

**WARRENVILLE FIRE PROTECTION DISTRICT  
AGENDA FOR FIRE COMMISSION**

**Date: Tuesday, May 14, 2019**

**Time: 7:00 P.M./1900 hours**

**Location: Fire Station, 3S472 Batavia Road  
Warrenville, IL**

**1. CALL TO ORDER**

**2. ROLL CALL**

**3. PLEDGE OF ALLEGIANCE**

**4. APPROVE AGENDA**

**5. PUBLIC COMMENT**

**3. ROUTINE BUSINESS**

**- APPROVAL OF MINUTES**

**Regular Fire Commission Meeting, March 12, 2019**

**-FINANCIAL REPORT**

**(Fiscal year begins 5/1)**

**-APPROVAL OF BILLS**

**-CLOSED SESSION**

**7. COMMUNICATIONS**

**-CHIEF'S REPORT**

**-TRUSTEES**

**-ATTORNEY**

**-PERSONNEL**

**3. UNFINISHED BUSINESS**

**-HIRING (Current list expires 10/2019)**

**-Union agreement changes for discipline, shift from Trustees to Fire Commission (status update)**

**3. NEW BUSINESS**

**-FOIA Does the Fire Department have one, and do they serve the Commission?**

**-Public Comment Policy, Board rules (review)**

**Pending Legislation, legalization of marijuana, are our rules clear? (review)**

**-Duties of the Board Secretary, maintenance of separate Board files**

**-Annual Report for Fiscal year 2018-19 and Budget (Action required)**

**10. ADJOURN**

# WARRENVILLE FIRE PROTECTION DISTRICT FIRE COMMISSION MEETING MINUTES

## MARCH 12, 2019

The Fire Commissioners met at Headquarters Station. Fire Commissioner Nelda Byers called the meeting to order at 19:02 Hours.

1. Pledge of Allegiance
  - a. The meeting started with the Pledge of Allegiance
2. Roll Call
  - a. Present for the meeting were Fire Commissioner Ellen Bintz-Meuch, Fire Commissioner Nelda Byers, Fire Commissioner Ryan McIntyre, and Chief Dennis Rogers. Guests were Trustee Denise Pertell.
3. Approve Agenda
  - a. RM Motioned
  - b. BM Seconded
  - c. 3 Ayes
4. Public Comment
  - a. No public comment
5. Routine Business
  - a. Approval of Minutes
    - i. Minutes dated January 8, 2019 – Regular Meeting Item 4 updated to reflect December 6, 2018 date
      1. Motion Nelda Byers
      2. Second BM
      3. 3 Ayes
    - ii. Minutes dated February 11, 2019 – Special Meeting - Conditional offer of employment added was 4/1/2019 is start date for LaForge
      1. Motion Nelda Byers
      2. Second BM
      3. 3 Ayes
  - b. Financial Report
    - i. Chief has information for Commissioners for a draft budget
    - ii. Introduced two line items for Commissioners:
      1. 10-015090-00 - 60% Split - Commissioner Compensation
      2. 20-015090-00 – 40% Split – Commissioner Compensation
      3. 10-016700-50 - \$3000 - Testing
      4. 20-016700-50 - \$2000 – Testing
      5. Needs Trustee approval (May 1, 2019 – April 30, 2020)
      6. Commissioner training will be under the department training budget
  - c. Approval of Bills
    - i. None
  - d. Closed Session
    - i. None
6. Communications
  - a. Chiefs Report
    - i. Andy Dina – New Assistant Chief
    - ii. Winding down fiscal year



**Warrenville Fire Protection District**

**Fire Commission Annual Report**

**May, 2019**

- **This is the first annual report for the Warrenville Fire Commission. Three Fire Commissioners were appointed by the Board of Trustees in November of 2018. The three commissioners are: Ellen Bintz-Meuch (3 year term), Nelda Byers (2 year term) and Ryan McIntyre (1 year term).**
- **The newly appointed Fire Board adopted its Rules and Regulations on 12/6/2018; and elected its officers. Chairperson- Nelda Byers, Secretary- Ryan McIntyre, Commissioner at large-Ellen Bintz-Meuch.**
- **Meeting dates and times were approved by the Fire Commission.**  
**Tuesday, January 8, 2019 19:00 hours for all Regular scheduled meetings**  
**Tuesday, March 12, 2019**  
**Tuesday, May 14, 2019**  
**Tuesday, July 9, 2019**  
**Tuesday, September 10, 2019**  
**Tuesday, November 12, 2019**
- **February, 2019 the Fire Board interviewed two potential candidates for one Full time position. Both candidates were very qualified, Bryan LaForge was offered a probationary conditional offer of employment effective 4/1/2019, he accepted.**
- **May, 2019, Ryan McIntyre was re-appointed as a Fire Commissioner**
- **All Fire Commissioners will be participating in Fire Commission training in the next fiscal/calendar year; and all three commissioner should be fully certified by the Illinois Fire and Police Commission (IFPCA) late in 2020.**  
**Classes and certification will include:**  
**Entry Level and Duties of Fire Commissioners**  
**Discipline, Hearing and Duties of Fire Commissioners**  
**Entry and Promotions for Fire Commissioners**  
**Interviewing Process for Fire Commissioners and**  
**Duties of Commission Secretary**
- **The Fire Commission is looking forward to a new list in October, 2019 and the potential of hiring additional full time employees.**

