTACT EMAIL: _____

APPLICATION ITEM NO.	RECORD SERIES TITLE	INCLUSIVE DATES (MONTH/YEAR)	VOLUME OF RECORDS (Cu. Ft. or MB/GB)
101	Accident, Incident and Injury Reports	1994-2007	Neg.
103	Accounts Payable and Receivable Records	1900-2007	100 cu. ft.
106	Annual Township Reports	1959-2007	1 cu. ft.
<p><i>Please list each record series in numeric order by the item number from your Application. Do not list any record series on the Disposal Certificate which have not been approved for disposal by the Local Records Commission. If you have records to dispose of which are not listed on your Application then please call our office and request that a field representative add the items to your Application. In some instances it may be necessary to do a new inventory.</i></p>			
			Total Volume from all pages Cu. Ft. <u>101</u> MB/GB _____

If any of the above records are microfilmed, I hereby certify that they have been reproduced in compliance with standards given in Sections 4000.50 and 4500.50 of the Regulations of the Local Records Commissions.

If the records are digitized, I certify that they have been reproduced in compliance with standards given in Sections 4000.70 / 4500.70 and will be maintained in compliance with standards given in Sections 4000.80 / 4500.80 of the Regulations of the Local Records Commissions.

(Signature required only if records have been microfilmed or digitized)

I hereby certify that, in compliance with authorization received from the Local Records Commission, the records listed above will be disposed of on or after:

May 1, 2015

Date May 1, 2015 Approved by ILSOS
Kristen Dawn Cross 03/01/15
Signature Date

Kristen Dawn Cross, Township Clerk
Print name and title on line above

Prepared by: Kristen Dawn Cross

Computing Volume of Records to be Disposed

1 Full letter size drawer	1.5 cu. ft.
1 Full legal size drawer	2.0 cu. ft.
1 Full lateral file size drawer or banker box	2.5 cu. ft.
Less than .25 cu. ft.....	Neg.
Copy paper carton	ca. 1 cu. ft.
Approximately 2,500 sheets of paper	1 cu. ft.

To determine the size of an electronic file, right click on the file name and then left click on properties to determine the KB, MB, GB, or TB.

Computing Retention Periods for Disposal Certificates

In accordance with the Illinois Administrative Code, Section 4000.40, please submit Disposal Certificates at least 60 days in advance of when you intend to dispose of the records.

In 2019, you may submit a Disposal Certificate to dispose of records listed on your *Application for Authority to Dispose of Local Records* for the following calendar years.

If the Retention Period is:	Note	Latest Date of Records
1 year	You May Dispose of Records Dated December 2017 or earlier	2017
2 years	You May Dispose of Records Dated December 2016 or earlier	2016
3 years	You May Dispose of Records Dated December 2015 or earlier	2015
4 years	You May Dispose of Records Dated December 2014 or earlier	2014
5 years	You May Dispose of Records Dated December 2013 or earlier	2013
6 years	You May Dispose of Records Dated December 2012 or earlier	2012
7 years	You May Dispose of Records Dated December 2011 or earlier	2011
8 years	You May Dispose of Records Dated December 2010 or earlier	2010
9 years	You May Dispose of Records Dated December 2009 or earlier	2009
10 years	You May Dispose of Records Dated December 2008 or earlier	2008
11 years	You May Dispose of Records Dated December 2007 or earlier	2007
12 years	You May Dispose of Records Dated December 2006 or earlier	2006
13 years	You May Dispose of Records Dated December 2005 or earlier	2005
14 years	You May Dispose of Records Dated December 2004 or earlier	2004
15 years	You May Dispose of Records Dated December 2003 or earlier	2003
60 years	Student Permanent Records: Year Student Graduated, Withdrew from District, or Transferred	1958
22 Months	You May Dispose of Federal Election Records Dated November 2018	On or after September 30, 2020

The above are sample retention periods. Your *application* may contain retention periods longer than 15 years, which you may compute accordingly.

If you need assistance, please call (217) 782-1080.

