

CHAMPAIGN COUNTY BOARD
COMMITTEE ADDENDUM

COUNTY FACILITIES

Tuesday, March 11, 2008 – 6:00 p.m.

Lyle Shields Meeting Room, Brookens Administrative Center
1776 East Washington, Urbana, IL

CHAIR: Steve Beckett

MEMBERS: Bensyl, Betz, Cowart, James, Jay, Richards, Sapp, Weibel

ADDENDUM

XI COUNTY ADMINISTRATOR

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XII OTHER BUSINESS

B. Self-Representation Help Desk Proposal 23-28
C. Circuit Clerk Request for Storage Space for Evidence 29-30
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*Champaign County
Administrative Services
1776 East Washington
Urbana, IL 61802
(217) 384-3776*

*Pius Weibel
County Board Chair
Denny Inman, Deb Busey
County Administrators*

**Substance Abuse Prevention
On
Public Works Projects Act**

**Guidelines for Compliance
2008**

**Prepared for the Illinois Counties Risk Management Trust
by**

**The Law Office of W. J. Judge
Oak Park, Illinois**



**Sponsored by
Method Management**

WARNING

This material is presented as guidelines for compliance **only** and is not intended as legal advice for the resolution of any specific matter. Prior to making any decision legal and other appropriate professionals should be consulted.

**Guidelines for Compliance
Substance Abuse Prevention on Public Works Projects Act**

Background:

On October 5, 2007 Illinois Governor Rod Blagojevich signed into law the Substance Abuse Prevention on Public Works Projects Act.¹ (Act) The law applies to any contract to perform work on a public works project for which bids are opened on or after January 1, 2008, or, if bids are not solicited for the contract, to a contract to perform such work entered into on or after January 1, 2008.

Summary of the Act:²

- Applies to any contractor or subcontractor performing a public works project.
- Public Works Project and public body are defined in the Prevailing Wage Act; public works includes *“any fixed works construction by any public body.”*
- A **“public body”** includes the **state** or any political subdivision or department of the state, any institution supported in whole or in part by public funds, **“any county, city, town, village, township, school district, irrigation, utility, reclamation improvement or other district** and every other political subdivision, district or municipality of the state whether such political subdivision, municipality or district operates under a special charter or not.”
- “Employee” includes any laborer, mechanic, or other worker “employed in any public works by anyone under a contract for public works.”
- The law prohibits any employee from using, possessing, distributing, delivering, or being under the influence of drugs or alcohol “while performing work on a public works project.”
- Being “under the influence of alcohol” is considered any **blood or breath test** result at or above **0.02**.
- Before beginning work an employer must **file** their written program with the public body engaging it and make the program **available to the public**.
- Testing must be performed at a SAMHSA-certified lab.
- The employer must test for 9 drugs (unspecified) and alcohol. (Blood testing permitted only for post-accident, but urine is sufficient).

¹ Pub. L. 095-0635.

² A copy of Pub. L. 095-0635 attached as APPENDIX “A”.

- Testing must include pre-employment (unless subject to random within past 90 days), random, reasonable suspicion, and post-accident.
- Training Supervisors regarding reasonable suspicion is “encouraged”.
- A positive test or refusal requires **immediate removal** subjects the employee to termination and could result in permanent ban from performing on public works. Return to work permitted only if conditions are met.
- If there is a Collective Bargaining Agreement “dealing with the subject matter” of the Act it shall govern.

The Illinois Department of Labor has determined that it will not issue regulations for the enforcement and interpretation of this Act. Unfortunately, this leaves enforcement and interpretation to the courts. Appropriate standards of **practice** should, therefore, be utilized.

Public Bodies: What must be done?

Public Bodies governed by this new law must establish procedures for *their* compliance and for those contractors and subcontractors with which they contract for public works. Those procedures should include a means of determining if each contractor and subcontractor is in compliance with the new law. As noted above, the Act states a “public body” is as defined by the Illinois Prevailing Wage Act³ to include the **state** or any political subdivision or department of the state, any institution supported in whole or in part by public funds, “any **county, city, town, village, township, school district, irrigation, utility, reclamation improvement or other district** and every other political subdivision, district or municipality of the state whether such political subdivision, municipality or district operates under a special charter or not.”

An initial question is: “*How shall each public body ensure compliance with this law?*” Some issues to consider include:

1. How will compliance with the law be demonstrated?
2. Will the contractor or subcontractor be required to sign a certificate of compliance?
3. Will the contractor or subcontractor be required to submit its written program?
4. What will be the penalty, if any, for non-compliance?
5. Is additional public body authority (e.g. adopting ordinance) needed?
6. How shall the contractor/subcontractor’s program be “made available to the general public”?

³ 820 ILCS 130/2.

Each public body should consider these components and decide how or if they should address them.

How will compliance with the law be demonstrated? (Certification, Submit copy?)

Some public bodies have decided to simply require contractors and subcontractors to execute a certification of compliance. However, the Act states at section 15 as follows: "Before an employer commences work on a public works project, the employer shall have in place a written program which meets or exceeds the program requirements in this Act, *to be filed with the public body* engaged in the construction of the public works and made available to the general public, for the prevention of substance abuse among its employees." (emphasis added).