- **The Fire Commission is learning and embracing the challenges that are ahead of us. We have discovered that we have a lot to learn and have many, many resources available to us on that journey. Chief Rogers and his staff have been very generous with their time and knowledge. We are excited to watch the department grow not only in numbers, but also in knowledge and experience.**

**Respectfully submitted,**

**Nelda J. Byers**

**Chairman, Board of Fire Commission**

**WARRENVILLE FIRE PROTECTION DISTRICT  
RULES AND REGULATIONS**

**RULE OR REGULATION:**      **REQUEST FOR PUBLIC RECORDS**

**Effective Date:**              02 / 2002

**REVISED:**                      11 / 02 / 2005

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See attached form.

**WARRENVILLE FIRE PROTECTION DISTRICT**  
**REQUEST FOR PUBLIC RECORDS**  
EFFECTIVE 07/11/93

Please Print:

NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

TELEPHONE NO: \_\_\_\_\_

DATE OF REQUEST: \_\_\_\_\_  
(After 3:00 p.m. please use tomorrow's date)

Pursuant to the Illinois Freedom of Information Act, I request the following public record from the Warrenville Fire Protection District;

(Please describe here the public records you are requesting. In order to expedite the search for the records, please be as specific as possible.)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Please indicate if you wish to review material or if you require copies.

\_\_\_\_\_ Copy \_\_\_\_\_ Inspect \_\_\_\_\_ Both

The Warrenville Fire Protection District will respond to this request within seven (7) working days, unless an additional seven (7) working days are needed and we advise of the need for additional time in writing.

COPY FEE - The District will provide the first three (3) pages free of charge, additional pages will incur a charge of \$ 0.50 per page.

\_\_\_\_\_  
Signature of Person Making Request

(FOR OFFICE USE ONLY)

RESPONSE

Approved:      Date \_\_\_\_\_ By \_\_\_\_\_

Copies:      Charges \_\_\_\_\_  
                  Paid \_\_\_\_\_

Denied:      Date \_\_\_\_\_ By \_\_\_\_\_  
                  Reason \_\_\_\_\_

\_\_\_\_\_

**WARRENVILLE FIRE PROTECTION DISTRICT  
RULES AND REGULATIONS**

**RULE OR REGULATION:**      **WRITTEN COPIES OF FIRE REPORTS**

**Effective Date:**              04 / 11 / 1994

**Revised:**                        11 / 02 / 2005

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**FIRE REPORTS:**

There will be a charge of \$ 20.00 for all Fire Reports prepared by the Warrenville Fire Protection District.

**FIRE CAUSE & ORIGIN REPORTS:**

There will a charge of \$ 75.00 for all Cause & Origin Reports prepared by the Fire / Investigators of the Warrenville Fire Protection District. This will include any photos taken at the scene.



**WARRENVILLE FIRE PROTECTION DISTRICT  
RULES AND REGULATIONS**

**RULE OR REGULATION:**                      **DRUG & ALCOHOL POLICY**

**Effective Date:**    **1992**

**Revised:**    **12 / 02 / 2013**

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**SECTION I: PURPOSE:**

The use of illegal drugs and the abuse of legal drugs and alcohol by employees of the District present unacceptable risks to the safety and well-being of other employees and the public.

**SECTION II: APPLICABILITY:**

It is the policy of the District that the manufacture, distribution, dispensing, possession or use of a controlled substance or alcoholic beverage, or the abuse of legal substances which may impair or adversely affect an employee's ability to perform his or her job, is prohibited on all District properties at any time by any employee or guest, and at all times and places wherever any employee is performing employment duties for the District. The only exception is for alcohol in the fire station for the fire districts annual turkey raffle in November.