VISITING THE SECRETARY OF STATE WEBSITE

<http://cyberdriveillinois.com>



Portions of this site will be down for scheduled maintenance on Sunday, November 18, 2018 beginning at 2 a.m. for approximately 4 - 5 hours.



License Plates News
Email Renewal
[Sign up](#) to receive your license plates sticker renewal via email.
New License Plates Design
[Passenger license plates replacement program.](#)



Secure DL
Security Upgrades to Driver's License/ID Card Design.
[Check the status of your Driver's License](#)

[Learn more](#)



This Project creates a permanent record of Illinois war veterans and civilians who served our state and country during war.

[Learn More](#)

Online Services	
Address Change	License Plates Renewal
Apply for Title and Registration	License Plate Replacement Program
Articles of Incorporation	LLC Articles of Organization
Benefit Access Refund	Lobbyist Activities
CDL Appointment	Mandatory Insurance Verification
Dealer Licensing Renewal	Mileage Reporting
Disability Parking Placard Renewal	Pick-a-Plate
Driver's Education Course Completion Check	Print Your Registration Renewal Notice
Driver's License Status	Refund Request
Driver's License Reinstatement	Returned Check Payments
Emergency Contact Database	Safe Driver Renewal
Facility Finder	UCC Filing
International Registration Plan Renewal	More Online Services

Click on Departments (located at the top of the page), Illinois State Archives, State and Local Records Management.

Or, under "Quick Links" (located at the bottom of the page), click on Illinois State Archives, State and Local Records Management.

Below is a list of resources currently available to assist local agencies with their records.

ILLINOIS STATE ARCHIVES

State and Local Government Records Management Programs

The Records Management Section of the Illinois State Archives is responsible for assisting state and local government agencies with the disposal of records. In Illinois, no public record may be disposed of without the approval of the appropriate records commission.

For information about the procedures to dispose of local government records call 217-782-7075 or 217-782-7076. You may also contact our office through mail, fax, or email.

Records Management Section
Illinois State Archives
Springfield, Illinois 62756
217-557-1928 (fax)

Illinois State Archives Contact Form: http://www.ilsos.gov/ContactFormsWeb/isa_contact.jsp. (Choose Records Management as the subject.)

Local Records Management Services — Local Government Agencies

- Cook County Local Records Commission Meetings
http://www.cyberdriveillinois.com/departments/archives/records_management/lrc_cook_county_meeting_schedule.html
- Cook County Local Records Commission Rules (44 Ill Admin Code Title PART 4500):
<http://www.ilga.gov/commission/jcar/admincode/044/04404500sections.html>
- Destruction of Public Records Penalty (720 ILCS 5/32-8)
<http://www.ilga.gov/legislation/ilcs/ilcs4.asp?DocName=072000050HArt%2E+32&ActID=1876&ChapterID=53&SeqStart=74000000&SeqEnd=77100000>
- Downstate Local Records Commission Meetings
http://www.cyberdriveillinois.com/departments/archives/records_management/lrc_downstate_meeting_schedule.html
- Government Records Law and Social Media – Guidance for Illinois Government Agencies
http://www.cyberdriveillinois.com/publications/pdf_publications/ard155.pdf
- Reliable Storage Media for Electronic Records – A Guide for Government Agencies
http://www.cyberdriveillinois.com/publications/pdf_publications/ard153.pdf
- Sustainable File Formats for Electronic Records
http://www.cyberdriveillinois.com/publications/pdf_publications/ard156.pdf
- Illinois School Student Records Act (105 ILCS 10)
<http://www.ilga.gov/legislation/ilcs/ilcs3.asp?ActID=1006&ChapAct=105%20ILCS%2010/&ChapterID=17&ChapterName=SCHOOLS&ActName=Illinois+School+Student+Records+Act>
- Local Records Act (50 ILCS ACT 205)
<http://www.ilga.gov/legislation/ilcs/ilcs3.asp?ActID=699&ChapAct=50%20ILCS%20205/&ChapterID=11&ChapterName=LOCAL+GOVERNMENT&ActName=Local+Records+Act>
- Local Records Disposal Certificate
http://www.cyberdriveillinois.com/departments/archives/records_management/lrmdisp.html
- Rules of the Downstate Local Records Commission (44 Ill Admin Code Title PART 4000)
<http://www.ilga.gov/commission/jcar/admincode/044/04404000sections.html>

