

ILLINOIS LABOR RELATIONS BOARD

- ☒ **STATE PANEL:** One Natural Resources Way, First Floor
Springfield, Illinois 62702-1270
(217) 785-3155 FAX: (217) 785-4146
- ☐ **LOCAL PANEL:** 160 North LaSalle Street, Suite S-400
Chicago, Illinois 60601-3103
(312) 793-6400 FAX: (312) 793-6989

DO NOT WRITE IN THIS SPACE
CASE NUMBER
DATE FILED

CHARGE AGAINST LABOR ORGANIZATION

INSTRUCTIONS: In accordance with the Illinois Public Labor Relations Act, 5 ILCS 315 (2010), *as amended*, and the Rules and Regulations of the Illinois Labor Relations Board, 80 Ill. Adm. Code §1200.20 and 1220.20, the following information is required. Submit an original and one (1) copy of this charge to the Illinois Labor Relations Board. If more space is required for any item, attach additional sheet(s), numbering items accordingly. State Panel cases (e.g., State of Illinois, municipal and county government) must be filed in Springfield; Local Panel cases (e.g., City of Chicago and Cook County government) must be filed in Chicago.

This agency is requesting disclosure of information that is necessary to accomplish the statutory purpose as outlined under 5 ILCS 315 (2010), *as amended*. Disclosure of this information is **REQUIRED**. Failure to provide any information will result in this form not being processed.

BY STATUTE ONLY CHARGES FILED AND SERVED ON THE PARTIES WITHIN SIX (6) MONTHS
OF THE DATE OF THE EVENT OR CONDUCT WHICH IS THE SUBJECT OF THE CHARGE
WILL BE PROCESSED BY THE ILLINOIS LABOR RELATIONS BOARD.

1.	NAME OF LABOR ORGANIZATION AND AFFILIATION (against whom charge is brought) International Union of Operating Engineers, Local 150 ADDRESS 6200 Joliet Road, Countryside, IL 60525-3992	TELEPHONE NUMBER 708/482-8800 FAX NUMBER 708/482-7186 E-MAIL ddistasio@local150.org
2.	LABOR ORGANIZATION REPRESENTATIVE Deanna Distasio ADDRESS 6200 Joliet Road, Countryside, IL 60525-3992	TELEPHONE NUMBER 708/482-8800 FAX NUMBER 708/482-7186 E-MAIL ddistasio@local150.org
3.	NAME OF CHARGING PARTY City of Park Ridge ADDRESS 505 Butler Place, Park Ridge, IL 60068 JOB TITLE (at time of alleged unfair labor practice)	TELEPHONE NUMBER (847) 318-5200 FAX NUMBER E-MAIL NAME OF EMPLOYER (at time of alleged unfair labor practice)
4.	CHARGING PARTY REPRESENTATIVE James J. Powers ADDRESS Clark Baird Smith LLP, 6133 N. River Road, Rosemont, IL 60018	TELEPHONE NUMBER 847/378-7000 FAX NUMBER 847/378-7070 E-MAIL JPowers@cbslawyers.com

5.	It is alleged that the above-named labor organization has engaged in (an) unfair labor practice(s) within the meaning of Section 10(b) subsection(s) (4,8) of the Illinois Public Labor Relations Act.
6.	<p>BASIS OF CHARGE (specify in detail: facts, names, addresses, sites, dates, etc.) (use attachments if necessary)</p> <p>Date(s) of alleged wrongful action(s): See Attachment A</p> <p>Name(s) of individual(s) involved: See Attachment A</p> <p>Location(s) of alleged wrongful action(s): See Attachment A</p> <p>Describe what happened: See Attachment A</p>
<p>SUPPORTING DOCUMENTS (please include copies of any documents relevant to your charge)</p>	
7.	<p>RELIEF OR REMEDY SOUGHT BY CHARGING PARTY</p> <p>Cease and desist from engaging in bad faith bargaining. An Order compelling Local 150 to immediately sign and execute the parties' Collective Bargaining Agreement. Posting requirement. Any other relief as the Board deems appropriate.</p>

I have read the above petition and all attachments. The statements contained therein are true to the best of my knowledge and belief.

BY:

James J. Powers
Signature of person filing petition

NAME: James J. Powers

TITLE: Attorney

DATE: June 7, 2013

Attachment A

A tentative agreement for a successor contract was reached between the City of Park Ridge and the International Union of Operating Engineers, Local 150 on or about January 21, 2013. It was the City's clear understanding that, as part of the tentative agreement, bargaining unit employees would begin paying 13% of the applicable medical insurance premium commencing May 1, 2013. Union attorney Deanna Distasio advised the City's labor counsel that the unit had ratified the agreement.

The City subsequently prepared and sent a draft of the new agreement to the Union's counsel on February 15, 2013. The Union was provided with a redline version showing all changes to the prior contract, as well as a clean version of the new agreement. The changes to the insurance contribution clause were clearly evident in the redline version provided to the Union. On February 20, 2013, the Union attorney advised the City that the draft was acceptable, and asked when the City Council would ratify. Based upon the Union's representation, the City submitted this agreement to the City Council for approval.

The agreement prepared by the City, and approved by the Union's counsel, was scheduled for consideration by the City Council Public Works Committee as a Whole on March 11, and the full Council on March 18, 2013. The City Council approved the agreement in a public session on or about April 1, 2013. The Mayor subsequently vetoed the contract, and the City Council subsequently overrode his veto on May 6, 2013.

The Union did not advise the City of any alleged discrepancy with the new draft agreement until April 5, 2013, well after the City Council's initial approval of the agreement. The Union now asserts that the agreement it approved on February 20, 2013 is not correct, and refuses to approve or otherwise sign the agreement. Such refusal constitutes bad faith bargaining in violation of Section 10(b)(4) of the Illinois Public Labor Relations Act ("IPLRA"), and an improper refusal to sign a collective bargaining agreement in violation of Section 10(b)(8) of the IPLRA.