

GLOSSARY OF ILLINOIS LABOR RELATIONS BOARD TERMS

UNFAIR LABOR PRACTICE TERMS

Administrative Law Judge: licensed attorneys who are employed by the Boards to conduct hearings and to issue recommended decisions and orders concerning the issues raised at the hearing.

Charge: An allegation made by a public employee, public employer or a labor organization (charging party) of an unfair labor practice under the Act. The Charging Party must complete an unfair labor practice charge form detailing the basis of the charge as well as other relevant information when filing a charge with the Board.

Charging Party: The person or entity filing an unfair labor practice charge with the Board.

Collective bargaining: The process by which the employer and the exclusive bargaining representative negotiate over employees' wages, hours and/or terms and conditions of employment.

Complaint: A document setting forth alleged unfair labor practices and the issues to be resolved at a hearing. The complaint is issued by the Executive Director when he finds that an unfair labor practice charge has sufficient merit to warrant a hearing. The complaint contains a notice of hearing before a designated administrative law judge

Deferral to arbitration: The process by which the Board may decline to resolve such disputes through a hearing and instead submits (defers) the resolution of such disputes to the grievance and arbitration procedure contained in the parties' collective bargaining agreement. When the Board defers an unfair labor practice charge, it reserves the authority to determine whether the arbitrator's award addresses the issues raised in that charge to ensure that the statutory rights of a charging party and/or public employees are being protected.

Duty of Fair Representation: The labor organization which exclusively represents employees in a particular bargaining unit is required to represent the interests of each employee in the unit equitably; that is, without discrimination. Under the Act, a union violates its duty of fair representation only by intentional misconduct, which means that to support an unfair labor practice charge against the union, the employee must show evidence of fraud, deceitful actions or dishonest conduct by the union and that the union intentionally acted to harm or disadvantage him or her. Mere negligence is not sufficient to violate the Union's duty of fair representation.

Fair Share Agreement: an agreement between the employer and an employee organization under which the employees in a collective bargaining unit are required to pay their proportionate share of the costs of the collective bargaining process, contract administration, and pursuing matters affecting wages, hours, and other conditions of employment. Fair share fees may not exceed the amount of dues required of members.

Good faith bargaining: Obligation of the public employer and the representative of the public employees to meet at reasonable times and to negotiate in good faith with respect

to wages, hours, and other conditions of employment, or the negotiation of an agreement, or any question arising thereunder and the execution of a written contract incorporating any agreement reached if requested by either party.

Grievance: A dispute between an employer and the union or between an employer and an employee regarding the application or meaning of a term of the collective bargaining agreement or arising out of employment conditions.

Illinois Public Labor Relations Act: a set of administrative laws by which the Illinois Labor Relations Boards regulate labor relations between public employers and employees, including the designation of employee representatives, negotiation of wages, hours and other conditions of employment, and resolution of disputes arising under collective bargaining agreements.

Illinois Labor Relations Board, Local Panel: an Illinois state agency which has jurisdiction over collective bargaining agreement matters between employee organizations and units of local government with a population in excess of 1 million persons, but excluding the Regional Transportation Authority. The Local Panel of the Illinois Labor Relations Board consists of the Chairman of the State Panel and two additional members, one appointed by the Mayor of the City of Chicago and one appointed by the President of the Cook County Board of Commissioners. The Local Panel is responsible for interpreting the Illinois Public Labor Relations Act.

Illinois Labor Relations Board, State Panel: an Illinois state agency which, has jurisdiction over collective bargaining matters between employee organizations and the State of Illinois, excluding the General Assembly of the State of Illinois, between employee organizations and units of local government and school districts with a population not in excess of 1 million persons, and between employee organizations and the Regional Transportation Authority. The State Panel of the Illinois Labor Relations Board consists of the Chairman and 4 members appointed by the Governor, with the advice and consent of the Senate. The State Board is responsible for interpreting the Illinois Public Labor Relations Act.

Impasse: A “deadlock” or stalemate in negotiations between management and union officials over terms and conditions of employment. Whether an impasse in bargaining exists is a matter of judgment for the Board and depends on such factors as bargaining history, the good faith of the parties in negotiations, the length of the negotiations, the importance of the issue or issues as to which there is disagreement, and the contemporaneous understanding of the parties as to the state of negotiations.

Respondent: The public employer or union against whom the charge is filed.

Rules and Regulations of the Illinois Labor Relations Boards: a set of rules, which set forth the procedures, which govern all Board proceedings.

Unfair labor practice: An action by a public employer or a labor organization, which violates the rights guaranteed by the Act to public employees, labor organizations and public employers. Some employer unfair labor practices include discrimination on the basis of union activity, refusal to bargain in good faith, interference, restraint and coercion with protected rights. Some union unfair labor practices include breach of the duty of fair representation, refusal to bargain in good faith and interference, restraint and

coercion. The State and Local Panels of the Board do not have jurisdiction over discrimination that is motivated by an individual's race, age, gender, religion, disability or political persuasion.

Unfair labor practice hearing: when the Executive Director determines that an unfair labor practice charge contains issues of fact or law which require a hearing to resolve them he issues a Complaint for Hearing. The Board assigns an administrative law judge to hear the matter. On an agreed upon date, the parties present their case to the administrative law judge. The hearing is a formal proceeding consisting of opening statements and examination and cross-examination of witnesses, submission of exhibits as evidence, rebuttal and closing arguments. The charging party has the burden of proving the allegations in the charge. The hearing is stenographically transcribed. After reviewing the record and all relevant evidence, including any post-hearing briefs submitted by the parties, the administrative law judge issues a recommended decision and order. The parties may appeal the recommended decision and order to the Board. If no appeals are filed the recommended decision and order becomes a non-precedential decision of the Board.