Contact Information

Records Archivists – Local Records

Steve Colaizzi – (Boone, Cook (northwestern), DeKalb, DuPage, Kane, Kendall (northern), Lake, McHenry County, and Will (northern))
630-293-5734
scolaizzi@ilsos.net

Sarah Harris (east-central Illinois)
217-282-3001
sharris@ilsos.net

Deneena Norton (City of Chicago, Cook (south-eastern))
312-814-4445
dnorton1@ilsos.net

Dave Wooten (north-western Illinois)
309-796-1219
dwooten@ilsos.net

Sandy Lucas (south-central Illinois)
217-558-7219
slucas@ilsos.net

Mike Hall (southern Illinois)
618-327-8464
mhall@ilsos.net

At the Archives

Robert C. Boots, CRM, Chief Deputy Director
Records Management (State and Local) Section Manager
217-782-1082
rboots@ilsos.net

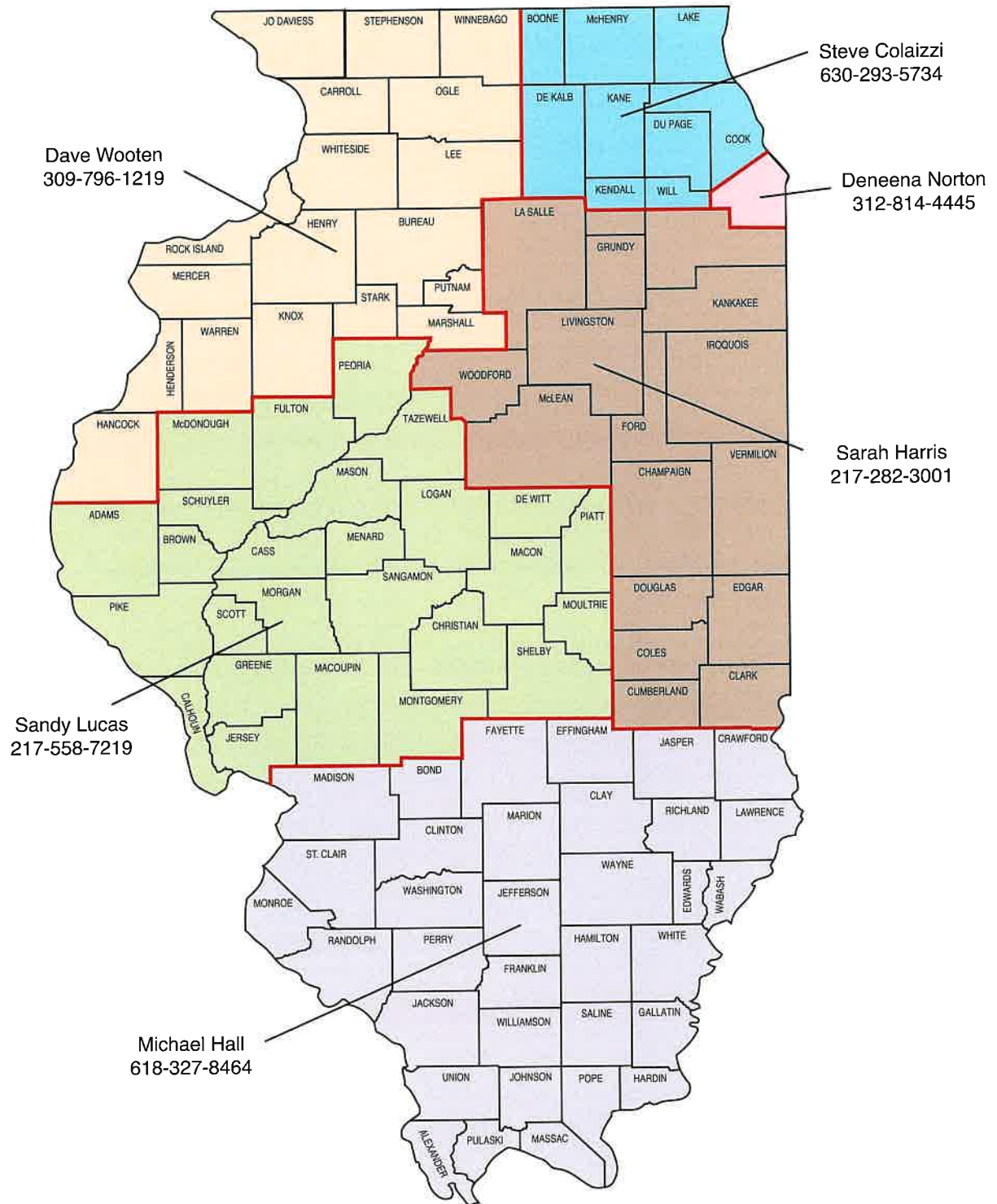
Pam Waggoner, Administrative Clerk – Records Management Section
217-782-7075
pwaggoner@ilsos.net

