

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

Metropolitan Alliance of Police,	)	
Chapters #144 and #297,	)	
	)	
Charging Party,	)	Case No. S-CA-16-126
	)	
and	)	
	)	
Chicago State University,	)	
	)	
Respondent.	)	

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

On May 19, 2016, Metropolitan Alliance of Police, Chapters #144 and #297 (“Charging Party”) filed an unfair labor practice charge (“Charge”) with the State Panel of the Illinois Labor Relations Board (“the Board” or “the ILRB”) in the above-captioned case, alleging that Chicago State University (“Respondent”) violated Section 10(a) of the Illinois Labor Relations Act (“the Act”), 5 ILCS 315 (2014), *as amended*. The Charge was investigated in accordance with Section 11 of the Act and, on February 13, 2019, the Board’s Executive Director issued a Complaint for Hearing.

The Complaint alleges that, at all times material, the Charging Party has been the exclusive representative of a bargaining unit (“Unit”) consisting of employees employed by Respondent. The Charging Party and the Respondent, the Complaint alleges, have been parties to a collective bargaining agreement (“CBA”) that includes a grievance procedure culminating in final and binding arbitration. On or about January 12, 2015, the Complaint alleges, the Charging Party made a demand to bargain a successor collective bargaining agreement to the CBA in effect from August 1, 2011 through July 31, 2015 and that, on or about September 29, 2015, the parties requested a mediator.

The Complaint then alleges that, in or around December, 2015, Respondent's former Police Chief, Ronnie Watson ("Watson") made a statement at the Police Department's Holiday Party indicating that all of the upper administrators in the Unit would be demoted to Sergeants. to assign members of the bargaining unit represented by Charging Party to 8-hour shifts rather than 12-hour shifts, and that the Respondent made these threatening statements in order to coerce Charging Party to withdraw its grievance. The Complaint therefore alleges that the Respondent interfered with, restrained, or coerced public employees in the exercise of their rights guaranteed by the Act, in violation of Section 10(a)(1) of the Act.

The Complaint contained the following statement:

**RESPONDENT IS HEREBY NOTIFIED** that within 15 days after service of the complaint upon it, pursuant to Section 1220.40(b) of the Board's Rules and Regulations, 80 Ill.Admin. Code §§ 1200-1300, it must file an answer to this complaint with Michelle Owen, at the Illinois Labor Relations Board, 160 North LaSalle Street, Suite S-400, Chicago, Illinois 60601, or electronically at [ILRB.Filing@Illinois.gov](mailto:ILRB.Filing@Illinois.gov) in accordance with Section 1200.5 of the Board's Rules and Regulations. Respondent must serve a copy of the answer upon Charging Party. Please note that the Board's Rules and Regulations do not allow electronic service of the Answer upon Charging Party. Said answer shall include an express admission, denial, or explanation of each and every allegation of this complaint. Failure to specifically respond to an allegation shall be deemed an affirmative admission of the facts or conclusions alleged in the allegation. Failure to timely file an answer shall be deemed to be an admission of all material facts or legal conclusions alleged and a waiver of hearing. The filing of any motion or other pleading will not stay the time for filing an answer.

The ILRB's Affidavit of Service, which accompanied the Complaint, states that the Complaint was deposited in the United States mail pickup at the Mail Room located at 801 South 7<sup>th</sup> Street, Suite 1200A, Springfield, IL 62703 before 3:00 p.m. on February 13, 2019, and that service of the Complaint was made upon Ronald N. Cincinelli, Attorney at Law, 17W300 22<sup>nd</sup> St., Ste. 220, Oakbrook Terrace, IL 60181, for the Charging Party, and upon Patrick Cage, Chicago State University, 9501 S. King Drive, Chicago, IL 60619, for the Respondent.

