

RESOLUTION

VILLAGE OF GILBERTS

A Resolution approving a Memo of Understanding Between the Village of Gilberts and the Metropolitan Alliance of Police Chapter #423

Be it Resolved by the President and Board of Trustees of the Village of Gilberts, Kane County, Illinois that:

Section 1:

The Village of Gilberts hereby authorizes the Village President and Village Clerk to execute a negotiated contract agreement between the Village of Gilberts and the Metropolitan Alliance of Police, Gilberts Police Chapter #423 to provide police services and such documents as are necessary and convenient to effectuate as here by attached hereto and made a part hereof as Exhibit A as approved.

Section 2:

This resolution shall be in full force and in effect from and after its passage and approval pursuant to law.

Passed this 17th day of April, 2018 by a roll call vote as follows:

	<u>Ayes</u>	<u>Nays</u>	<u>Absent</u>	<u>Abstain</u>
Trustee Jeanne Allen	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Trustee Dan Corbett	<u> </u>	<u> X </u>	<u> </u>	<u> </u>
Trustee Nancy Farrell	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Trustee Louis Hacker	<u> </u>	<u> X </u>	<u> </u>	<u> </u>
Trustee Elissa Kojzarek	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Trustee Guy Zambetti	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
President Rick Zirk	<u> X </u>	<u> </u>	<u> </u>	<u> </u>

APPROVED THIS 17th DAY OF April, 2018

Village President, Rick Zirk



ATTEST:

Mary T. Dalke - C.N.
Deputy Clerk, Mary T. Dalke

Memorandum of Understanding

Between

Village of Gilberts

And

Metropolitan Alliance of Police ("MAP"), Local 423

DRUG AND ALCOHOL TESTING AFTER OFFICER INVOLVED SHOOTINGS

This Memorandum of Understanding shall memorialize the agreement between the Village of Gilberts (the "Village") and the Metropolitan Alliance of Police ("MAP"), Local 423 (the "Union") regarding drug and alcohol testing for officers who have been involved in an officer involved shooting.

Whereas the parties have negotiated a successor collective bargaining agreement extending to April 30, 2022;

Whereas the parties desire to incorporate a procedure for drug and alcohol testing for police officers involved in officer involved shootings in order to be compliant with Illinois Public Act 100-389;

The parties hereby agree to the following procedure which shall continue through the term of this agreement ending on April 30, 2022:

1. Union members shall be required to abide by the Village's General Order regarding "Use of Deadly Force," including the requirement that each officer who is involved in an officer involved shooting submit to drug and alcohol testing, so long as such testing is required by Public Act 100-389 or any similar state law.
2. For the purposes of clarity, the parties agree that a person "involved in" an officer involved shooting is defined to mean any officer who discharges a firearm thereby causing injury or death to a person or persons. If multiple officers discharged their firearm and it is unclear whose bullet struck the person or persons, then all officers who discharged their firearm in the direction of the subject shall be required to submit to drug and alcohol testing.
3. The term "involved in" an officer-involved shooting does not include officers who did not discharge their weapon, even if they were providing other forms of support and assistance during the call. Nor does the term "involved in" include officers who discharged their weapons when it is undeniably clear their projectiles did not actually strike any person or persons.

4. The provisions of the collective bargaining agreement regarding drug testing procedures and standards for discipline shall regulate the drug testing process for officer involved shootings and the consequences for any positive drug test results.
5. Any drug or alcohol test required pursuant to this Agreement shall be considered a compelled, non-voluntary drug or alcohol test mandated by state law and under threat of disciplinary action. Required testing shall only be done by urinalysis or breathalyzer. Blood tests shall only be conducted with a warrant.
6. The parties agree that drug and alcohol testing records shall be treated as medical records and shall be maintained separately from personnel records.
7. The parties agree that the Village shall not disclose the results of drug and alcohol testing conducted pursuant to this agreement unless required by law to do so.

The provisions of this Memorandum of Understanding shall continue through April 30, 2022.

FOR THE VILLAGE OF GILBERTS

FOR MAP, LOCAL 423

By:



By:



Dated:

4-17-18

Dated:

4/20/18
