



LAKE COUNTY FOREST PRESERVES
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Preservation, Restoration, Education and Recreation

DATE: February 8, 2018

MEMO TO: S. Michael Rummel, Chair
Finance Committee

FROM: Mary E. Kann
Director of Administration

RECOMMENDATION: Recommend approval of a Resolution approving a Memorandum of Understanding between the Illinois Fraternal Order of Police Labor Council (FOP) and the District, as an addition to the current Collective Bargaining Agreement with the FOP.

STRATEGIC DIRECTION SUPPORTED: Organizational Sustainability

FINANCIAL DATA: There is no immediate financial impact.

BACKGROUND: The State of Illinois amended The Police and Community Relations Improvement Act, effective August, 2017. The amendment requires that police officers who discharge their firearm, causing injury or death to a person or persons during the performance of their official duties or in the line of duty, submit to drug and alcohol testing as soon as practicable but not later than the end of their shift or tour of duty. The amendment requires all law enforcement agencies to adopt and follow a written policy regarding drug and alcohol testing in these circumstances.

As a result of this amendment and subsequent policy change, the FOP (which is the bargaining unit for the Ranger Police Officers) approached the District to discuss language changes to the current collective bargaining agreement as it does not contain language addressing this required testing. After numerous exchanges with the FOP, the attached Memorandum of Understanding was developed to address the issue.

REVIEW BY OTHERS: Chief Operations Officer, Director of Public Safety, Corporate Counsel, Labor Counsel.

**LAKE COUNTY FOREST PRESERVE DISTRICT
LAKE COUNTY, ILLINOIS**

**A RESOLUTION APPROVING A MEMORANDUM OF UNDERSTANDING
BETWEEN THE ILLINOIS FRATERNAL ORDER OF POLICE LABOR COUNCIL
AS AN ADDITION TO THE CURRENT LABOR AGREEMENT**

WHEREAS, on November 23 2005, the full-time sworn police offers of the Lake County Forest Preserve District (“District) elected the Fraternal Order of Police (“the FOP”) to be their exclusive representative for the purpose of bargaining with the District with respect to wages, hours of employment, and other conditions of employment; and

WHEREAS, the Police and Community Relations Improvement Act (the “Act”) was amended to require police officers who discharge their firearm causing injury or death to a person or persons during the performance of their official duties or in the line of duty, to submit to drug and alcohol testing as soon as practicable but no later than the end of their shift or tour of duty; and

WHEREAS, the amendment requires all law enforcement agencies to adopt a written policy addressing this testing; and

WHEREAS, the Lake County Forest Preserve District (the “District”) and the Illinois Fraternal Order of Police Labor Council (“Union”) have a current Labor Agreement (the “Agreement”) and the current Agreement does not contain language addressing the amendments to this Act; and

WHEREAS, the attached Memorandum of Understanding (attachment A) incorporates these changes into the Labor Agreement; and

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Lake County Forest Preserve District, Lake County, Illinois, **THAT**:

Section 1: Recitals. The recitals set forth above are incorporated as a part of this Resolution by this reference.

Section 2: Addition to Labor Agreement. The Memorandum of Agreement, in the form attached hereto as Attachment A is hereby approved. The President of the District is hereby authorized and directed to execute the Agreement.

Section 3: Effective Date. This Resolution shall be in full force and effect from and after its passage and approval in the manner provided by law.

PASSED this ____ day of _____, 2018.

AYES:

NAYS:

APPROVED this ____ day of _____, 2018.

Ann B. Maine, President
Lake County Forest Preserve District

ATTEST:

Julie Gagnani, Secretary
Lake County Forest Preserve District

Exhibit No. _____

**MEMORANDUM OF UNDERSTANDING BETWEEN THE IFOP
LABOR COUNCIL AND THE LAKE COUNTY FOREST
PRESERVE DISTRICT**

Ref: Public Act 100-0389: Section 1-25 The Police and Community Relations Improvement Act

Pursuant to the new Public Act 100-0389: Section 1-25 The Police and Community Relations Improvement Act effective August 2017. The Public Act 100-0389: Section 1-25 The Police and Community Relations Improvement Act requires police officers who discharge their firearm causing injury or death to a person or persons during the performance of their official duties or in the line of duty, must submit to drug and alcohol testing as soon as practicable but not later than the end of their shift or tour of duty.

Our current Labor Agreement does not contain language addressing the modification of this Act and therefore, the Union and District have agreed to address this new law in this Memorandum of Understanding.

The Lake County Forest Preserve District and the Illinois Fraternal Order of Police, Labor Council do agree to the following:

In conducting the testing authorized by this Memorandum of Understanding, the Employer shall use a clinical laboratory or hospital facility that has Clinical Laboratory Improvements Amendment (CLIA) certification.

The selected laboratory or facility will be expected to have policies in place to establish a chain of custody procedure for both the sample collection and testing; procedures regarding the integrity of the identity of each sample and test result; and provide a designated Medical Review Officer (MRO) who is certified by the State of Illinois to review drug and/or alcohol testing results.

The clinical laboratory or hospital facility utilized must provide the employee tested with an opportunity to have the split sample tested by a CLIA certified clinical laboratory or hospital facility of the employee's choosing, at the employee's own expense, provided the employee notifies the Employer in writing within one (1) year of the date of collection.

Lake County Forest Preserve District:

ILLINOIS FOP LABOR COUNCIL:

Date:

Date: