
THE CITY OF ROCHELLE
Ogle County, Illinois

RESOLUTION
NO. _____

**A RESOLUTION AMENDING “ARTICLE B: DRUG FREE WORKPLACE” OF THE
PERSONNEL MANUAL**

JOHN BEARROWS, Mayor
ROSE HUERAMO, City Clerk

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City Council

Published in pamphlet form by authority of the Mayor and City Council of the City of Rochelle
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1301 W. 22nd Street – Ste. 500 Oak Brook, Illinois 60523

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WHEREAS, Section 7 of Article VII of the 1970 Constitution of the State of Illinois provides that a municipality that is not a home rule unit shall only have the powers granted to them by law and as such the City of Rochelle, Ogle County, Illinois being a non-home rule unit pursuant to the provisions of said Section 7 of Article VII, and may exercise only the powers expressly granted by law; and

WHEREAS, the Illinois General Assembly granted non-home rule municipalities broad authority to “pass all ordinances and make all rules and regulations proper or necessary, to carry into effect the powers granted to municipalities.” 65 ILCS 5/1-2-1; and

WHEREAS, while “non-home rule municipalities have the authority to enact ordinances, such ordinances may in no event conflict with state law or prohibit what a state statute expressly permits . . . A local ordinance may impose more rigorous or definite regulations in addition to those enacted by the state legislature so long as they do not conflict with the statute.” (*Village of Wauconda v. Hutton*, 291 Ill. App. 3d 1058, 1060 (1997)); and

WHEREAS, previously the City has adopted a policies and procedures manual for employees and elected officials (“Personnel Policies Manual”) setting forth the policies and procedures in current force and effect for City employees and elected officials; and

WHEREAS, by its nature, the Personnel Policies Manual, otherwise referred to as the Employee Handbook is in constant need of review and revision to be consistent with all applicable laws and best practices; and

WHEREAS, Article B: Drug-Free Workplace (“Article B”) of the Personnel Policies Manual needs to be amended to reflect the most recent laws regarding safety-sensitive positions, reasonable suspicion drug and alcohol testing, and to align the City’s Policy with Department of Transportation (DOT) regulations; and

WHEREAS, the City of Rochelle Human Resources Risk Management and Safety department has drafted the appropriate revisions to Article B, which are attached herein as Exhibit A, and is requesting that Council adopt the proposed amendments by replacing the current Article B of the Personnel Policies Manual with the attached Exhibit A; and

NOW, THEREFORE, be it Resolved by the corporate authorities of the City of Rochelle the following:

SECTION ONE: The foregoing recitals shall be, and are hereby, incorporated into and made a part of this Resolution as if fully set forth in this Section One.

SECTION TWO: The City hereby amends “Article B: Drug-Free Workplace” of the Personnel Policies Manual by replacing it with Exhibit A attached hereto, subject to final review and revisions by the City Attorney.

SECTION THREE: All prior Ordinances, Resolutions and Personnel Policies in conflict or inconsistent herewith are hereby expressly repealed but only to the extent of such conflict or inconsistency.

SECTION FOUR: This Resolution shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law.

PASSED THIS 22nd day of April, 2024.

AYES:

NAYS:

ABSENT:

APPROVED THIS 22nd day of April, 2024.

MAYOR

ATTEST:

CITY CLERK

EXHIBIT A

ARTICLE B: DRUG-FREE WORKPLACE

The City of Rochelle maintains a Drug-free Workplace Policy. It is the City's intent to eliminate the use of illegal drugs, alcohol, and controlled substances at its work sites. Towards that end, the City requires that applicants undergo drug/alcohol testing as a condition of pre-employment for safety-sensitive positions. Passage of the drug/alcohol test is a condition of employment.

The City may conduct drug/alcohol testing after on-the-job accidents where a fatality has occurred, an employee is issued a citation for a moving violation and the accident involved bodily injury to a person or people, and as a result of the accident, the person or people received immediate medical treatment away from the scene of the accident, or, an employee is issued a citation for a moving violation, and one or more vehicles incur disabling damage as a result of the accident, requiring the vehicle(s) to be towed or transported away from the scene of the accident. Public Safety with Collective Bargaining Agreements (CBA) may have additional or specific criteria for drug/alcohol testing, please refer to the appropriate CBA for further details.

The City shall conduct drug/alcohol testing where it has reasonable suspicion that an employee is under the influence on the job. Any employee refusing to submit to a drug or alcohol test will be subject to immediate termination.

Random drug/alcohol testing will be conducted by Mid-West Truckers Association (MTA) on employees required to hold a CDL license to perform their job functions.

STATE OF ILLINOIS)
)
COUNTY OF OGLE) SS.

CERTIFICATE

I, Rose Hueramo, City Clerk of the City of Rochelle, County of Ogle and State of Illinois, DO HEREBY CERTIFY that the foregoing is a true and correct copy of Resolution No. _____, “A RESOLUTION AMENDING “ARTICLE B: DRUG FREE WORKPLACE” OF THE PERSONNEL MANUAL” which was adopted by the Mayor and City Council of the City of Rochelle on April 22, 2024.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the City of Rochelle this 22nd day of April, 2024.

CITY CLERK