This seems to require that the contractor/subcontractor's written program must be "filed" with the public body. How that written program will be filed (e.g. on-line) is not specified. Nor is it clear whether "filing" the program will constitute sufficient public notice.

Although not specified in the Act, each public body should consider some form of evidence for compliance with the Act and the required "filing". Some public bodies have already determined that each contractor/subcontractor will be required to execute a "certification". (See APPENDIX "B")

Non-Compliance: Penalty?

The new law places specific penalties on an employee found to be in violation of the employer's program⁴ but there is nothing specified if the employer is found non-compliant. Each jurisdiction will have to decide what the penalties should be in such a case. The Illinois DOT has notified its pre-qualified contractors that there will be severe penalties for non-compliance, ranging from forfeiture of the penal sum of the bidder's proposal guaranty, to barring the non-compliant bidder from subsequent lettings.

Is additional public body authority (e.g. adopting ordinance) needed?

Each jurisdiction must determine whether additional action will be required by its governing body to adopt procedures for compliance and oversight of this new law. The requirements and subsequent actions under the Illinois Prevailing Wage Act may serve as a guide. (See Appendix "C" for sample language taken from the Illinois Department of Labor web site at <http://www.state.il.us/agency/idol/publicb/publicb.htm>.)

How shall the contractor/subcontractor's program be "made available to the general public"?

⁴ Section 20 of the Act requires the immediate removal of any worker found to be in violation of the program and continued exclusion from public works projects until specified return-to-duty requirements are met.

The law states that the employer shall file its Substance Abuse Prevention of Public Works Program with the public body engaging it and must make the program “available to the general public.” Is more required other than filing the SAP program with the public body? When it’s filed has it been made available to the general public?

Each jurisdiction will have to consider this issue and determine how best to comply.

**Substance Abuse Prevention
on
Public Works Projects Act**

Specifics of the Law:

What the Contractor/Subcontractor's SAP Program must include.

Some Public Bodies may want to review the contractor/subcontractor's written program for compliance with the specifics of the Act. For those interested in the specifics of the Act they are discussed in more detail below.

Section 15 states that the employer's SAP Program must at a minimum include the following:

Requirement	Note
(A) A minimum requirement of a 9 panel urine drug test plus a test for alcohol. Testing an employee's blood may only be used for post-accident testing, however, blood testing is not mandatory for the employer where a urine test is sufficient.	The law requires testing at a SAMHSA-certified laboratory. Except in the return-to-duty section of the law the test procedures are specified. SAMHSA only authorizes testing for 5 drugs (marijuana, cocaine, amphetamines, opiates and PCP). What are the other 4 drugs to be tested? Standard of practice would suggest barbiturates, benzodiazepines, propoxyphene and methadone.
(B) A prohibition against the actions or conditions specified in Section 10.	Section 10 provides: "No employee may use, possess, distribute, deliver, or be under the influence of a drug, or use or be under the influence of alcohol, while performing work on a public works project." Alcohol positive = 0.02 or above.
(C) A requirement that employees performing the work on a public works project submit to pre-hire, random, reasonable suspicion, and post-accident drug and alcohol testing. Testing of an employee before commencing work on a public works project is not required if the employee has been participating in a random testing program during the 90 days preceding the date on which the employee commenced work on the public works project.	No random annual rate is stated. (Federal DOT ranges from 25% to 50%) There are no stated procedures for determining the 90-day pre-employment exception.
(D) A procedure for notifying an employee who violates Section 10, who tests positive for the presence of a drug in his or her system, or who refuses to submit to drug or alcohol testing as required under the program that the employee may not perform work on a public works project until the employee meets the conditions specified in subdivisions (2)(A) and (2)(B) of Section 20.	There is no requirement that this provision be in writing.

More Details:

Who must comply?

There are several parties involved in the compliance with this law, including the public body and employer/contractor-subcontractor involved in a public work project and the employees of those employers actually performing on the public works project. The law states at Section 15: "Before an employer commences work on a public works project, the employer shall have in place a written program which meets or exceeds the program requirements in this Act, to be filed with the public body engaged in the construction of the public works and made available to the general public, for the prevention of substance abuse among its employees.

But, this law only applies to the extent that there is no collective bargaining agreement in effect "*dealing with the subject matter*" of the Act. The law is directed at only those employees "*while performing work on a public works project.*"

What is required of the Contractor and Subcontractor?

Each contractor or subcontractor must have a **written program** which at a minimum provides:

(A) A minimum requirement of a 9 panel urine drug test plus a test for alcohol. Testing an employee's blood may only be used for post-accident testing, however, blood testing is not mandatory for the employer where a urine test is sufficient.

(B) A prohibition against the actions or conditions specified in Section 10.

(C) A requirement that employees performing the work on a public works project submit to pre-hire, random, reasonable suspicion, and post-accident drug and alcohol testing. Testing of an employee before commencing work on a public works project is not required if the employee has been participating in a random testing program during the 90 days preceding the date on which the employee commenced work on the public works project.

(D) A procedure for notifying an employee who violates Section 10, who tests positive for the presence of a drug in his or her system, or who refuses to submit to drug or alcohol testing as required under the program that the employee may not perform work on a public works project until the employee meets the conditions specified in subdivisions (2)(A) and (2)(B) of Section 20.

What is prohibited?

The focus of the law is to prevent the use of drugs or alcohol while performing on a public works project. Section 10 of the Act states as follows:

Section 10. Substance abuse prohibited. No employee may use, possess, distribute, deliver, or be under the influence of a drug, or use or be under the influence of alcohol, while performing work on a public works project. An employee is considered to be under the influence of alcohol for purposes of this Act if the alcohol concentration in his or her blood or breath at the time alleged as shown by analysis of the employee's blood or breath is at or above 0.02.

NOTE: A positive alcohol test is considered any test result at or above 0.02.

Who must be tested?

Any individual, laborer, mechanic, or other worker, performing work on a public works project must be subject to testing under the employer's written program.

What must be tested for?

The Act requires testing "a 9 panel urine test" but does not specify which drugs to test for. Moreover, SAMHSA only authorizes testing for 5. Standard of practice would suggest the additional 4 drugs would include barbiturates, benzodiazepines, propoxyphene and methadone.

Where tests must be analyzed?

All tests must be analyzed in a laboratory certified by the Substance Abuse and Mental Health Services Administration (SAMHSA, formerly known as NIDA)

How

The Act requires testing at a laboratory certified by SAMHSA but, except for RTD tests does not indicate what procedures must be used. The current list of SAMHSA-certified lab can be found at:

http://workplace.samhsa.gov/DrugTesting/Level_1_Pages/CertifiedLabs.aspx

(See APPENDIX "D")

When must tests occur?

Section 15 (1) (c) requires contractors and subcontractors to establish testing programs to conduct tests

1. pre-employment
2. random
3. reasonable suspicion
4. post-accident

There is an exception to the pre-employment test requirement. If the individual to be hired has been subject to random testing for the past 90 days no pre-employment test is required. Unfortunately, the law does not indicate how an employer should determine if in fact the individual has been subject to such tests. Examples of other industry procedures can be found under federal DOT rules (49 CFR Part 382.301⁵) and in other construction consortium procedures.

What are the consequences of a program violation?

The Act specified consequences for an employee who violates the employers SAP program but does not establish consequences for a contractor/subcontractor that is found to be non-compliant. Each jurisdiction must establish such procedures. These procedures may require additional local authority be in place.

⁵ 49 CFR Part 382.301 provides in part,
§382.301 Pre-employment testing.
* * *

(b) An employer is not required to administer a controlled substances test required by paragraph (a) of this section if:
(1) The driver has participated in a controlled substances testing program that meets the requirements of this part within the previous 30 days; and
(2) While participating in that program, either:
(i) Was tested for controlled substances within the past 6 months (from the date of application with the employer), or
(ii) Participated in the random controlled substances testing program for the previous 12 months (from the date of application with the employer);
and . . .

APPENDIX "A"

Public Act 095-0635

HB1855 Enrolled LRB095 09720 WGH 31800 b

AN ACT concerning employment.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 1. Short title. This Act may be cited as the Substance Abuse Prevention on Public Works Projects Act.

Section 5. Definitions. As used in this Act:

"Accident" means an incident caused, contributed to, or otherwise involving an employee that resulted in death, personal injury, or property damage and that occurred while the employee was performing work on a public works project.

"Alcohol" means any substance containing any form of alcohol including, but not limited to, ethanol, methanol, propanol, and isopropanol.

"Alcohol concentration" means: (1) the number of grams of alcohol per 210 liters of breath; or (2) the number of grams of alcohol per 100 milliliters of blood.

"Drug" means a controlled substance as defined in the Illinois Controlled Substances Act or cannabis as defined in the Cannabis Control Act for which testing is required by an employer under its substance abuse prevention program under this Act. The term "drug" includes prescribed medications not used in accordance with a valid prescription.

"Employee" means a laborer, mechanic, or other worker employed in any public works by anyone under a contract for public works.

"Employer" means a contractor or subcontractor performing a public works project.

"Public works" and "public body" have the meanings ascribed to those terms in the Prevailing Wage Act.

Section 10. Substance abuse prohibited. No employee may use, possess, distribute, deliver, or be under the influence of a drug, or use or be under the influence of alcohol, while performing work on a public works project. An employee is considered to be under the influence of alcohol for purposes of this Act if the alcohol concentration in his or her blood or breath at the time alleged as shown by analysis of the employee's blood or breath is at or above 0.02.

Section 15. Substance abuse prevention programs required.

(1) Before an employer commences work on a public works project, the employer shall have in place a written program which meets or exceeds the program requirements in

this Act, to be filed with the public body engaged in the construction of the public works and made available to the general public, for the prevention of substance abuse among its employees. The testing must be performed by a laboratory that is certified for Federal Workplace Drug Testing Programs by the Substance Abuse and Mental Health Service Administration of the U.S. Department of Health and Human Services. At a minimum, the program shall include all of the following:

(A) A minimum requirement of a 9 panel urine drug test plus a test for alcohol. Testing an employee's blood may only be used for post-accident testing, however, blood testing is not mandatory for the employer where a urine test is sufficient.

(B) A prohibition against the actions or conditions specified in Section 10.

(C) A requirement that employees performing the work on a public works project submit to pre-hire, random, reasonable suspicion, and post-accident drug and alcohol testing. Testing of an employee before commencing work on a public works project is not required if the employee has been participating in a random testing program during the 90 days preceding the date on which the employee commenced work on the public works project.

(D) A procedure for notifying an employee who violates Section 10, who tests positive for the presence of a drug in his or her system, or who refuses to submit to drug or alcohol testing as required under the program that the employee may not perform work on a public works project until the employee meets the conditions specified in subdivisions (2)(A) and (2)(B) of Section 20.

(2) Reasonable suspicion testing. An employee whose supervisor has reasonable suspicion to believe the employee is under the influence of alcohol or a drug is subject to discipline up to and including suspension, and be required to undergo an alcohol or drug test. "Reasonable suspicion" means a belief, based on behavioral observations or other evidence, sufficient to lead a prudent or reasonable person to suspect an employee is under the influence and exhibits slurred speech, erratic behavior, decreased motor skills, or other such traits. Circumstances, both physical and psychological, shall be given consideration. Whenever possible before an employee is required to submit to testing based on reasonable suspicion, the employee shall be observed by more than one supervisory or managerial employee. It is encouraged that observation of an employee should be performed by a supervisory or managerial employee who has successfully completed a certified training program to recognize drug and alcohol abuse. The employer who is requiring an employee to be tested based upon reasonable suspicion shall provide transportation for the employee to the testing facility and may send a representative to accompany the employee to the testing facility. Under no circumstances may an employee thought to be under the influence of alcohol or a drug be allowed to operate a vehicle or other equipment for any purpose. The employee shall be removed from the job site and placed on inactive status pending the employer's receipt of notice of the test results. The employee shall have the right to request a representative or designee to be present at the time he or she is directed to provide a specimen for testing based upon reasonable suspicion. If the test result is positive for drugs or alcohol, the employee shall be subject to termination. The employer shall pay all costs related to this testing. If the test result is negative, the employee shall be placed on active status and shall be put back to work by the employer. The

employee shall be paid for all lost time to include all time needed to complete the drug or alcohol test and any and all overtime according to the employee's contract. (3) An employer is responsible for the cost of developing, implementing, and enforcing its substance abuse prevention program, including the cost of drug and alcohol testing of its employees under the program, except when these costs are covered under provisions in a collective bargaining agreement. The testing must be performed by a laboratory that is certified for Federal Workplace Drug Testing Programs by the Substance Abuse and Mental Health Service Administration of the U.S. Department of Health and Human Services. The contracting agency is not responsible for that cost, for the cost of any medical review of a test result, or for any rehabilitation provided to an employee.

Section 20. Employee access to project.

(1) An employer may not permit an employee who violates Section 10, who tests positive for the presence of a drug in his or her system, or who refuses to submit to drug or alcohol testing as required under the employer's substance abuse prevention program under Section 15 to perform work on a public works project until the employee meets the conditions specified in subdivisions (2)(A) and (2)(B). An employer shall immediately remove an employee from work on a public works project if any of the following occurs:

(A) The employee violates Section 10, tests positive for the presence of a drug in his or her system, or refuses to submit to drug or alcohol testing as required under the employer's substance abuse prevention program. (B) An officer or employee of the contracting agency, preferably one trained to recognize drug and alcohol abuse, has a reasonable suspicion that the employee is in violation of Section 10 and requests the employer to immediately remove the employee from work on the public works project for reasonable suspicion testing.

(2) An employee who is barred or removed from work on a public works project under subsection (1) may commence or return to work on the public works project upon his or her employer providing to the contracting agency documentation showing all of the following:

(A) That the employee has tested negative for the presence of drugs in his or her system and is not under the influence of alcohol as described in Section 10.

(B) That the employee has been approved to commence or return to work on the public works project in accordance with the employer's substance abuse prevention program.

(C) Testing for the presence of drugs or alcohol in an employee's system and the handling of test specimens was conducted in accordance with guidelines for laboratory testing procedures and chain-of-custody procedures established by the Substance Abuse and Mental Health Service Administration of the U.S. Department of Health and Human Services.

(3) Upon successfully completing a rehabilitation program, an employee shall be reinstated to his or her former employment status if work for which he or she is qualified exists.

Section 25. Applicability. This Act applies to a contract to perform work on a public works project for which bids are opened on or after January 1, 2008, or, if bids are not solicited for the contract, to a contract to perform such work entered into on or after January 1, 2008. The provisions of this Act apply only to the extent there is no collective bargaining agreement in effect dealing with the subject matter of this Act.

Section 99. Effective date. This Act takes effect January 1, 2008.

