

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

Illinois Council of Police,	)	
	)	
Petitioner	)	
	)	
and	)	Case No. S-RC-15-023
	)	
Village of Robbins,	)	
	)	
Employer	)	

**ADMINISTRATIVE LAW JUDGE’S RECOMMENDED DECISION AND ORDER**

On September 30, 2014, the Illinois Council of Police (Petitioner) filed a majority interest petition in Case No. S-RC-15-023 with the State Panel of the Illinois Labor Relations Board (Board) pursuant to the Illinois Public Labor Relations Act, 5 ILCS 315 (2012) as amended (Act), and the Rules and Regulations of the Board, 80 Ill. Admin. Code, Parts 1200 through 1240 (Rules). The petition is supported by an adequate showing of interest. The Petitioner seeks to represent a bargaining unit that includes all part-time police officers below the rank of sergeant employed by the Village of Robbins (Employer) and excludes all others. The Employer submitted a response to the petition on October 20, 2014. The Petitioner then replied to the Employer’s response on October 22, 2014. After full consideration of the record, I recommend the following.

**I.     ISSUES AND CONTENTIONS**

The Employer contends that the instant petition should be dismissed (1) because the Employer “is not and will not be in a position to collectively bargain” with the Petitioner due to unspecified “financial problems” and (2) because the petitioned-for unit is inconsistent with an

alleged Board preference for large bargaining units. The Petitioner disputes those contentions.

## II. DISCUSSION AND ANALYSIS

The Employer initially contends that the petition should be dismissed because it cannot afford to bargain with the Petitioner. The Employer provides no specifics and cites no precedent to support that contention. Rather, the Employer suggests that its police officers and the Petitioner are aware of the Employer's financial problems, and highlights the fact that the Petitioner previously filed a declaration of disinterest. (The Board revoked the Petitioner's certification on June 20, 2014.) Those observations are unpersuasive.

Surely the Employer is obligated to be a good fiscal steward, and I do not doubt that the Employer is economically distressed. Community Unit School District No. 5 v. Illinois Educational Labor Relations Board, 2014 IL App (4th) 130294, ¶68, 12 N.E.3d 120, 136. However, I find that those circumstances do not justify dismissal. I also find that the Employer overlooks the potential benefits of bargaining and misinterprets its bargaining obligations.

Here, the Petitioner could plausibly offer concessions and cost-saving measures and may have access to a collection of research and sample contract language. City of East St. Louis (Fire Department), 30 PERI ¶67 (IL LRB-SP 2013); Georgetown-Ridge Farm Community Unit District 4, 10 PERI ¶1044 (IL ELRB 1994), aff'd. & enf'd. in unpub. order 271 Ill. App. 3d 1157, 688 N.E.2d 161 (4th Dist. 1995). Furthermore, the Act does not compel employers to agree to union proposals be they economic or otherwise; the Act merely requires good faith bargaining. City of Springfield, 5 PERI ¶2029 (IL SLRB 1989); National Labor Relations Board v. American Nat. Ins. Co., 343 U.S. 395, 402, 72 S.Ct. 824, 828 (1952). I also submit that the

Act and the Rules do not overtly preclude a formerly disinterested petitioner from filing a majority interest petition.

The Employer separately contends that the Board has a longstanding preference “for large, functionality based bargaining units” and asserts that the certification of “a small unit that consists of 26 part-time police officers does not fit in with [the Board’s] preference.” I would grant that larger, broad-based units have been preferred. Village of Franklin Park (Department of Public Works and Utilities), 30 PERI ¶52 (IL LRB-SP 2013). Yet, that preference does not warrant a dismissal in this instance.

Significantly, the Employer’s response does nothing to indicate that the petitioned-for unit does not satisfy all of the factors set forth in Section 9(b) of the Act, which the Board typically uses to determine unit appropriateness. Because it appears that the petitioned-for unit only includes one title, it can reasonably be assumed that all of the petitioned-for employees perform the same function. Also, the Board frequently certifies units that are much smaller than that of the instant petition, and the Employer has proposed no alternate or preferable unit. Broadly speaking, to refuse to find a unit appropriate because of the possible existence of a more appropriate alternative would not serve the purposes of the Act. Rend Lake Conservancy District, 14 PERI ¶2051 (IL SLRB 1998).

### **III. CONCLUSIONS OF LAW**

I find that the petitioned-for bargaining unit is appropriate for purposes of collective bargaining within the meaning of the Act.

#### **IV. RECOMMENDED ORDER**

IT IS HEREBY ORDERED that the petitioned-for bargaining unit be certified.

#### **V. EXCEPTIONS**

Pursuant to Section 1200.135 of the Board's Rules, parties may file exceptions to the Administrative Law Judge's Recommended Decision and Order and briefs in support of those exceptions no later than 14 days after service of this Recommendation. Parties may file responses to exceptions and briefs in support of the responses no later than 10 days after service of the exceptions. In such responses, parties that have not previously filed exceptions may include cross-exceptions to any portion of the Administrative Law Judge's Recommendation. Within 5 days from the filing of cross-exceptions, parties may file cross-responses to the cross-exceptions. Exceptions, responses, cross-exceptions, and cross-responses must be filed with the General Counsel of the Illinois Labor Relations Board at 160 North LaSalle Street, Suite S-400, Chicago, Illinois 60601-3103, and served on all other parties. Exceptions, responses, cross-exceptions, and cross-responses will not be accepted at the Board's Springfield office. The exceptions and/or cross-exceptions sent to the Board must contain a statement listing the other parties to the case and verifying that the exceptions and/or cross-exceptions have been provided to them. The exceptions and/or cross-exceptions will not be considered without this statement. If no exceptions have been filed within the 14-day period, the parties will be deemed to have waived their exceptions.

Issued in Chicago, Illinois on October 31, 2014.

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

A handwritten signature in cursive script that reads "Martin Kehoe". The signature is written in black ink and is positioned above a horizontal line.

---

**Martin Kehoe  
Administrative Law Judge**