

RESOLUTION NO. 1203191

**A RESOLUTION TO APPROVE AN AMENDMENT TO
THE HANOVER TOWNSHIP PERSONNEL POLICY**

WHEREAS, the Supervisor and Board of Trustees of Hanover Township (the "Board") sets the personnel policy for the employees of Hanover Township; and

WHEREAS, the Board has adopted the "Hanover Township Personnel Policy," as amended by Hanover Township Resolution #121512-2 and Hanover Township Resolution #021919-3, to codify the personnel policy for the employees of Hanover Township; and

WHEREAS, the Board deems it appropriate from time-to-time to conduct an analysis of the Hanover Township Personnel Policy and revise the Hanover Township Personnel Policy, *inter alia*, to comply with current employment laws, statutes, regulations, and ordinances; and

WHEREAS, on June 25, 2019, the Illinois General Assembly enacted the Cannabis Regulation and Tax Act (the "CRTA"), 410 ILCS 705/1 *et seq.*, which, *inter alia*, legalized the use, purchase, sale, and possession of cannabis for recreational purposes within the State of Illinois, subject to the restrictions set forth therein, effective January 1, 2020; and

WHEREAS, the CRTA provides that nothing therein shall:

- (a) Prohibit the Township from adopting reasonable zero tolerance or drug free workplace policies, or employment policies concerning drug testing, smoking, consumption, storage, or use of cannabis in the workplace or while on call provided that the policy is applied in a nondiscriminatory manner, *see id.* at 705/10-50(a);
- (b) Require the Township to permit an employee to be under the influence of or use cannabis in the employer's workplace or while performing the employee's job duties or while on call, *see id.* at 705/10-50(b); or
- (c) Limit or prevent the Township from disciplining an employee or terminating employment of an employee for violating its employment policies or workplace drug policy, *see id.* at 705/10-50(c); and

WHEREAS, the Board has reviewed the Hanover Township Personnel Policy and deems it necessary and appropriate to amend the “Written Complaint Process,” “Discipline of Township Employees,” “Drug and Alcohol Free Workplace,” and “Vehicle Fleet Safety and Usage” Policies therein in light of the provisions of the CRTA, as provided herein; and

NOW, THEREFORE, BE IT RESOLVED by the Supervisor and Board of Town Trustees of Hanover Township, Cook County, Illinois, as follows:

SECTION ONE: INCORPORATION OF RECITALS. The recitals are hereby incorporated into the body of this Resolution as though fully set forth herein.

SECTION TWO: ADOPTION. The amendments to the Hanover Township Personnel Policy, as provided herein, are hereby adopted and approved.

SECTION THREE: DIRECTION TO STAFF. The Township Administrator, or his designee, is hereby directed to delete the stricken text (indicated textually in the same manner as the following example: “~~stricken text~~”) from, and to add the underlined text (indicated textually in the same manner as the following example: “underlined text”) to, the Hanover Township Personnel Policy, as follows.

A. With respect to Article IV, Section A, Sub-Section 2 of the Hanover Township Personnel Policy:

- 2.) A complaint may be defined as an employee's expressed feeling of dissatisfaction concerning conditions of employment, discipline, or treatment by management, supervisors, or other employees. Examples of actions which may be causes of complaints include, but are not limited to:
 - a. Application of Township policies, practices, rules, regulations and procedures believed to be to the detriment of an employee;
 - b. Discipline on the basis that an employee is under the influence or impaired by cannabis.
 - ~~b.c.~~ Treatment considered unfair by an employee, such as coercion, reprisal, harassment or intimidation;

- ed. Alleged discrimination because of race, color, religion, sex, national origin/ancestry status, sexual orientation, gender identity and/or gender expression, disability (mental or physical), age, marital status, military status, unfavorable discharge from military status, genetic information, arrest record, citizenship status, pregnancy, and any other protected status under federal, state, and local law; and,
- de. Improper or unfair administration of employee benefits or conditions of employment such as vacations, promotions, retirement, holidays, performance review, salary or seniority.

B. With respect to Article IV, Section B, Sub-Section 1 of the Hanover Township

Personnel Policy:

- 1.) Any complaint filed will follow the procedure outlined below, refer to the provision or provisions of Township policy, practice, procedure, rule or regulation alleged to have been violated and adequately set forth the facts pertaining to the alleged violation.

Step 1: The complainant shall timely present a complaint in writing to his or her immediate supervisor. Discussions shall be informal for the purpose of settling differences in the simplest and most direct manner. The immediate supervisor shall reach a decision, if possible, and communicate it in writing to the complainant within 3 working days from the date the complaint was presented.

Step 2: If the complaint is not settled in the first step, the complainant shall, within 3 working days, forward the written complaint to the Department Head. The Department Head will attempt to, within 5 working days, meet with the complainant to determine the facts of the case. The Department Head will attempt to notify the complainant of his decision, in writing, within 5 working days following the date of the meeting, unless such time is mutually extended in writing.

Step 3: If the complaint is not settled at Step 2, the complainant shall, within 5 working days, forward the written complaint to the Township Administrator. The Township Administrator will attempt to meet with the complainant and/or additional parties involved within 10 working days after receipt of the complaint, unless such time is mutually extended in writing. The Township Administrator will attempt to ascertain the facts and issue a decision in writing within 5 working days after the meeting, unless this period is extended in writing by mutual agreement.

Step 4: If the complaint is not settled at Step 3, and involves termination of a fulltime employee after their probationary period, the complainant shall, within 5 working days, forward the written complaint to the Township Clerk or his designee for an appeal of

the Township Administrator's decision to the Township Board. The employee's complaint will be addressed at the next regularly scheduled Township Board meeting, if submitted 72 hours prior to the meeting. Should the employee submit the complaint after the 72-hour window has passed, they must wait for the next regularly scheduled Board meeting.

Step 4 does not apply to employees who report to an Appointing Authority (defined hereinafter as Highway Commissioner, the Township Supervisor, Assessor, or Mental Health Board, or the Township Supervisor in his role as Supervisor of General Assistance). In this instance, the Appointing Authority has the final authority.

C. With respect to Article V, Section A, Sub-Section 3 of the Hanover Township
Personnel Policy:

- 3.) The list below are examples, but not limited to, violations that may result in discipline.
 1. Failure or refusal to follow the written or oral instructions of the Township Board, a member of the management staff, or their designee.
 2. Insubordination.
 3. Neglecting job duties and responsibilities.
 4. Engaging in unauthorized personal business during work hours.
 5. Intentionally falsifying records or documents, including time records.
 6. Discourtesy in dealing with Township officials, employees of the Township, Township residents, and/or other members of the public.
 7. Failure to give proper notice when unable to report for or continue work as scheduled.
 8. Unexcused or excessive absenteeism
 9. Abuse or misuse of Township property, materials or supplies.
 10. Unauthorized use of Township property and equipment including telephones, copy machines and mail services.
 11. Threatening, harassing or inflicting bodily harm to fellow employees.
 12. Making false and malicious statements concerning employees or the Township.
 13. Discriminating against employees in violation of applicable laws.
 14. Unauthorized possession, use, purchase, consumption, transfer or sale of alcoholic beverages, controlled substances or illegal drugs during working hours, or while on or using Township property, or otherwise while representing the Township, or reporting to work under the influence of alcohol, controlled substances, or illegal drugs.

- 15. Possession, use, consumption, purchase, sale, transfer, manufacture, dispensation, or storage of cannabis in all of its forms (including, but not limited to, inhalation, ingestion, and topical application) in the workplace, during work hours, while performing job duties, while on call, while on or using Township property, while operating Township equipment or vehicles, or while otherwise representing the Township. An employee is deemed "on call" when the employee is scheduled with at least 24 hours' notice to be on standby or otherwise responsible for performing work-related tasks, whether on Township property or at another previously designated location.
- 16. Being impaired or under the influence of cannabis in any of its forms (including, but not limited to, inhalation, ingestion, and topical application) in the workplace, during work hours, while performing job duties, while on call, while on or using Township property, while operating Township equipment or vehicles, or while otherwise representing the Township. An employee will be considered to be impaired or under the influence of cannabis if the employee manifests symptoms that decrease or lessen the employee's performance of the duties or tasks of the employee's job position, including, but not limited to: symptoms of the employee's speech, physical dexterity, agility, coordination, demeanor, irrational or unusual behavior, or negligence or carelessness in operating equipment or machinery; disregard for the safety of the employee or others, or involvement in any accident that results in serious damage to equipment or property; disruption of a production or manufacturing process; or carelessness that results in any injury to the employee or others.
- ~~17.~~ Accepting a free gift, gratuity, or other offering in the course of or in connection with Township work.
- ~~18.~~ Possession of weapons during scheduled and/or paid hours of work, or while on or using Township property, except as specifically provided by state law. Weapons include any item whose primary purpose is to inflict injury to persons or damage to property.
- ~~19.~~ Unauthorized disclosure of confidential records or information.
- ~~20.~~ Failure to wear a uniform if required.
- ~~21.~~ Gambling while on the job or performing services for the Township.
- ~~22.~~ Theft, fraud or embezzlement of Township, citizen or employee property or funds.
- ~~23.~~ Leaving the job during working hours without permission.
- ~~24.~~ Violating Township policies, rules, regulations, or practices.
- ~~25.~~ Unauthorized use of overtime.