Under Section 1220.40(b) of the Board's Rules, the Respondent was required to submit an Answer to the Complaint within 15 days of service. 80 Ill. Admin. Code 1220.40(b). Section 1200.30(c) of the Rules provides that a document is presumed served on a party three days after it is mailed. 80 Ill. Admin. Code §1200.30(c). In computing any period of time prescribed by the Act or Part 1200 of the Rules, "the designated period of time begins to run the day after the act, event, or default and ends on the last day of the period so computed." 80 Ill. Admin. Code 1200.30(a). In addition, "when a time period prescribed under the Act or [Part 1200 of the Rules] is less than 7 days, intervening Saturdays, Sundays, or legal holidays shall not be included." 80 Ill. Admin. Code §1200.30.

Applying these rules, service on Respondents was presumed effective on Tuesday, February 19, 2019. The Respondents' Answer was due within 15 days of February 19, or no later than Wednesday, March 6, 2019.

Following reassignment of this case from Administrative Law Judge Michelle Owen to the undersigned, I noted from reviewing the Board's file that there was no Answer on file. Accordingly, on April 3, 2019, I sent a letter to the parties containing an Order to Show Cause why a recommended decision and order of default should not be issued in this case, with a due date for response of April 15, 2019. Having received an e-mail message from Chicago State University that Patrick Cage was no longer employed by the University, I was advised that correspondence in this case should be sent to Altricia Wheeler at the University. Accordingly, the Order to Show Cause letter was addressed and sent by e-mail to Ms. Wheeler, who, upon receipt, forwarded the letter to Stephanie Kelly, with copies to Tangee Jenkins and to me, on April 4, 2019. I have received no further correspondence from Chicago State University, and

there is no Answer on file with the Board, even though the correspondence trail indicates that the Order was in fact received by Chicago State University.

## **I. Issues and Contentions**

The issue is whether a Recommended Order and Decision of Default should issue against the Respondent for failing to file an Answer to the Complaint for Hearing.

## **II. Discussion and Analysis**

A Recommended Decision and Order of Default is issued because the Respondent failed to file an Answer to the Complaint within the time provided by the Board's Rules. Section 1220.40(b) of the Board's Rules explicitly states that "[w]henver the Executive Director issues a complaint for hearing, the respondent shall file an answer within 15 days after service of the complaint and deliver a copy to the charging party by ordinary mail to the address set forth in the complaint. Answers shall be filed with the Board with attention to the designated Administrative Law Judge." Subsection (3) of Section 1220.40(b) provides that "parties who fail to file timely answers shall be deemed to have admitted the material facts and legal conclusions alleged in the complaint." 80 Ill.Admin. Code 1220.40(b)(3). The cited subsection further provides the following: "The failure to answer any allegation shall be deemed an admission of that allegation. Failure to file an answer shall be cause for the termination of the proceeding and the entry of an order of default. Filing of a motion will not stay the time for filing an answer."

The Rules requiring timely filing of an answer to a complaint have been strictly construed by the Board and courts, which consistently have held that a respondent's failure to timely file an answer to a complaint results in admissions of all allegations in the complaint and an entry of default judgment. *Wood Dale Fire Protection District v. Illinois Labor Relations Board*, 395 Ill.App.3d 523 (2<sup>nd</sup> Dist. 2009), *aff'g Wood Dale Fire Protection District*, 25 PERI ¶ 136 (IL

LRB-SP 2008); *Metz v. Illinois State Labor Relations Board*, 231 Ill.App.3d 1079 (5<sup>th</sup> Dist. 1992), *aff'g Circuit Clerk of St. Clair County*, 6 PERI ¶ 2036 (IL SLRB 1990); *Peoria Housing Authority*, 11 PERI ¶ 2033 (IL SLRB 1995).

Accordingly, by its failure to follow the Rules governing the filing and service of its Answer, the Respondent has admitted the following material facts and legal allegations as stated in the Complaint:

1. At all times material, Respondent has been a public employer within the meaning of Section 3(o) of the Act.
2. At all times material, the Respondent has been subject to the jurisdiction of the State Panel of the Board pursuant to Section 5(a-5) of the Act.
3. At all times material, Charging Party has been a labor organization within the meaning of Section 3(i) of the Act.
4. At all times material, Charging Party and Respondent have been parties to a collective bargaining agreement (CBA), which includes a grievance procedure culminating in final and binding arbitration.
5. At all times material, Charging Party has been the exclusive representative of a bargaining unit (Unit) that consists of employees employed by Respondent.
6. The term of the previous CBA was August 1, 2011 through July 31, 2015.
7. On or about January 12, 2015, Charging Party made a demand to bargain a successor CBA.
8. On or about September 29, 2015, the parties requested a mediator.

