STATE OF ILLINOIS
ILLINOIS LABOR RELATIONS BOARD
STATE PANEL

Illinois Council of Police, Charging Party and Village of Dixmoor, Respondent	Case No. S-CA-12-093-C

COMPLIANCE ORDER

On December 20, 2011, Charging Party filed the unfair labor practice charge in this case alleging Respondent had failed to commence negotiations after repeated requests to bargain an initial collective bargaining agreement (CBA). On February 17, 2012, Charging Party amended its charge to allege that while the parties had met on one occasion, the Employer had failed and or refused to further dates to continue the bargaining process. On March 29, 2012, the Executive Director issued a Complaint setting the matter for hearing before Administrative Law Judge, Elaine Tarver. On June 5, 2012, Administrative Law Judge ("ALJ"), Elaine L. Tarver issued a Recommended Decision and Order ("RDO") in this matter. The ALJ held that Respondent failed to file a timely answer to the Complaint and thereby admitted the material facts alleged therein and waived its right to a hearing pursuant to the Board's Rules and Regulations, 80 Ill. Admin. Code §1220.40(b)(3). On August 15, 2012, the Illinois Labor Relations Board accepted ALJ Tarver's Recommended Decision and Order and on that date the Board's General Counsel issued an Order stating the Board has reviewed the matter and has declined to take the matter up on its own motion. The Board's Order required Respondent:

Take the following affirmative action necessary to effectuate the policies of the Act. a) Notify the Charging Party that it will not refuse to continue negotiations for the Agreement. b) Continue the negotiations for the collective bargaining agreement. c) Post at all places where notices to employees are normally posted, copies of the notice attached hereto and marked "Addendum." Copies of this Notice shall be posted, after being duly signed, in conspicuous places, and be maintained for a period of 60 consecutive days. Respondent will take reasonable efforts to ensure that the Notices are not altered, defaced or covered by any other material. d) Notify the Board in writing, within 20 days from the date of this Decision, of the steps Respondent has taken to comply herewith.

I. COMPLIANCE INVESTIGATION

On February 7, 2013, Richard F. Blass, counsel for the Charging Party, petitioned the Board pursuant to §1220.80 of the Rules and Regulations of the Illinois Labor Relations Board, 80 ILL. Admin. Code Sections 1200-1230, thereby filing a Petition for Enforcement seeking Respondent's compliance with the Board's Final Order in the above referenced case. After an investigation conducted pursuant to the Rules and Regulations of the Illinois Labor Relations Board, 80 Ill. Admin. Code, Parts 1200 through 1240 (Rules), specifically Section 1220.80 (compliance Procedures), the compliance officer directs Respondent to take certain actions to facilitate full compliance.

On March 14, 2013, the undersigned Compliance Officer sent Respondent a letter requesting Respondent provide information by March 26, 2013, in order that a determination could be made as to the steps Respondent has taken to comply with the Board's Order. Respondent requested an extension of time to provide the information, which I granted, until April 2, 2013. As of today's date, Respondent has failed to comply with the request to provide a response.

During the Petition for Enforcement investigation, Charging Party acknowledged that a mediation session occurred on September 25, 2013, and that a second mediation session occurred on December 27, 2012. At the December 2012 mediation session, Charging Party asserts that the parties' principals initialed the CBA produced during the mediation. Charging Party further asserts that on January 8, 2013, Charging Party sent Respondent the final Agreement that

Respondent has failed to ratify. Respondent has acknowledged that the Village Board has on two occasions failed to take action on the CBA.

Given the information provided by Charging Party, the undersigned compliance officer must determine whether Respondent has fully complied with the Board's Order and, if not, what must be taken in order to reach full compliance. As stated herein, Respondent has not complied with the Board's Order.

II. REQUEST FOR SANCTIONS

Pursuant to Section 1220.90(d)(3) of the Board's Rules and Regulations (Rules), 80 Ill. Admin. Code §§1200-1240, provide that Motions for Sanctions may be filed at specific times:

> (d)(3) Once the Administrative Law Judge has issued a recommended decision and order....the motion and order is pending before the Board. Such motions shall be filed no later than seven days after receipt of the last brief scheduled to be filed with the Board, or no later than seven days after oral argument before the Board, if such argument occurs after all briefing is completed. Sanctions before the Board may be sought for both allegations or denials made without reasonable cause and found to be untrue and/or instances of frivolous litigation. (Section 11 of the Act).

