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MUNICIPAL LABOR LAW GROUP

NEW STATE LAW REQUIRES DRUG/ALCOHOL TESTING AFTER SHOOTINGS INVOLVING POLICE OFFICERS

Public Act 100-0389 (“Act”) took effect on August 25, 2017, and amends the Illinois Police and Community Relations Improvement Act (50 ILCS 727/1-1 et seq.). The Act requires an employer to adopt a written drug and alcohol testing policy for police officers involved in shootings that result in injury or death to a person. The express language of the Act requires that:

- (1) each law enforcement officer who is involved in an officer-involved shooting must submit to drug and alcohol testing; and
- (2) the drug and alcohol testing must be completed as soon as practicable after the officer-involved shooting but no later than the end of the involved officer’s shift or tour of duty.

Many Illinois municipalities already have a drug and alcohol testing policy in place that complies with the Act, either through a collective bargaining agreement or personnel manual. Others may need to amend their current drug and alcohol testing policy to come into compliance. In situations where police officers work under a collective bargaining agreement, it may be necessary to bargain with the union prior to implementing a change in a current drug and alcohol testing policy. In fact, the Fraternal Order of Police has already sent a demand to bargain on this issue on behalf of all of its members.

Accordingly, a variety of factors will need to be considered and analyzed to determine what, if anything, must be done by a municipality to bring its drug and alcohol testing policy into compliance with the Act. Please contact your KTJ labor attorney to determine what steps are necessary to comply with the Act.

For any questions or comments you might have regarding this newsletter, please feel free to contact:

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