

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

Fraternal Order of Police, Lodge No. 7,	)	
	)	
Charging Party,	)	
	)	
and	)	Case No. L-CA-15-066
	)	
City of Chicago, (Department of Police),	)	
	)	
Respondent.	)	

**DECISION AND ORDER OF THE ILLINOIS LABOR RELATIONS BOARD  
LOCAL PANEL**

On July 13, 2016, the Illinois Labor Relations Board’s Executive Director, Melissa Mlynski, issued an order dismissing the charge in the above-captioned matter (Dismissal) on account of the Fraternal Order of Police, Lodge No. 7’s (Charging Party or FOP) purported failure to respond to inquiries about the status of arbitration. FOP filed a timely appeal of the Executive Director’s Dismissal, seeking only to modify the basis for the order.

On January 9, 2015, FOP filed an unfair labor practice charge with the Local Panel of the Illinois Labor Relations Board (Board) in the above-captioned matter, alleging that Respondent, City of Chicago (Department of Police) (City), violated Section 10(a) of the Illinois Public Labor Relations Act, 5 ILCS 315/1, *as amended* (Act). Following investigation, the Executive Director ordered the charge deferred to arbitration pending the resolution of a contractual grievance concerning the specific conduct at issue in the unfair labor practice charge.

In March 2016, FOP informed the Board that an arbitrator had issued an Opinion and Award (Arbitration Award) sustaining the underlying grievance, and FOP requested that the

Board maintain its deferral of the unfair labor practice charge for 60 days, pending resolution of all remedial issues addressed in the Arbitration Award. Thereafter, on June 9, 2016, a Board agent directed correspondence to counsel for the parties requesting the current status of the arbitration, specifically asking Charging Party to reply and advise that it was withdrawing the charge if the matter had been resolved. This correspondence further cautioned that if Charging Party failed to respond by July 6, 2016, the Board agent would recommend that the Executive Director dismiss the charge.

The Executive Director's Dismissal indicated that Charging Party did not respond to the Board agent's June 9 correspondence. However, in its appeal, FOP included a copy of correspondence to the Board agent, dated June 30, 2016, in which FOP indicated that it was satisfied with the City's compliance with the Arbitration Award, and that the remedy was sufficient to resolve the issues raised in the charge. Charging Party further stated "[a]ccordingly, Lodge No. 7 does not believe that further proceedings before the Board are required with respect to this matter." We find that this statement can reasonably be read as an indication of FOP's intent to withdraw the charge. At a minimum, it clearly is a timely response to the Board agent's June 30 correspondence.

The Board's file contains no indication that the Board ever received the FOP's July 9 correspondence; however, as that letter is properly directed to the Board agent, submitted as exhibit an to FOP's appeal, and signed by the same attorney who signed the appeal, we credit FOP's representation that it directed this letter to the Board agent on the date stated therein, notwithstanding that it may never have been received by the Board.

Accordingly, we grant the relief requested by the Charging Party. We affirm the Executive Director's dismissal of the charge, but modify it to reflect that the basis for the

Dismissal is that the Arbitration Award and the City's related compliance resolved the issues raised in the charge.

BY THE LOCAL PANEL OF THE ILLINOIS LABOR RELATIONS BOARD

/s/ Robert M. Gierut  
Robert M. Gierut, Chairman

/s/ Charles E. Anderson  
Charles E. Anderson, Member

/s/ Richard A. Lewis  
Richard A. Lewis, Member

Decision made at the Local Panel's public meeting held in Chicago, Illinois, on September 7, 2016; written decision issued in Chicago, Illinois, September 15, 2016.



On June 9, 2016, a Board agent sent a letter to Charging Party seeking an update regarding the status of the underlying charge, noting therein that unless Charging Party responded by no later than July 6, 2016, I would dismiss the charge. To date, Charging Party has failed to respond.

**ORDER**

Accordingly, the instant charge is dismissed in its entirety. Charging Party may appeal this dismissal to the Board at any time within 10 calendar days of service hereof. Any such appeal must be in writing, contain the case caption and number, and be addressed to the General Counsel of the Illinois Labor Relations Board, 160 North LaSalle Street, Suite S-400, Chicago, Illinois, 60601-3103. 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 appeal is received within the time specified herein, this dismissal will become final.

**Issued at Springfield, Illinois, July 13, 2016.**

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**Melissa Mlynski, Executive Director**