

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

American Federation of State, County and Municipal Employees, Council 31,)	
)	
Charging Party)	
)	
and)	Case No. S-CA-16-006
)	
State of Illinois, Department of Central Management Services,)	
)	
Respondent)	

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

On May 26, 2016, the State Panel of the Illinois Labor Relations Board issued a Decision and Order in the above-captioned case affirming the administrative law judge’s dismissal of the unfair labor practice complaint, because we found that the Respondent, State of Illinois, Central Management Services (CMS), did not violate Sections 10(a)(4) and (1) of the Illinois Public Labor Relations Act (Act), 5 ILCS 315/1 *et seq.*, when it failed to pay bargaining unit members certain increases, including step increases, during negotiations for a successor collective bargaining agreement. Charging Party, American Federation of State, County and Municipal Employees, Council 31 (Union) subsequently appealed the matter to the Appellate Court of Illinois, Fifth District.

On November 6, 2017, the court issued its Opinion reversing the Board’s May 26, 2016 Decision and Order. Therein, the court found that CMS engaged in an unfair labor practice when it altered the *status quo ante* by withholding step increases. The court also remanded the matter

to the Board for further proceedings consistent with the court's Opinion. On May 1, 2018, the court issued its mandate to the Board.

At its May 8, 2018, meeting, the State Panel of the Board requested that Respondent provide additional information in the form of a brief regarding prospective remedy in this case and allowed Charging Party an opportunity to respond. On May 18, 2018, Respondent filed a Motion to Set a Hearing to Determine the Specific Remedy and Whether There Are Sufficient Appropriations to Fund that Remedy. On May 25, 2018, Charging Party filed a response to that motion. On June 5, 2018, Respondent filed a Motion to Strike Portions of AFSCME's Response or in the Alternative File a Reply in Support of Its Motion to Set a Hearing and an accompanying memorandum.

In accordance with the court's mandate, we hereby deny Respondent's motions discussed herein, vacate our Decision and Order issued on May 26, 2016, and find that the Respondent, State of Illinois, Central Management Services, engaged in an unfair labor practice when it failed and refused to bargain in good faith with the Union, in violation of Section 10(a)(4) and (1) of the Act. This matter is hereby referred to the Board's compliance process as set forth in 80 Ill. Admin. Code § 1220.80.

IT IS HEREBY ORDERED that Respondent, State of Illinois, Central Management Services, its officers and agents shall:

1. Cease and desist from:
 - a. Failing and refusing to bargain collectively in good faith with the Charging Party with respect to wages, hours, and other terms and conditions of employment.
 - a. In any like or related manner, interfering with, restraining, or coercing its employees in the exercise of rights guaranteed them under the Act.

2. Take the following affirmative actions designed to effectuate the policies of the Act:
- a. Restore the *status quo ante* of paying Charging Party's bargaining unit members' step increases as described by the court's Opinion;
 - b. Make whole any employees in Charging Party's bargaining unit for all losses incurred as a result of its failure to pay step increases as described by the court's Opinion, including back pay with interest as allowed by the Act, at seven percent *per annum*;
 - c. Post, for 60 consecutive days, at all places where notices to bargaining unit employees are regularly posted, copies of the attached notice. Respondent shall take reasonable steps to ensure that the notices are not altered, defaced, or covered by any other material.
 - d. Notify the Board, in writing, within 20 days of the date of this order, of the steps that the Respondent has taken to comply herewith.

BY THE STATE PANEL OF THE ILLINOIS LABOR RELATIONS BOARD

/s/ John J. Hartnett
John J. Hartnett, Chairman

/s/ Christopher Glynn
Christopher Glynn, Member

/s/ John R. Samolis
John R. Samolis, Member

/s/ Keith A. Snyder
Keith A. Snyder, Member

Approved at the State Panel's public meeting in Chicago, Illinois on July 10, 2018, and issued on this date.

NOTICE TO EMPLOYEES

FROM THE ILLINOIS LABOR RELATIONS BOARD

CASE NO. S-CA-16-006

The Illinois Labor Relations Board, State Panel, has found that the State of Illinois, Department of Central Management Services has 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 (Act) gives you, as an employee, these rights:

- To engage in self-organization
- To form, join or assist 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 and protection
- To refrain from these activities

Accordingly, we assure you that:

WE WILL cease and desist from failing and refusing to bargain collectively in good faith with American Federation of State, County and Municipal Employees, Council 31 with respect to wages, hours, and other terms and conditions of employment.

WE WILL cease and desist from in any like or related manner, interfering with, restraining, or coercing its employees in the exercise of rights guaranteed them under the Act.

WE WILL restore the *status quo ante* of paying American Federation of State, County and Municipal Employees, Council 31's bargaining unit members' step increases as described by the court's Opinion.

WE WILL make whole any employees in American Federation of State, County and Municipal Employees, Council 31's bargaining unit for all losses incurred as a result of its failure to pay step increases as described by the court's Opinion, including back pay with interest as allowed by the Act, at seven percent *per annum*.

DATE _____

State of Illinois, Department of Central Management Services
(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.**
