

Illinois Labor Relations Board Holds Employer Must Complete Effects Bargaining Prior To Implementing Promotions

The Illinois Labor Relations Board (the "Board") recently issued a decision and order confirming an Administrative Law Judge's ("ALJ") recommended decision and order that a municipal employer committed an unfair labor practice by implementing police sergeant promotions before completing bargaining over the effects of the promotions with the union.

In *Metropolitan Alliance of Police, Chapter # 612 and Village of Glenwood*, 32 PERI ¶ 159, the Village enacted an ordinance providing for an increase in the number of Patrol Sergeants and the union demanded bargaining over the impacts and effects of the new increase. The Village and the Union met for one session of bargaining where the Union requested financial information related to the decision and requested the Village delay making the promotions to the new positions until the parties completed effects bargaining. The Village agreed to continue to bargain, but refused to delay the promotions.

The Board first noted that the conduct by both parties indicated they agreed to bargain the effects of the new positions, but had not yet reached impasse on the issue. The Board affirmed the ALJ's finding that unilaterally implementing promotions to the new positions, while still in the midst of negotiations, was an unfair labor practice and violated the Labor Relations Act. As a remedy, the Board directed the Village to bargain collectively with the union, post notices of the Board finding of an unfair labor practice, and pay the affected employees the amount they would have earned by working in an acting-Sergeant capacity but for the Village's decision to promote before completing effects bargaining.

Unions should continue to exercise their rights to bargain employer decisions that affect members' terms and conditions of employment.

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