Karen Mizeur, Administrative Clerk – Records Management Section
217-782-1080
kmizeur@ilsos.net

Carol Moreno, Administrative Clerk – Records Management Section
217-782-7076
cmoreno@ilsos.net

Local Records Representative Territories

Local Records Unit — Springfield, IL • 217-782-1080



Archives on the web at www.cyberdriveillinois.com

Office of the Secretary of State
Division of Archives & Records
Records Management Section – Local Records Unit
Margaret Cross-Norton Building
Springfield, IL 62756
217-782-7075

LOCAL DEBT RECOVERY PROGRAM

WELCOME





STATE OF ILLINOIS
COMPTROLLER
SUSANA A. MENDOZA

Overview of Local Debt Recovery Program


Local Debt Recovery Program (LDRP) offers local governments a unique opportunity to utilize the resources of the Illinois Office of the Comptroller (IOC) to collect unpaid debt such as:

- Parking and red light tickets,
- Utility bills, (water, sewer, etc.)
- Traffic fines, ordinance violations, court fees,
- Tuition and student fees.

IOC withholds the unpaid debt from state-issued checks – this is known as an “offset”. IOC also takes a \$15-20 fee from the debtor. Offsets may come from:

- Income tax refunds, which includes both individuals & business returns,
- State employee paycheck. (only a portion is withheld from each check)
- State vendor contracts,
- Lottery.

*LDRP complies with privacy protections and fair debt collection laws.



STATE OF ILLINOIS
COMPTROLLER
SUSANA A. MENDOZA



LDRP Participation

The local entity identifies the qualifying debt in their files and then creates and uploads files into the online IDROP system. Submitted debt must be:

- Less than 7 years old from the date of final determination.
- Greater than \$9.99.
- In a correct format.
- In accordance with an established notice process.

When an offset occurs, the debtor has 60 days to file a protest with LDRP. The local entity will be notified through the IDROP system and provided the debtor's argument and supporting documentation to review.

The entity must review and make a recommendation to either approve or deny the protest within 60 days. The entity must upload additional evidence of the debt, such as photographs, invoices, and past due notices.




IDROP Roles

Entity Chief Officer – Oversees the participation LDRP program on behalf of their entity. Decides which users can submit claims, or simply have view rights.

Entity Coordinator – Can create *new* user profiles; access system to view claims, may or may not be able to *submit* claims.

Entity User – Access system to view claims, may or may not be able to *submit* claims.

Protest Manager – Any user in IDROP may be a protest manager and can respond to a protest submitted by a debtor; must also have access to notices and invoices.




