

APPROVING AN AMENDMENT TO THE COLLECTIVE BARGAINING AGREEMENT WITH DEKALB FRATERNAL ORDER OF POLICE, LODGE #115, ILLINOIS FRATERNAL OF POLICE LABOR COUNCIL, FOR THE PERIOD FROM JANUARY 1, 2020, THROUGH DECEMBER 31, 2022.

WHEREAS, the City of DeKalb (the "City") is a home rule unit of local government which may exercise any power and perform any function pertaining to its government and affairs pursuant to Article VII, Section 6, of the Illinois Constitution of 1970; and

WHEREAS, the City and the DeKalb Fraternal Order of Police, Lodge #115, Illinois Fraternal Order of Police Labor Council (the "Union") are parties to a collective bargaining agreement (the "FOP CBA"); and

WHEREAS, City Staff and the Union have negotiated an amendment to the FOP CBA in the same form as Exhibit A attached hereto and incorporated herein (the "FOP CBA Amendment"); and

WHEREAS, the City's corporate authorities find that approving the FOP CBA Amendment is in the City's best interests for the promotion of City's welfare, public health, and safety; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL of the City of DeKalb, Illinois, as follows:

SECTION 1: The City's corporate authorities approve and ratify the FOP CBA Amendment in the same form as Exhibit A attached hereto and incorporated herein, and further authorize and direct the City Manager to take all acts necessary to effectuate the FOP CBA Amendment.

SECTION 2: This Resolution and each of its terms shall be the effective legislative act of a home rule municipality without regard to whether such resolution should (a) contain terms contrary to the provisions of current or subsequent non-preemptive state law, or (b) legislate in a manner or regarding a matter not delegated to municipalities by state law. It is the intent of the Corporate Authorities of the City of DeKalb that to the extent that the terms of this resolution should be inconsistent with any non-preemptive state law, that this resolution shall supersede state law in that regard within its jurisdiction.

SECTION 3: This Resolution shall be in full force and effect from and after its passage and approval as provided by law.

PASSED BY THE CITY COUNCIL of the City of DeKalb, Illinois at a Regular meeting thereof held on the 8th day of November 2021 and approved by me as Mayor on the same day. Passed by an 8-0 roll call vote. Aye: Morris, Larson, Smith, Perkins, McAdams, Verbic, Faivre, Barnes. Nay: None.




COHEN BARNES, Mayor

ATTEST:



Ruth A. Scott, Executive Assistant

Proposed Amendment to the Collective Bargaining Agreement

(T.A. Version)

Replace Article 14 Section B of the CBA with the following.

Section B Conduct of Disciplinary Procedures

All administrative procedures, including, but not limited to *interrogations, informal inquiries, and formal investigations*, which may lead to disciplinary action shall be conducted in a manner consistent with the Uniform Police Officer Disciplinary Act (“UPODA”) and the Illinois Labor Relations Act (“ILRA”) and shall not waive any rights of an officer in regard to these acts or any other federal or state law.

“Interrogation,” “informal inquiry,” and “formal investigation” shall be defined as in UPODA and shall not be construed in any other manner. The Department shall have the authority to investigate any complaint against an officer. However, all anonymous, oral, unsigned, unsworn, or unverified complaints shall not constitute just cause for disciplinary action.

Disciplinary action may be taken only after the conclusion of an internal Department investigation of the matter, and all information and evidence which is produced by the Department’s investigation shall be strictly confidential until the conclusion of the Department’s investigation and any administrative procedure or grievance adjudicating the discipline, except as may otherwise be provided by this Section. The Chief of Police shall have the sole authority to discipline up to and including termination, subject to the appeal and grievance/arbitration procedures provided by this Agreement.

Upon conclusion of the investigation, but prior to the formal administration of discipline, the full content of the Department’s investigation file shall be made available to the Union member officer(s) who are under investigation and to the Union, except when prohibited by law. The content of the investigation file shall be kept confidential by the Union and said officer(s). In the event that any information or evidence relating to the City’s adjudication of employee grievances or disciplinary cases involving a Union member that would be exempt under the Illinois FOIA, 5 ILCS 140/7(n), is released publicly prior to the final outcome of cases in which discipline is imposed for whatever reason, intentionally or not, by the City’s officers, agents or employees, or by the Police Review Board or any member of that Board that evidence or information shall not be relied upon as the basis for discipline, unless said evidence or information is released publicly by the Union, the officer(s) under investigation, or a member of the Union. For the purpose of this Section, such evidence or information is not released publicly if it is considered during a closed session of a public body of the City, including the City Council, the City’s Board of Fire and Police Commissioners, or the City’s Citizen Police Review

Board. Notwithstanding the foregoing, said evidence or information may be relied upon as a basis for discipline if it is released publicly pursuant to applicable law. In the event that said evidence or information is ordered released publicly pursuant to applicable law, the City shall either assert any lawful exemptions and privileges to prevent said disclosure and/or allow the Union to intervene to prevent said disclosure

No member shall be compelled to give testimony concerning any disciplinary matter before the City's Civilian Police Review Board. This shall not be construed to prohibit or prevent voluntary testimony, or otherwise impair a member's duty to cooperate in the City's defense of a claim that is subject to the City's indemnification obligation under Article 20 of this Agreement.