Charging Party requested sanctions in this matter. Since as required by the Rules a Motion for Sanctions can only be filed within a specified time frame post-compliance hearing, Charging Party has failed to meet this threshold requirement, and I cannot grant the relief sought. Although sanctionable misconduct can occur during the compliance phase, Motions for Sanctions appear to be premature here and therefore are denied. North Shore Sanitary District, 13 PERI ¶ 2006 (IL SLRB 1997). Section 1220.90 of the Rules and Regulations of the Illinois Labor Relations Boards, 80 Ill. Admin. Code governs the appropriate time when sanctions can be requested.

III. ORDER

IT IS HEREBY ORDERED that Respondent bargain in good faith with Charging Party and takes the actions noted herein to make Charging Party whole for Respondent's unlawful

actions. Respondent shall contact Charging Party and schedule dates to bargain within three weeks of this Order. Respondent is further directed to memorialize the bargaining dates in writing which have been scheduled and send the compliance officer a letter copying Charging Party. Within two days of each bargaining session held, Respondent must provide a letter to the compliance officer with a copy to Charging Party identifying any outstanding issues that still remain at the conclusion of each bargaining session. Respondent is required to continue supplying the compliance officer and Charging Party with this information until such time the parties reach an Agreement. Respondent must post a signed and dated copy of the Board's Notice and ensure that it is posted for 60 consecutive days. Respondent must inform the compliance officer and Charging Party the location where the Notice(s) are posted. At the conclusion of the 60 day posting period, the Notice(s) are to be returned to the compliance officer.

This Order of the Compliance Officer is an intermediate Order that will become final unless the parties file an appeal with the Illinois Labor Relations Board, within seven (7) business days after service of this Order. Any such appeal must be in writing, and directed to Jerald Post, the Board's General Counsel, at the Illinois Labor Relations Board, 160 North LaSalle Street, Suite S-400, Chicago, Illinois 60601-3103. Appeals will not be accepted in the Board's Springfield office. In addition, any such appeal must contain detailed reasons in support thereof, and the party filing the appeal must provide a copy of its appeal to all other persons or organizations involved in this case at the same time the appeal is served on the Board. The appeal sent to the Board must contain a statement listing the other parties to the case and verifying that a copy of the appeal has been provided to each of them. An appeal filed without

such a statement and verification will not be considered. If no appeals to this Order are filed, the Order of the Compliance Officer shall become final.

Issued in Springfield, Illinois, this 15th day of May, 2013.

STATE OF ILLINOIS
ILLINOIS LABOR RELATIONS BOARD
STATE PANEL

Michael L. Provines
Compliance Officer

NOTICE TO EMPLOYEES

FROM THE
ILLINOIS LABOR RELATIONS BOARD

Case No. S-CA-12-093

The State Panel of the Illinois Labor Relations Board has found that the Village of Dixmoor violated the Illinois Public Labor Relations Act and has ordered us to post this Notice. We hereby notify you that:

The Illinois Public Labor Relations Act gives you, as an employee, these rights:

To engage in self-organization.
To form, join, or help unions.
To bargain collectively through a representative of your own choosing.
To act together with other employees to bargain collectively or for other mutual aid or protection.
And, if you wish, not to do any of these things.

Accordingly, we assure you that:

WE WILL, on request, bargain collectively in good faith as required by law with the Illinois Council of Police, as the exclusive representative of the bargaining unit, as certified by the Board in Case No. S-RC-10-105.

WE WILL, make the members of the bargaining unit, as certified by the Board in Case No. S-RC-10-105, whole for any losses they suffered with respect to the failure to bargain.

This notice shall remain posted for 60 consecutive days at all places where notices to employees are regularly posted.

_____	_____
Date of Posting	Village of Dixmoor (Employer)

ILLINOIS LABOR RELATIONS BOARD

320 West Washington, Suite 500
Springfield, Illinois 62701
(217) 785-3155

160 North LaSalle Street, Suite S-400
Chicago, Illinois 60601-3103
(312) 793-6400

THIS IS AN OFFICIAL GOVERNMENT NOTICE AND MUST NOT BE DEFACED.