

Metropolitan Fire Chiefs Association
An Update on Cannabis and Collective Bargaining
&
2021 Legislative Action

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A Few Dank Collective Bargaining Issues Concerning Cannabis

- Problems with Medical Review Officers.
- Problems with marijuana testing.
- Problems in banning off-duty use of cannabis.

What Are Unions Asking For?

- **IAFF Stock Proposal:**

- If an employee is suspected of being under the influence, they get sent to a doctor.
- Doctor performs a blood test screening for cannabis.
- A positive test is defined as ___ ng/ ml of THC.
- Doctor examines all alternate medical explanations, employee's medical history, other relevant biomedical factors.
- Doctor opines on whether the individual was high at work.
- No action can be taken without a finding that the employee was impaired by the doctor.
- If there's a negative finding, then test results/communications are destroyed.

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Other Legislative Changes:

HB 0351 (Expansion of Secondary Employment)

- Amends the Firefighter Pension Code:
 - Requires the fire chief of a secondary employer to report any injury, illness, or exposure incurred by a secondary employee during his or her employment to the Department of Insurance.
 - Requires secondary employers to transmit to the Department of Insurance a certified copy of its report accounting for all hours worked by secondary employees.
- Public Act 102-0059, effective July 9, 2021.

Other Legislative Changes: SB2150 (Original Appointment Qualifications)

- Amends Both Illinois Municipal Code 65 ILCS 5/10-1-7.1 and Fire Protection District Act 70 ILCS 705/16.06b
- Firefighter qualifications/Pre-requisites to appointment:
 - The age limit of 35 shall not apply to: ... “(2) any person who has served a [*municipality or Fire Districts (depends on which code)*] as a regularly enrolled volunteer, paid-on-call, or part-time firefighter ~~for the 5 years immediately preceding the time that the municipality begins to use full-time firefighters to provide all or part of its fire protection service,~~”
- Impacts to Part-Time.
- As of 8/10/2021 Has not (yet) been signed by Governor.

Other Changes:

HB 3763 (Fire Protection Dist. Response Times)

- Amends the Fire Protection District Act.
- before closing a fire station or dissolving the district (even annexation to municipality or consolidation) a response-time study must be conducted
 - Must show estimated response times to the territory currently served by the fire station or district **and** estimated response times to that territory after closure of the fire station or district (or annexation/consolidation).
- As of 8/10/2021 has yet to be signed by Governor.

Other Changes: Pension Consolidation



It's happening.

Asset transfer notices
Kane County litigation



Freeze of Funds/Operating Cash

Other Legislative Changes: SB 2486 (Personnel Record Review Act)

- Amends the Personnel Record Review Act.
- Provides that an individual aggrieved by a disclosure of a disciplinary report in violation of the Act may file a complaint with the Director of Labor or file an action in court within 7 years after the violation.
- As of 8/10/2021 Has not yet been signed by Governor

Bill Update – HB0220 (Battalion Chiefs)

- Passed House (93-13), died in Senate upon arrival.
- Would have put Battalion Chiefs in Union.
- (Amends the Illinois Public Labor Relations Act. Modifies the definition of "supervisor" under the Act. Provides that in fire fighter units employees shall consist of fire fighters of the **highest rank of company officer** and below (currently, highest rank not specified). Provides that a company officer may be responsible for multiple companies or apparatus on a shift, multiple stations, or an entire shift. Provides that there may be more than one company officer per shift.)
- Provides that all other ranks above that of the highest company officer shall be supervisors (currently, highest rank not specified).

COVID Update – Open Meetings Act

- Unclear State of Emergency
 - Governor's State of Emergency Language vs. text of OMA 7(e)
 - Situation may be changing with rise of Delta cases (and Lambda on the horizon)
- **TALK TO YOUR ATTORNEY**
- Consider factors such as local status of COVID, vaccination rates, transmission rates, hospital bed availability, trends, etc.

Questions?

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