APPENDIX "B"

Sample Certification of Compliance
Illinois DOT (Not an official copy)



Substance Abuse Prevention
Program Certification

Letting Date: _____ Item No.: _____
Contract No. _____
Route: _____
Section: _____
Job No. _____
County: _____

The Substance Abuse Prevention on Public Works [Projects] Act, Public Act 95-0635, prohibits the use of drugs and alcohol, as defines in the Act by employees of the Contractor and by employees of all approved Subcontractors while performing work on a public works project. The Contractor/Subcontractor herewith certifies that it has a superseding collective bargaining agreement or makes the public filing of its written substance abuse prevention program for the prevention of substance abuse among its employees who are not covered by a collective bargaining agreement dealing with the subject as mandated by the Act.

A. The undersigned representative of the Contractor/Subcontractor certifies that the contracting entity has signed collective bargaining agreements that are in effect for all of its employees, and that deal with the subject matter of Public Act 95-0635

Contractor/Subcontractor

Name of Authorized Representative (type or print)

Title of Authorized Representative (type or print)

Signature of Authorized Representative

Date

B. The undersigned representative of the Contractor/Subcontractor certifies that the contracting entity has in place for all of its employees not covered by a collective bargaining agreement that deals with the subject of the Act, the attached substance abuse prevention program that meets or exceeds the requirements of Public Act 95-0635.

Contractor/Subcontractor

Name of Authorized Representative (type or print)

Title of Authorized Representative (type or print)

Signature of Authorized Representative

Date

APPENDIX "C"

(Sample Forms)

MODEL ORDINANCE

Whereas, the State of Illinois has enacted "The Substance Abuse Prevention on Public Works Projects Act (Pub. L. 95-0635) requiring employers of any laborers, mechanics and other workers employed in any public works to refrain from certain drug/alcohol related activities while performing on any public works project under bid or under contract for public works", approved January 1, 2008, and

Whereas, the aforesaid Act requires that the (Public body name) investigate and ascertain employer compliance with said Act for employers of laborers, mechanics and other workers in the locality of said (public body) employed in performing construction of public works, for said (public body); and
Now, therefore, be it ordained by the (Officer, public body name, county), Illinois, as follows:

SECTION 1

To the extent and as required by "The Substance Abuse Prevention on Public Works Projects Act (Pub. L. 95-0635) The definition of any terms appearing in this Ordinance which area also used in the aforesaid Act shall be the same as in said Act.

SECTION 2

The (public body) shall take all steps necessary to establish procedures to determine employer compliance with the Act.

SECTION 3

The (public body official) shall publicly post or keep available for inspection by any interested party in the main office of this (public body) information regarding this Act.

SECTION 4

The (public body official) shall make available for filing in the office of the (department/office) by all contractor/subcontractors their Substance Abuse Prevention on Public Works Program. (SAP Program).

SECTION 5

The (public body) shall promptly establish a certificate for execution by each contractor/subcontractors indicating their compliance with the Act.

SECTION 6

The (public body official) shall cause a notice to be published in a newspaper of general circulation within the area that the determination of compliance by each contractor/subcontractor has been made. Such publication shall constitute notice to the general public as required by the Act.

SECTION 7

Each contractor/subcontractor SAP Program shall be available for inspection by any member of the general public during regular business hours in the office of the (office).

PASSES this

Public Body Official Signatures

CERTIFICATION
STATE OF ILLINOIS
COUNTY OF

I, _____, do hereby certify that I am the (title)
Of (county/city/school district, etc.), Illinois, and keeper of the records of said (name of)
(county/city/school district, etc), Illinois, and that the foregoing is a true and correct copy
of the Substance Abuse Prevention on Public Works Projects (legislation/Ordinance) as
adopted by the Board of Trustees of (name of) (public body), Illinois, at
their Regular Meeting held (time and date).

Dated this _____ day of _____, 2000.

By: _____
(Title)

APPENDIX "D"

CURRENT LIST OF SAMHSA-CERTIFIED LABS

Updated: JANUARY 03, 2008

**Department of Health and Human Services (HHS)
Substance Abuse and Mental Health Services Administration (SAMHSA)**

Title: Current List of Laboratories Which Meet Minimum Standards To Engage in Urine Drug Testing for Federal Agencies

HHS notifies Federal agencies of the laboratories that currently meet the standards in Subpart C of the Mandatory Guidelines for Federal Workplace Drug Testing Programs published in the **Federal Register** on April 13, 2004 (69 FR 19644). The notice listing all currently certified laboratories is published in the **Federal Register** during the first week of each month. If a laboratory's certification is suspended or revoked, the laboratory will be omitted from the list until it regains certification under the Guidelines.

List of HHS Certified Laboratories (by State and in Canada):