**SECTION III: PROCEDURES:**

It is the policy of the District to help provide a safe work environment and to protect the public by insuring that employees for the District are free from the effects of drugs and alcohol in the performance and pursuit of their duties

**SECTION IV: DEFINITIONS:**

"Drugs" or "controlled substances" shall include, but not be limited to, alcohol, any controlled substance defined in the Illinois Controlled Substances Act (720 ILCS 570/100 et seq.); and any look-alike substance, designer drugs or any substance, such as glue, which may have adverse effects on perception, judgment, alertness, memory or coordination. "Impair" or "adversely affect" shall mean causing a condition in which the employee is or may be unable to properly perform his or her duties due to the effects of drugs or alcohol in his or her body. Where impairment exists or is presumed, incapacity for duty shall be presumed.

**A. Prohibitions**

In addition to any and all other criminal, civil or regulatory prohibitions which may be applicable, the Employees shall be prohibited from the following:

- (1) Being under the influence of alcohol or of any other drug or combination

of drugs, to a degree which, in any way, impairs the employee's ability to safely and competently perform his duties. It shall be presumed that if an employee has an alcohol concentration in his blood or breath of 0.03 grams of alcohol per 100 milliliters of blood or 0.03 grams of alcohol per 210 liters of breath, the employee is impaired. A lesser concentration shall not preclude the District from establishing that the employee was nonetheless impaired; or

- (2) Consuming, possessing, selling, purchasing or delivering any illegal drug at any time, except in accordance with the duty requirements; or
- (3) Consuming alcohol while on duty or at any time consuming or possessing alcohol upon District premises or job sites, except in accordance with duty requirements; or
- (4) Failing to report to the Chief, or his designee, the use of any prescription Medication which the employee knows or should know will have an effect on the employee's ability to safely and competently perform his duties. Violation of any of the foregoing prohibitions or the failure to submit and cooperate in testing as provided in this Policy shall be cause for discipline, up to and including discharge.

#### B. Drug and Alcohol Testing Upon Reasonable Suspicion

If the Chief, or his designee, has reasonable suspicion an employee has violated the prohibitions contained in this Policy, the Chief, or his designee, shall have the right to require the affected employee to submit to alcohol or drug testing as set forth in this Policy.

#### C. Situational Drug and Alcohol Testing

Nothing contained in this Policy shall limit the authority of the District to require drug and alcohol testing as it deems appropriate for persons seeking employment as Employees prior to their date of hire, or following a motor vehicle accident involving an employee as the driver or operator of the equipment where significant property damage (significant property damage shall be defined as damage estimated to be over \$1000) or a personal injury occurs, or at the time of an employee's annual physical examination.

#### D. Order to Submit to Testing

At the time an employee is ordered to submit to testing authorized by this Policy, the Employer shall provide the employee with written notice of the order, setting forth all of the objective facts and reasonable inferences drawn from those facts which formed the basis of the order to test. The employee

shall be permitted to consult with a representative of the employee at the time the order is given. No questioning of the employee shall be conducted that is not consistent with the "Firemen's Disciplinary Act". A refusal to submit to such testing may be subject the employee to discipline, but the employee's

taking of the test shall not be construed as a waiver of any objection or rights that he/she may have. When testing is ordered, the employee may be removed from duty and placed on leave with pay pending the receipt of results.

#### E. Refusal to Submit to Testing

Any employee refusing to comply with an order for testing for drugs and/or alcohol within the timetable specified in the order shall be subject to discipline, up to and including discharge.

#### F. Test to be Conducted

In conducting the testing authorized by this Policy, the District shall:

