ASHER, GITTLER, & D'ALBA, LTD.
RELEASE: Vol. 38 NO. 4

FEDERAL DISTRICT COURT FINDS LINCOLNSHIRE ORDINANCE PREEMPTED BY FEDERAL LAW

On January 7th, 2017, a U.S. District Court Judge for the Northern District of Illinois ruled in favor of four unions that challenged a Village of Lincolnshire ordinance prohibiting union security agreements, hiring hall provisions, and dues check-off provisions in private employer union contracts. Passed in 2015, the local ordinance sought to carve out a so-called "right-to-work" zone within the village, even though Illinois has not enacted any such legislation. The plaintiffs were the International Union of Operating Engineers (IUOE) Locals 150 and 399, the Chicago Regional Council of Carpenters, and the Construction and General Laborers District Council of Chicago and Vicinity.

The unions argued that the subjects of Lincolnshire's local ordinance were preempted by federal law, namely the National Labor Relations Act (NLRA) and the Labor-Management Relations Act. The unions contended federal law did not authorize Lincolnshire to regulate labor relations and the court agreed. The judge considered the language and legislative history of the NLRA and concluded the Act only authorized states and territories to pass laws exempting employers from complying with union security agreements - not cities, counties, or other municipalities.

Additionally, the judge determined that hiring hall provisions and dues deduction arrangements did not amount to compulsory unionism and therefore, were not covered under the NLRA's narrow exception permitting states to prohibit agreements requiring union membership as a condition of employment. The judge concluded that allowing local governments to regulate labor agreements would result in a confusing "patchwork scheme" of labor laws that was contrary to Congress' intent when passing the NLRA and the LMRA. By passing federal labor relations laws with only a narrow exception for limited state regulation, Congress demonstrated its intent to preempt local regulation in the field.

ASHER, GITTLER & D'ALBA, LTD.
200 West Jackson Boulevard, Suite 1900
Chicago, IL 60606 – 312.263.1500

© 2017 Asher, Gittler & D'Alba, Ltd.

All rights reserved.
Dated: January 30, 2017

This release informs you of items of interest in the field of labor relations. It is not intended to be used as legal advice or opinion.