D. With respect to Article VII, Section B of the Hanover Township Personnel Policy:

- 1.) The Township is a public agency and has the responsibility to uphold the public trust and maintain a positive image. The Township expects all personnel to report to work in a condition suitable to perform their duties at the highest level of efficiency. The impairing influence of drugs, cannabis, and alcohol during working hours is inconsistent with this objective.
- 2.) ~~The impairing influence of drugs and alcohol during working hours is inconsistent with this objective.~~ Whenever employees are working, operating Township equipment, vehicles or are present on Township premises, they are prohibited from using, possessing, buying, selling, manufacturing or dispensing illegal drugs.
- 3.) Employees are further prohibited from being under the influence of alcohol or illegal drugs and possessing or consuming alcohol.
- 4.) Employees are prohibited from possessing, using, consuming, purchasing, selling, transferring, manufacturing, dispensing, or storing cannabis in all of its forms (including, but not limited to, inhalation, ingestion, and topical application) in the workplace, during work hours, while performing job duties, while on call, while on or using Township property, while operating Township equipment or vehicles, or while otherwise representing the Township.
- 5.) Employees are further prohibited from being impaired or under the influence of cannabis in all of its forms (including, but not limited to, inhalation, ingestion, and topical application) in the workplace, during work hours, while performing job duties, while on call, while on or using Township property, while operating Township equipment or vehicles, or while otherwise representing the Township.
- 46.) This policy does not prohibit employees from the lawful use and possession of prescribed medications.
- 57.) Employees must, however, consult with their doctors about the medications' effect on their ability to perform the essential functions of the job and work safely, and promptly disclose any restrictions or information which may otherwise indicate that such medications may impact these abilities to their Department Head (employees should not, however, disclose underlying medical conditions unless specifically directed to do so). Any violations of this policy will subject the employee to immediate discipline up to and including discharge.
- 68.) Certain employees are also covered by the Township's Illinois Department of Transportation Drug and Alcohol Policy. Covered employees will receive a copy of this policy from their Department Head. It should be noted that pursuant to the explicit provision of the Cannabis Regulation and Tax Act (CRTA), 410 ILCS 705/10-50(g), nothing in CRTA shall be construed to interfere with any federal, State, or local restrictions on employment, including, but not limited to, the United States Department of Transportation Regulation, 49 CFR 40.151(e), or impact the Township's ability to comply

with federal or State law or cause it to lose a federal or State contract or funding.

- 79.) From time to time, as prescribed by the Township's Drug and Alcohol Policy, employees may be subject to initial, ~~and random,~~ and for-cause drug, cannabis, and alcohol testing.

E. With respect to Article XIII, Section C, Sub-Section 1 of the Hanover Township

Personnel Policy:

- 1.) The use of Township vehicles while under the influence of or impaired by alcohol, cannabis, intoxicants, and other drugs is forbidden and is sufficient cause for discipline, up to and including termination.

F. With respect to Article XIII, Section C, Sub-Section 4 of the Hanover Township

Personnel Policy:

- 4.) No driver shall operate a Township vehicle when his or her ability to do so safely has been impaired by illness, fatigue, injury, ~~or medication,~~ alcohol, cannabis, intoxicant, or other drug.

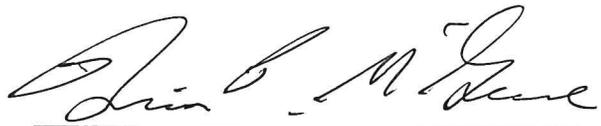
SECTION FOUR: SEVERABILITY. If any section, paragraph or provision of this Resolution shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph or provision shall not affect any of the remaining provisions of this Resolution.

SECTION FIVE: REPEALER. All prior Ordinances and Resolutions in conflict or inconsistent herewith are hereby expressly repealed only to the extent of such conflict or inconsistency.

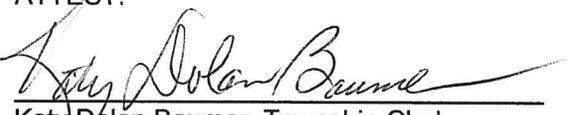
SECTION SIX: EFFECTIVE DATE. This Resolution shall be in full force and effect upon its passage and approval.

ROLL CALL VOTE: Supervisor McGuire and Trustees Beattie, Essick, Martinez, and Moinuddin

AYES: 5 Supervisor McGuire and Trustees Enick, Beattie,
NAYS: 0 Martinez and Moinuddin
ABSENT: 0
PASSED: December 3, 2019
APPROVED: December 3, 2019



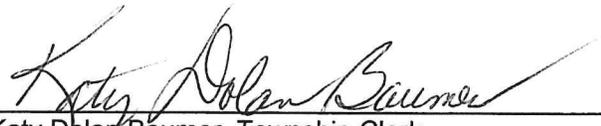
Brian P. McGuire, Township Supervisor

ATTEST:


Katy Dolan Baumer, Township Clerk

CERTIFICATION

I, the undersigned, do hereby certify that I am the Township Clerk of Hanover Township, Cook County, Illinois, and that the foregoing is a true, complete and exact copy of Resolution 1203191, enacted on December 3, 2019, and approved on December 3, 2019, as the same appears from the official records of Hanover Township.



Katy Dolan Baumer, Township Clerk