- (1) Use only a clinical laboratory or hospital facility which is certified by the State of Illinois to perform drug and/or alcohol testing and that has been accredited by the National Institute of Drug Abuse (NIDA) or its successor.
- (2) Establish a chain of custody procedure for both the sample collection and testing that will ensure the integrity of each sample and test result.
- (3) Collect a sufficient sample of the same sample of breath, blood or urine from the Employee to allow for initial screening, a confirmatory test and a sufficient amount to be set aside reserved for later testing if requested by the employee under Paragraph 6 below.
- (4) Collect sample in such a manner as to preserve the individual employee's right to privacy while insuring a high degree of security for the sample and its freedom from adulteration.
- (5) Confirm any sample that tests positive in accordance with NIDA standards in effect at the time of the testing in initial screening for drugs by testing the second portion of the sample by gas chromatography/mass spectrometry (GC/MS) or an equivalent or better scientifically accurate and accepted method that provides quantitative data about the detected drug or drug metabolites.
- (6) Provide the employee tested with an opportunity to have the additional sample tested by a State of Illinois and NIDA certified clinical laboratory or hospital facility of the employee's choosing, at the employee's own expense, provided the employee notifies the District of the desire to do so within five (5) working days of receiving notification of positive test results.
- (7) Require that the laboratory or hospital facility report to the District that a breath, blood or urine sample is positive only if both the initial screening and confirmation tests are require that with regard to alcohol testing, for the purpose of determining whether the employee is under the influence of alcohol, test results showing an alcohol concentration of .03 or more based upon the grams of alcohol per 100 millimeters of blood be considered positive, and results showing an alcohol concentration of less than .03 shall be considered negative.
- (8) Provide each employee tested with a copy of all information and reports received by the District in connection with the testing and the results.
- (9) Insure that no employee is the subject of any adverse employment action Except emergency temporary reassignment or relief of duty during the pendency of any testing procedure.

- (10) When testing is ordered, the employee may be removed from duty and placed on leave with pay pending the receipt of results.

#### G. Positive Test Results

Any test resulting in a positive report will be referred to the Chief for complete investigation. Upon completion of such investigation, if it is found that a member has used any drug which has not been legally prescribed and/or dispensed, or has abused a legally prescribed drug or has reported for duty under the influence of drugs or alcohol, a report of such shall be prepared. upon service, the member against whom such report has been made shall receive a copy of the laboratory test results, and will be immediately relieved from duty, and shall be subject to disciplinary action which may include discharge, except as provided in Section I below concerning rehabilitation.

#### H. Voluntary Request for Assistance and Rehabilitation

The District shall not seek to terminate any employee who voluntarily seeks treatment, counseling or other support for an alcohol or drug related problem. The opportunity for rehabilitation shall be granted for any employee who is not involved in any drug/alcohol related criminal activity and voluntarily admits to alcohol or drug abuse prior to initiation of testing procedures. This voluntary request for assistance shall only apply to non-probationary employees. Any member who voluntarily admits to the Chief his/her use of or dependence upon illegal drugs or alcohol shall be afforded the opportunity to participate in a mutually acceptable rehabilitation program. This program shall include the following:

- (a) The employee agreeing to appropriate treatment as determined by the physician(s) involved;
- (b) The employee discontinuing his use of illegal drugs or consumption of alcohol;
- (c) The employee completing the course of treatment prescribed, including an "aftercare" group for a period of at least twelve (12) months; and
- (d) The employee agreeing to submit to unlimited random testing at any time, including off duty hours, during the period of treatment and "after-care." Employees failing to follow these sections or failing any test as provided therein shall be considered in violation of their voluntary treatment program and subject to discipline.

#### I. Rehabilitation

The opportunity for rehabilitation (rather than discharge) shall be granted once for any employee who is not involved in any drug/alcohol related criminal activity and prior to initiation of an investigation of the member's use or sale of controlled substance by any competent state or federal authority provided the employee signs a last chance agreement containing the following:

- (a) The employee agreeing to appropriate treatment as determined by the

- physician(s) involved;
- (b) The employee discontinuing his use of illegal drugs or consumption of alcohol;
  - (c) The employee completing the course of treatment prescribed, including an "aftercare" group for a period of at least twelve (12) months; and
  - (d) The employee agreeing to submit to unlimited random testing at any time, including off duty hours, during the period of treatment and "after-care."
- Employees who do not agree to, and act in accordance with the foregoing shall be subject to discipline, up to and including discharge.

#### J. Compliance

This Policy shall not be construed as an obligation on the part of the District to retain an employee on active status throughout the period of rehabilitation if it is appropriately determined that the employee's current use of alcohol or drugs prevents such individual from performing his duties or whose continuance on active status would constitute a direct threat to the property and safety of others. Such employee shall be afforded the opportunity, at his option, to use accumulated paid leave or take an unpaid leave of absence pending treatment. All treatment shall be made at the sole expense of the employee, to the extent not covered by the employee's health insurance benefits. Any rehabilitation opportunities shall be provided as per the current Employer provided health insurance benefits. Employees who voluntarily attempt rehabilitation and exceed their health care benefits allowed shall pay all remaining costs out of pocket.

**LEGAL REFERENCE: 30 ILCS 580/1 et seq.; 21 U.S.C. §812; 21 C.F.R. §§1308.11-1308.15; 42 U.S.C. §12114; 30 ILCS 580/1 et seq.**  
**ADOPTED: July 13, 2009**