Arkansas

Little Rock
Baptist Medical Center, Toxicology Lab
501-202-2783

Arizona

Phoenix
Southwest Labs
602-438-8507
800-279-0027

California

Bakersfield
National Toxicology Labs, Inc.
805-322-4250
800-350-3515

Chatsworth
Pacific Toxicology Laboratories
800-328-6942

San Diego
Laboratory Corporation of America Holdings
800-882-7272 / 858-668-3710

Phamatech, Inc.
10151 Barnes Canyon Road

San Diego, CA 92121
858-643-5555

Van Nuys
Quest Diagnostics Inc.
866-370-6699
818-989-2521

Florida

Fort Myers
Diagnostic Services, Inc.
239-561-8200
800-735-5416

Miami
Toxicology Testing Service, Inc.
305-593-2260

Georgia

Atlanta
Quest Diagnostics Inc.
770-452-1590

Valdosta
Doctors Laboratory
229-671-2281

Indiana

South Bend
South Bend Medical Foundation, Inc.
574-234-4176 x276

Kansas

Lenexa
Clinical Reference Lab
800-445-6917

Lenexa
LabOne, Inc. d/b/a Quest Diagnostics
913-888-3927
800-728-4064

Louisiana

Gretna
Kroll Laboratory Specialists, Inc.
504-361-8989 / 800-433-3823

Maryland

MILITARY USE ONLY
Ft. Meade
Army Forensic Drug Testing Lab
301-677-7085

Michigan

Lansing
Sparrow Health System, Toxicology Testing Center
517-364-7400

Minnesota

Minneapolis
Minneapolis Veterans Affairs Medical Center, Forensic Toxicology Lab
612-725-2088

St. Paul
MedTox Labs, Inc.
800-832-3244
651-636-7466

Mississippi

Oxford
EISohly Labs, Inc.
662-236-2609

Southaven
Laboratory Corporation of America Holdings
866-827-8042
800-233-6339

Missouri

Columbia
Toxicology & Drug Monitoring Lab, Univ. of Missouri Hosp. & Clinics
573-882-1273

New Jersey

Raritan
Laboratory Corporation of America Holdings
908-526-2400
800-437-4986

New Mexico

Albuquerque
S.E.D. Medical Labs
505-727-6300
800-999-5227

New York

Rochester
ACM Medical Lab
585-429-2264

North Carolina

Research Triangle Park
Laboratory Corp of America Holdings
919-572-6900
800-833-3984

Oklahoma

Oklahoma City
St. Anthony Hospital Toxicology Lab
405-272-7052

Oregon

Springfield
Oregon Medical Labs
541-341-8092

Portland
MetroLab-Legacy Laboratory Services
503-413-5295
800-950-5295

Pennsylvania

Norristown
Quest Diagnostics Inc.
877-642-2216
610-631-4600

Warminster
DrugScan, Inc.
215-674-9310

Tennessee

Memphis
Advanced Toxicology Network
901-794-5770
888-290-1150

Nashville
Aegis Sciences Corp.
615-255-2400

Texas

Pasadena
One Source Toxicology Lab Inc.
888-747-3774

Houston
Laboratory Corporation of America Holdings
713-856-8288
800-800-2387

Virginia

Richmond
Kroll Laboratory Specialists, Inc.
804-378-9130

Washington

Spokane
Pathology Associates Medical Labs
509-755-8991
800-541-7891 ext 8991

Seattle
Laboratory Corporation of America Holdings
206-923-7020
800-898-0180

Wisconsin

West Allis
ACL Laboratories
414-328-7840

Canada

Mississauga, Ontario
MAXXAM Analytics
905-817-5700

Edmonton, Alberta
Dynacare Kasper Medical Laboratories
800-661-9876
780-451-3702

London, Ontario
Gamma-Dynacare Medical Laboratories
519-679-1630

Law Library

Champaign County Courthouse
Room 243
101 East Main Street
Urbana, Illinois 61801

Sixth Judicial Circuit
Champaign County

Telephone (217) 384-0154
Fax (217) 384-8638

TO: Steve Beckett, Chair, and Members of the County Facilities Committee
Brendan M. McGinty, Chair, and Members of the Finance Committee

Cc: Jan Anderson, Chair, and Members of the Justice & Social Services
Committee
Deb Busey

FROM: Roger Holland, Court Administrator
lkh Lori Hansen, Law Library Clerk
Valerie McWilliams, Land of Lincoln Legal Assistance Foundation *VM*

DATE: February 13, 2008

RE: Self-Representation Help Desk Proposal

Dear Board Members,

Please find attached a proposal for the Champaign County Law Library to assist with funding for the Self-Representation Help Desk, in collaboration with the Land of Lincoln Legal Assistance Foundation.

The Law Library Fund balance is sufficient to cover expenses for this collaboration for at least two years, after which time an evaluation of services will determine the future feasibility of the proposed collaboration.

lkh

Champaign County Law Library Funding for the Self-Representation Help Desk

Summary

The Champaign County Law Library (“Law Library”) proposes to assist the Land of Lincoln Legal Assistance Foundation (“Land of Lincoln”) with funding of the Self-Representation Help Desk (“Help Desk”). Land of Lincoln has received a grant of approximately \$15,000 for the purpose of increasing Help Desk hours and adding staff. The Law Library proposes to use its available fund balance to assume the one-time costs of purchasing equipment and materials, and to provide funding for a second year of staffing at the same level as the Land of Lincoln grant. The Law Library and Land of Lincoln request additional space through assumption of the space currently designated - and under-used - as the “Family Waiting Room.”

Background

Legal aid organizations assist civil litigants with limited financial means similar to the way a public defender’s office assists criminal defendants. Unfortunately, these organizations cannot serve all those who qualify for legal assistance. As such, many litigants are forced to proceed *pro se* or forego their legal remedies altogether.