9. In or around December 2015, Respondent's former Police Chief, Ronnie Watson (Watson) made a statement at the Police Department's Holiday Party indicating that of all upper administrators in the Unit would be demoted to Sergeants.
10. On or about February 1, 2016, Charging Party filed an unfair labor practice charge in Case No. S-CA-16-079, alleging that Respondent discriminated against Sergeants after they unanimously requested an audit.<sup>1</sup>
11. On or about February 25, 2016, Respondent sent letters to all personnel in its Police Department informing them of their impending layoff scheduled for April 30, 2016.
12. On or about April 29, 2016, Respondent rescinded the layoff notice because it failed to follow the proper written notification procedure.
13. On around May 1, 2016, and since that time, Respondent began to use Illinois State Troopers to patrol its campus, without providing notice to the Charging Party.
14. On or about May 13, 2016, Respondent demoted Unit members James Maddox (Police Captain), Sharon Robinson (Police Lieutenant), Calvin Robins (Police Sergeant), and Marcella Sawyer (Police Sergeant) to Lieutenant, Sergeant, Officer, and Officer, respectively, and Respondent laid off two Officers, Darius Doss and Timothy Williams.
15. The action described in paragraph 14 unilaterally repudiates Section 10.2 (Maintaining Parity) of the parties' CBA.
16. By implementing the changes described in paragraphs 13 and 14, Respondent failed to maintain the status quo during the pendency of interest arbitration, in violation of Section 14(l) of the Act.

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<sup>1</sup> Administrative Law Judge Anna Hamburg-Gal found the Respondent to have violated Sections 10(a)(1), (2), and (4) of the Act and issued a Recommended Decision and Order (RDO) on February 27, 2017. No exceptions were filed, and the Board's General Counsel issued an order on June 16, 2017, indicating that the RDO would stand as a non-precedential decision binding on the parties.

17. By its acts and conduct as described in paragraphs 11 and 14, Respondent retaliated against Unit members, in violation of Sections 10(a)(2) and (1) of the Act.
18. By its acts and conduct as described in paragraphs 11, 13, and 14, Respondent retaliated against Unit members for the action referenced in paragraph 10, in violation of Sections 10(a)(3) and (1) of the Act.
19. By its actions and conduct as described in paragraphs 13 and 15, Respondent violated Sections 10(a)(4) and (1) of the Act.

### **III. Conclusions of Law**

1. The Respondent violated Sections 10(a)(4) and (1) of the Act when it failed to bargain in good faith with the Charging Party by unilaterally changing employees' terms and conditions of employment and by unilaterally repudiating the provisions of a collective bargaining agreement during the pendency of interest arbitration proceedings.
2. The Respondent violated Sections 10(a)(2), (3), and (1) of the Act by retaliating against Unit members James Maddox, Sharon Robinson, Calvin Robins, Marcella Sawyer, Darius Doss, and Timothy Williams for engaging in protected concerted activity.

### **IV. Recommended Order**

IT IS HEREBY ORDERED that the Respondent, Chicago State University, its officers and agents, shall:

- 1) Cease and desist from:
  - a) Failing and refusing to bargain collectively in good faith with the Union, Metropolitan Alliance of Police, Chapters #144 and #297, as the exclusive

representative of employees with the job titles or classifications of Police Sergeant or Police Officer.

