

**STATE OF ILLINOIS
ILLINOIS LABOR RELATIONS BOARD
STATE PANEL**

Schaumburg Professional Firefighters)	
Association, IAFF, Local 4092,)	
)	
Labor Organization)	
)	
and)	Case No. S-DR-12-009
)	
Village of Schaumburg,)	
)	
Employer)	

ORDER DISMISSING PETITION FOR DECLARATORY RULING

On June 29, 2012, the Schaumburg Professional Firefighters Association, International Association of Fire Fighters, Local 4092 (Labor Organization or IAFF) filed a unilateral Petition for Declaratory Ruling pursuant to Section 1200.143 of the Rules and Regulations of the Illinois Labor Relations Board, 80 Ill. Admin. Code §1200.143, requesting a determination as to whether its proposal concerning “minimum manning” is a mandatory subject of bargaining within the meaning of the Illinois Public Labor Relations Act, 5 ILCS 315 (2010) as amended. The IAFF filed a brief on the same date as its request and the Village of Schaumburg (Employer or Village) filed a brief on July 20, 2012. Upon consideration of the petition and briefs, I find that the petition must be dismissed.

The issue of whether a particular proposal on minimum manning was a mandatory subject of bargaining has been before the Illinois Appellate Court in Vill. of Oak Lawn v. Ill. Labor Relations Bd., 2011 IL App (1st) 103417, 28 PERI ¶53, aff’g, Vill. of Oak Lawn, 26 PERI ¶118 (IL LRB-SP 2010). Though finding that the proposal was a mandatory subject of bargaining, the court did not do so as a matter of law. Rather, the court used the balancing test

set forth in Central City Educ. Ass'n, IEA-NEA v. Ill. Educ. Labor Relations Bd., 149 Ill. 2d 496 (1992), which, as noted by the Illinois Supreme Court in Central City, involves very fact specific questions. The parties in Village of Oak Lawn raised no such questions for the court's consideration in contrast to the instant matter in which the Employer's brief raises several issues of fact. These factual issues cannot be resolved through a declaratory ruling. 80 Ill. Admin. Code §1200.143(a)(2). For this reason, and in consideration of the fact that the issue presented by the petition is the subject of a pending unfair labor practice charge in Case No. S-CB-13-007, the petition is inappropriate and, therefore, dismissed.

Issued in Chicago, Illinois, this 30th day of August 2012.

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**Jerald S. Post
General Counsel**