Pro se litigation produces inefficiencies in court operations and creates the potential for unfairness in the administration of justice.¹ As proposed, the expanded Help Desk would demonstrate the County’s recognition of every citizen’s right of access to the courts regardless of the ability to hire private counsel; it would also expedite court proceedings by assisting *pro se* litigants before they enter the courtroom, thus saving the Circuit Court time and money.²

¹ See, e.g., *Oko v. Rogers*, 125 Ill.App.3d 720, 723, 466 N.E.2d 658 (3 Dist., 1984); and *The Legal Aid Safety Net: A Report on the Legal Needs of Low-Income Illinoisans*, available at administerjustice.org/legal/documents/legal_needs.pdf.

² 30 ILCS 765/5(d).

Implementation

The current Help Desk was opened in May 2005 and serves an average of seven to twelve people a day. The majority of cases involve some type of family issue. Under this proposal, services would be expanded. An attorney from Land of Lincoln would train and supervise lay “navigators” to staff the Help Desk for three-hour blocks of time. One afternoon (1:00 – 4:00 p.m.) would be added to the current schedule of 9:00 a.m. to noon, Mondays, Wednesdays and Fridays. Navigators would be paid \$12 to \$15 per hour, depending on experience.

The small office in which the Help Desk currently operates is insufficient to house an expanded print library and increased usage. The Courthouse’s Family Waiting Room could be re-designated for such a purpose. As it is currently configured, the Family Waiting Room is rarely used and its location on the first floor makes it an excellent location for the Help Desk.

Funding

Land of Lincoln has received a \$15,000 grant to cover personnel expenses for the current year. Under this proposal, the Law Library would furnish equipment and print materials during the first year and then assume administration of the navigators’ wages in the next fiscal year. Expenses to initiate the expansion are estimated at \$2,750, as illustrated on the attached table.

The budget for the Law Library is approximately \$66,000 per year, most of which is allocated for library books and legal database subscriptions for the Champaign County judges and public defender attorneys. Because of a reclassification of personnel, the Law Library has a fund balance of approximately \$139,965.96. A portion of this fund balance could be used to purchase furniture and books for the Help Desk. Additionally, the Law Library has a computer

and computer desk that could be furnished to the Help Desk for navigators to use in assisting clients.

Conclusion

The county's collaboration with Land of Lincoln to operate the Self-Representation Help Desk would recognize the important service that is being provided to the public served by the Champaign County Law Library, Champaign County Circuit Court and Champaign County Circuit Clerk's Office. These offices deal with people representing themselves on a daily basis and are burdened with requests for legal advice they cannot give. The Help Desk provides a resource in the courthouse to which the Court, Law Library and Circuit Clerk staff can refer pro se litigants. The proposed collaboration would advance the Law Library's mission, which is "to provide access to legal research materials to members of the public, lawyers, judges and other county officials in order to facilitate the just and equitable disposition of cases heard in Champaign County."

Estimated Expenses
 Self-Representation Help Desk
 Law Library Collaboration
 2008 - 09

Item			Cost
Navigator	12-15/hr	52 weeks	\$11,303.00
Computer (staff use only)	one time		\$ -
Computer Desk	one time		\$ -
Bookcases	one time		\$ 2,000.00
Table	one time		\$ -
Chairs	one time		\$ -
Pamphlet Display	one time		\$ -
Books	one time & ongoing		\$ 500.00
			\$150.00 per year after
office supplies	one time & ongoing		\$ 250.00
Total estimated expenditures to initiate			\$ 2,750.00
Total estimated annual expenditures			\$11,703.00

REQUEST FOR BUDGET AMENDMENT

BA NO. 08-00030

FUND 092 LAW LIBRARY

DEPARTMENT 074 LAW LIBRARY

INCREASED APPROPRIATIONS:

<u>ACCT. NUMBER & TITLE</u>	<u>BEGINNING BUDGET AS OF 12/1</u>	<u>CURRENT BUDGET</u>	<u>BUDGET IF REQUEST IS APPROVED</u>	<u>INCREASE (DECREASE) REQUESTED</u>
092-074-522.03 BOOKS, PERIODICALS & MAN.	40,000	40,000	40,500	500
092-074-522.02 OFFICE SUPPLIES	250	250	500	250
092-074-522.44 EQUIPMENT LESS THAN \$1000	0	0	2,000	2,000
TOTALS	40,250	40,250	43,000	2,750

INCREASED REVENUE BUDGET:

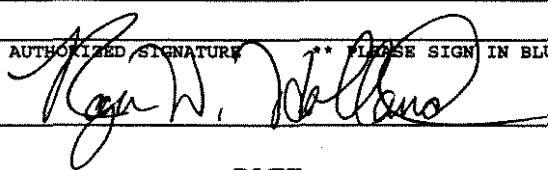
<u>ACCT. NUMBER & TITLE</u>	<u>BEGINNING BUDGET AS OF 12/1</u>	<u>CURRENT BUDGET</u>	<u>BUDGET IF REQUEST IS APPROVED</u>	<u>INCREASE (DECREASE) REQUESTED</u>
092-074-369.90 OTHER MISC. REVENUE	0	0	2,750	2,750
TOTALS	0	0	2,750	2,750

EXPLANATION: LAW LIBRARY FUND BALANCE IS SUFFICIENT TO COVER THESE BUDGET AMENDMENTS; INCREASED APPROPRIATIONS WILL BE USED AS PROPOSED TO HELP FUND THE SELF-REPRESENTATION HELP DESK.