- b) Making unilateral changes to employees' terms and conditions of employment and/or repudiating provisions of collective bargaining agreements entered into between the Respondents and the Charging Party during the pendency of interest arbitration proceedings.
  - c) Retaliating against James Maddox, Sharon Robinson, Calvin Robins, Marcella Sawyer, Darius Doss, and Timothy Williams for engaging in protected concerted activity.
  - d) In any like or related manner interfering with, restraining or coercing its employees in the exercise of rights guaranteed by the Act.
- 2) Take the following affirmative action necessary to effectuate the policies of the Act:
- a) Restore the status quo by reinstating James Maddox, Sharon Robinson, Calvin Robins, and Marcella Sawyer to their former classifications of Police Captain, Police Lieutenant, Police Sergeant, and Police Sergeant, respectively, and reinstate Darius Doss and Timothy Williams to the classification of Police Officer.
  - b) Make whole employees James Maddox, Sharon Robinson, Calvin Robins, and Marcella Sawyer, for any losses incurred by them by virtue of their demotions, and employees Darius Doss and Timothy Williams for any losses incurred by them by virtue of their having been laid off, in each case with interest at seven percent per annum.



- c) On request, bargain collectively in good faith with the Union, Metropolitan Alliance of Police, Chapters #144 and #297, as the exclusive representative in each case of employees in the job titles and classifications of Police Officer and Police Sergeant, respectively.
- d) Post, for 60 consecutive days, at all places where notices to employees are normally posted, signed copies of the attached notice. The Respondent shall take reasonable efforts to ensure that the notices are not altered, defaced or covered by any other material.
- e) Notify the Board in writing, within 20 days of the date of this decision, of the steps Respondent has taken to comply herewith.

**V. Exceptions**

Pursuant to Section 1200.135(b)(1) 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 30 days after service of this Recommendation. Parties may file responses to exceptions and briefs in support of the responses no later than 15 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 7 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 General Counsel Helen J. Kim of the Illinois Labor Relations Board, 160 North LaSalle Street, Suite S-400, Chicago, Illinois 60601-3103, and served on all 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 listing of 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 30-day period, the parties will be deemed to have waived their exceptions.

**Issued at Chicago, Illinois this 2<sup>nd</sup> day of May 2019**

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

*/s/ Donald W Anderson*\_\_\_\_\_

**Donald W. Anderson  
Administrative Law Judge**

# NOTICE TO EMPLOYEES

## FROM THE ILLINOIS LABOR RELATIONS BOARD

**Case No. S-CA-16-126 (Metropolitan Alliance of Police, Chapters #144 and #297) and  
Chicago State University)**

IT IS HEREBY ORDERED that the Respondent, Chicago State University, shall:

- i. Cease and desist from:
  - a) Failing and refusing to bargain collectively in good faith with the Union, Metropolitan Alliance of Police, Chapters #144 and #297, as the exclusive representative of employees with the job titles or classifications of Police Sergeant or Police Officer.
  - b) Making unilateral changes to employees’ terms and conditions of employment and/or repudiating provisions of collective bargaining agreements entered into between the Respondents and the Charging Party during the pendency of interest arbitration proceedings.
  - c) Retaliating against James Maddox, Sharon Robinson, Calvin Robins, Marcella Sawyer, Darius Doss, and Timothy Williams for engaging in protected concerted activity.
  - d) In any like or related manner interfering with, restraining or coercing its employees in the exercise of rights guaranteed by the Act.
- ii. Take the following affirmative action designed to effectuate the policies of the Act:
  - a) Restore the status quo by reinstating James Maddox, Sharon Robinson, Calvin Robins, and Marcella Sawyer to their former classifications of Police Captain, Police Lieutenant, Police Sergeant, and Police Sergeant, respectively, and reinstate Darius Doss and Timothy Williams to the classification of Police Officer.
  - b) Make whole employees James Maddox, Sharon Robinson, Calvin Robins, and Marcella Sawyer, for any losses incurred by them by virtue of their demotions, and employees Darius Doss and Timothy Williams for any losses incurred by them by virtue of their having been laid off, in each case with interest at seven percent per annum.
- iii. Notify the Board within 20 days from the date of this decision of the steps the Respondent has taken to comply herewith.

**Chicago State University**

Date:

\_\_\_\_\_  
(Employer)

## ILLINOIS LABOR RELATIONS BOARD

801 South 7th Street, Suite 1200A  
Springfield, IL 62703  
(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.**