LDRP Requirements

The Program requires consistent data management to:

- Load and maintain debt records.
- Account for full or partial payments made outside of the program (i.e. to the Local Claiming Entity or third party collector).


Local Entities must have IT capabilities including being able to:

- Manipulate/convert debt records into acceptable file types.
- Submit data and retrieve reports in IDROP.



Third Party Considerations

- LDRP is designed so entities can rely on their own resources and pay no fees for participation. Using a third party vendor is entirely at the discretion of each entity.
- LDRP takes its processing fee from the debtor, not the entity.
- Files can be submitted via Excel, although third party vendors tend to use ASCII.
- Using a vendor requires an entity to reconcile records between LDRP and any other collecting parties.
- *Debt collection fees are not allowed to be added except with permission from IOC.*
 - a. Must have ordinance.
 - b. Notice must disclose fee.




Enrolling in LDRP

Enrollment Forms:


- LDRP Application.
- Intergovernmental Agreement.
- IDROP User Authorization.
- Electronic Fund Transfer.
- 3rd Party Vendor Letter. (if applicable)
- Notification Information for Administrative Appeals.

*Explanation of an official notice process and examples of notices (i.e. tickets, past due notices, etc.).



Next Steps

- Submit enrollment paperwork.
- Take training in IDROP.
- Test submitting, modifying and deleting claims in IDROP.
- Participate in Protest Adjudication Training.
- Switch to "live production" in IDROP.





Local Debt Recovery Program (LDRP)

Your Program Manager will be in contact soon to continue your involvement.

We look forward to working with you.

Thank you.



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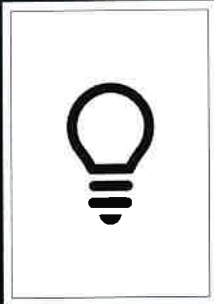
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SMART BUSINESS SMART CONSUMER

Illinois Office of the Comptroller Programs

2019 County Treasurer's Training



WHAT IS SMART BUSINESS?

The Smart Business Direct program aims to enroll and facilitate small and minority-owned businesses through the process of procuring state contracts. It expands the State's contractor network while helping small and minority-owned businesses thrive.

Goals to ensure that small and minority-owned businesses have the resources they need to secure state contracts.

Smart Business Illinois recognizes that no two businesses are the same, and adapts to address individual needs.

It comprises of two programs:

- Small Business Set-aside
- Business enterprise Program

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SMALL BUSINESS SET- ASIDE PROGRAM

Small Business Set-Aside is a program implemented by the Chief Procurement Office.

The program is designed setting aside millions of dollars' worth of contracts exclusively for small businesses.

CPO has awarded nearly \$65 million to small Illinois firms through the Small Business Set-Aside program.

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ELIGIBILITY

To be eligible you must meet the following criteria:

- Be an Illinois business
- Wholesale business annual sales and receipts of \$10 million or less.
- Retail business annual sales and receipts of \$6 million or less.
- Construction business have an annual sales and receipts of \$10 million or less.
- Manufacturing companies employ 250 people or less

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BUSINESS ENTERPRISE PROGRAM

BEP certification with the State of Illinois opens the door to opportunities with other public and private entities that are looking for diverse suppliers and services.

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ELIGIBILITY

To be eligible for the Business Enterprise Program,

- The business must be at least 51% owned and controlled by a minority, woman, or person with disabilities (30 ILCS 575)
- The owner must be a citizen of the United States or legal permanent resident alien
- Annual gross sales of less than \$75 million

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SMART CONSUMERS ILLINOIS

SMART CONSUMERS FOCUSES ON:



- CREDIT
- LOANS
- CYBER SECURITY
- IDENTITY THEFT

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TARGET GROUPS

- Schools
- Community groups
- Libraries
- Senior Citizens
- Youth

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**FOR MORE INFORMATION
VISIT
WWW.ILLINOISCOMPTRROLLER.GOV**

To schedule your FREE workshop, please call Julie Ayres at 1-312-814-0034.

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THANK YOU

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