DATE SUBMITTED:

2/11/08

AUTHORIZED SIGNATURE



** PLEASE SIGN IN BLUE INK **

APPROVED BY PARENT COMMITTEE:

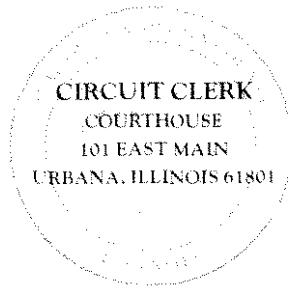
DATE:

APPROVED BY BUDGET & FINANCE COMMITTEE:

DATE:

C O U N T Y B O A R D C O P Y

Linda S. Frank



To: Steve Beckett, Chairman, Facilities Committee
and Committee Members

From: Linda Frank, Circuit Clerk *Linda Frank*

Date: March 6, 2008

Re: Storage space for evidence

At County Co-Administrator Denny Inman's suggestion, I am directing this request to you. As you are aware, one of the responsibilities of the Circuit Clerk is to preserve the evidence and exhibits for all cases heard before the Circuit Court. How long these items must be preserved and the processes for the destruction or sale of these items vary depending on the type of court case and are determined by Supreme Court rules. For criminal cases, the first step in the process is to acquire approval from the Presiding Judge.

In the past, when the shortage of storage space became an issue, I would approach the Presiding Judge (during my terms Judge Jensen and Judge Townsend) and we would set up a project whereby evidence and exhibits would be reviewed on a case by case basis for their approval. This procedure changed when Judge Difanis became our presiding judge (see attached letter).

I am now approaching a shortage with the storage space allotted to me for this purpose in the basement of the courthouse. Therefore I am requesting if space could be made available for this purpose in the ILEAS Training Center. The space would have to be secure and climate controlled with access limited to my staff.

If you have any questions or concerns, please do not hesitate to contact me. Thank you for your time.

cc: Denny Inman, County Co-Administrator

cc: Deb Busey, County Co-Administrator

Thomas J. Difanis
CIRCUIT JUDGE
COURTHOUSE
101 East Main Street
URBANA, ILLINOIS 61801-2772

SIXTH JUDICIAL CIRCUIT
CHAMPAIGN COUNTY

TELEPHONE 384-3704

September 28, 2006

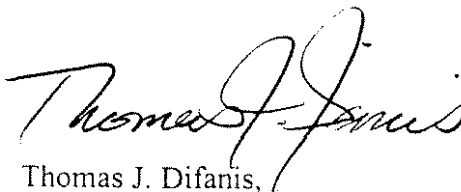
Ms. Linda Frank
Clerk of the Circuit Court
101 E. Main
Urbana, Illinois 61801

RE: Destruction of Evidence

Ms. Frank:

I am in receipt of your letter dated September 26, 2006 requesting authority to destroy evidence pursuant to Circuit Administrative Order 96-1. As you know, a criminal defendant can raise issues in requests for post-conviction relief to the Illinois Appellate Courts years after his/her conviction. In addition, the U.S. District Court has the ability to grant *habeas corpus* and other forms of relief many years after the defendant's conviction. As such, evidence must be preserved should a reviewing court order a new trial. Although I understand your concerns regarding adequate storage, for the foregoing reasons, I cannot authorize the destruction of evidence that may hinder or bar a future retrial.

Very truly yours,



Thomas J. Difanis,
Presiding Judge

**Closed Meeting Minutes Review - County Facilities Committee –
March 11, 2008**

**Is it necessary to protect the public interest or privacy of an
individual?**

Date of Minutes	Yes, Keep Confidential	No, Place in Open Files
April 26, 1990 <i>Performance Appraisal Subcommittee</i>		
November 21, 1991 <i>Performance Appraisal Subcommittee</i>		
November 12, 1992 <i>Performance Appraisal Subcommittee</i>		
June 30, 1993 <i>Search Subcommittee for Physical Plant Dir.</i>		
July 7, 1993 <i>Search Subcommittee for Physical Plant Dir.</i>		
November 6, 2001-#1		
November 6, 2001 - #2		
December 10, 2002		
January 6, 2004		
May 4, 2004		
June 8, 2004		
August 25, 2004 <i>Performance Appraisal Subcommittee</i>		
September 15, 2004 <i>Performance Appraisal Subcommittee</i>		
October 5, 2004		
May 10, 2005		
August 23, 2005 <i>Performance Appraisal Subcommittee</i>		
August 31, 2005 <i>Performance Appraisal Subcommittee</i>		

October 12, 2005		
February 7, 2006		
May 2, 2006		
August 22, 2006		
August 24, 2006 – Performance appraisal subcommittee		
September 14, 2006 #1 – Performance appraisal subcommittee		
September 14, 2006 #2 - Performance appraisal subcommittee		
October 3, 2006		
November 21, 2006		

***Minutes not previously approved in semi-annual review.**